

RELIGIOUS INTOLERANCE
IN EUROPE TODAY

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COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

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THURSDAY, SEPTEMBER 18, 1997

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
WASHINGTON, DC.

The Commission met in room SDG-50, the Dirksen Senate Office Building, Washington, DC. at 10:00 a.m., Hon. Alfonse D'Amato, Chairman, presiding.

Commissioners present: Hon. Christopher H. Smith; Hon. Matt Salmon; Hon. Steny H. Hoyer; Hon. Edward J. Markey; and Hon. Conrad Burns. Chairman **D'Amato**. The Committee will come to order.

OPENING STATEMENT OF CHAIRMAN ALFONSE M. D'AMATO

We are here today to look into a matter that touches one of our most cherished and most personal rights, the freedom of religion or belief. Unfortunately, there are a number of countries—countries in Europe, believe it or not—that even today are abridging religious freedom. Freedoms that so many of us not only cherish, but all too often take for granted and assume that people throughout the world, and particularly in the Eastern Hemisphere, enjoy.

Not only does religious intolerance violate human rights and threaten democracy and peace in Europe today, but in the recent past it has led to the tragedies of both the Holocaust and the genocide in Bosnia. The right to freedom of thought, conscience, religion, or belief is an internationally recognized human right.

Article 18 of the Universal Declaration of Human Rights and Principle VII of the Helsinki Accords provide for freedom of thought, conscience, religion, or belief. Our witnesses today will tell us how governments are breaking their promises in the Helsinki Accords to "recognize and respect the freedom of the individual to profess and practice alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience." All European states have signed these accords, but some simply don't respect freedom of thought, conscience, religion or belief, in conflict with their international human rights obligations. Their conduct speaks louder than their words.

We are here today to examine whether these governments have kept the promises they have made. Everyone—even those who hold minority beliefs—deserves tolerance. America has always had a special role leading the world to recognize and protect these fundamental individual rights, and the Commission is pledged to monitor violations of these rights. We look forward to hearing the testimony of these witnesses who represent the Catholic Church, the Ecumenical Patriarchate, the Jehovah's Witnesses, Islam, the Church of Jesus Christ of the Latter Day Saints, Judaism, the Church of Scientology, Christian Evangelical churches, and a Russian religious liberty institute. We will stand with the oppressed who need our help. That is what this Commission has done from its inception. We will hold to account governments that fail to live up to their promises.

Now, some may ask why. Let me respond with the words of Elie Wiesel when he accepted the Nobel Peace Prize on December 10, 1986. He said:

“We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented. Sometimes we must interfere. When human lives are endangered, when human dignity is in jeopardy, national borders and sensitivities become irrelevant. Wherever men or women are persecuted because of their race, religion, or their beliefs....”

I would hope that assaults on minorities would not be looked upon with indifference. Unfortunately, we see that today. One of the early indicators of serious troubles in society is when governments attack minorities, including religious minorities. The situation then becomes perilous. The use of police power by some governments has narrowed the freedom of thought, conscience, religion or belief to the point where it could vanish.

Let me give you just a few examples: Believe it or not, the Russian parliament is once again about to consider legislation that would restrict freedom of religion or belief in Russia. This follows a Yeltsin veto of an earlier bill that contained serious restrictions on this vital right. The proposed law would limit freedom of religion for millions of Baptists, Catholics, Pentacostals, and others. It is outrageous and unacceptable that such religious bigotry could become law in Russia at the end of the twentieth century.

The U.S. Senate passed an amendment on July 16th by a vote of 95 to 4 cutting off U.S. aid to Russia if they adopted such a statute. I voted for that amendment, and so did all of this Commission's Senate members. We will be watching very carefully the outcome of this new bill.

This hearing is timely in that we want to send a message to those who profess peace and who profess to stand for human rights: if they pass this bill and seek to discriminate against the millions and millions, there will be consequences. We will stand with those who are oppressed.

In Bulgaria, foreign missionaries have been refused visas and residence permits, and some were physically assaulted. Mormons had personal belongings confiscated, and police beat Jehovah's Witnesses.

In Uzbekistan, the largest Protestant church has been blocked from registering as a church, and its pastor has been imprisoned and denied a lawyer. Independent Islamic leaders have disappeared, and Bibles and other religious materials have been confiscated.

With the end of World War II and the prosecution of the Holocaust's criminals, the world agreed that religious and ethnic minorities had to be protected. Bosnia is a bloody warning to all of us to all of us that those protections are still fragile.

We cannot—and we must not—stand silently by while basic individual freedoms enjoyed by members of the majorities are denied to members of minorities throughout the world.

Now I will turn to my distinguished Co-Chairman, Congressman Chris Smith, for any opening remarks, and thank him for his continued efforts on behalf of all who are oppressed, even the smallest of minorities. Congressman Smith.

STATEMENT OF HON. CHRISTOPHER H. SMITH

Mr. **Smith**. I want to thank Mr. D'Amato, Chairman of the Helsinki Commission, for his very eloquent statement and, as we work together in a bipartisan way—I see my good friend, Mr. Hoyer, who is the Ranking Democrat on the House side—to promote human rights abroad, you have been a leader, Mr. D'Amato. I want to thank you for that leadership.

I do want to thank you as well for calling this hearing on religious intolerance in Europe today.

Let me say at the outset that I know there is a heightened interest in today's hearing, perhaps because three celebrities are slated to testify. I want to make it very clear that they and all of our witnesses are very welcome to be here. However, in the interest of fairness, transparency, openness and truth, I am very hopeful that our inquiry into the Scientologists' allegations of intolerance be explored with due regard to the substantial concerns raised by governments, including the U.S. Government, concerning the practices and methods employed by Scientology.

To examine one without a thorough knowledge and understanding of the other runs the risk of doing a grave disservice to the cause of human rights in general, and religious liberty in particular. The inquiry should be exhaustive and today's hearing, in my view, is only the beginning.

Interestingly, in correspondence I received yesterday—and I'm sure my colleagues did as well—the German Government, which has been the brunt of much of the criticism, states: “Among countries that do not consider Scientology a religion are Belgium, France, Germany, Great Britain, Ireland, Italy, Luxembourg and Spain, as well as Israel and Mexico.” I look forward to learning more about this as this hearing progresses.

Mr. Chairman, the Commission has assembled a very impressive and diverse panel of witnesses who are experts on a subject of increasing concern to the Congress, the Administration, and the American people. Today's hearing is particularly timely, the week after the world bid farewell to Mother Teresa, the selfless, humble woman who, because of her religious faith and belief in Christ, devoted her life to tolerance and love for the poor and the outcast, regardless of their religious beliefs. In only a few days, on September 28, the International Day of Prayer for the Persecuted Church will be observed around the globe.

In this connection, we are quite aware that there are countries outside of Europe, such as Sudan, Iran, and China, that are known to be a living hell for countless religious believers. In some countries, practicing one's faith may be equivalent to signing one's death warrant. Both the House and the Senate has heard blood-chilling testimony to this effect. I would note parenthetically that my Subcommittee, Mr. Chairman, on International Operations and Human Rights, has held a series of hearings on the rising tide of persecution against Christians, the rising tide of anti-Semitism around the world, and we also held hearings on the persecution of the Buddhists in Tibet.

Let me apologize. I will need to leave shortly, Mr. Chairman, and later return to the hearing. We are marking up at 11:00 o'clock, H.R. 2431, the Religious Persecution Act that has been introduced in both the House and the Senate side. As a matter of fact, Fr. Christiansen

was one of our witnesses last week—and experts who testified on that legislation and offered a number of useful insights into the legislation. So, I will return after the completion of mark-up, Mr. Chairman.

Just let me say a couple of things and then I will conclude. Certainly today's focus on Europe does not imply that our own history has been free of discrimination and repression. There is a reason why so many members of the Church of Jesus Christ of Latter Day Saints reside in Utah. We all recall that in 1844, Philadelphia, the so-called "city of brotherly love", was the scene of bloody anti-Catholic riots over which version of the Bible would be read in city schools. We still need to be vigilant against religious intolerance in our own country, whether engendered by fellow citizens or by government bureaucrats with little understanding or sympathy for religious faith.

Religious freedom, Mr. Chairman, is not something just for religious people, nor is it isolated from our basic freedoms. Religious freedom essentially is the right to freedom of speech, thought and assembly directed toward one's deepest spiritual needs. If the state is permitted to deny these basic rights to one person or group on the basis of religion, what is to prevent the state from denying these rights to other persons or groups for other reasons? As theologian Martin Niemoller reminded us, if we do not defend today's minority, who will be around to defend us if we are subjected to tyranny?

Mr. Chairman, in the former Soviet Union, we know that religion was repressed for 70 years, yet there is a very strong religious revival that has been going on. As you pointed out, in Russia there is an ongoing concern that the Duma may act again, despite the veto of President Yeltsin, to crack down on religious proselytizing and those faiths that fall outside of the official government view.

We heard recently from Larry Uzzell of the Keston Institute—he's a good friend of mine, whom I've known for 20 years—and he made an excellent point when he said, "the secret police informers, collaborationist clergy, and xenophobic bureaucrats in the *nomenklatura*'s old-boy network think they have a natural right to dictate to all confessions in Russia. Unless Yeltsin reverses course, they will get it." These are ominous and very scary words from a man who has been following this for a great deal of time.

Armenia's 1991 law on religion prohibits proselytizing, and President Ter-Petrossian has recently had to resist attempts by parliament to restrict further the activities of religious minorities. In Azerbaijan, a January 1997 decree banned activities of foreign religious missionaries, following June 1996 amendments to the religion law, which prohibit the teaching of religion that is alien to Azerbaijani traditions or those which might lead to a division of society. The Word of Life congregation, one of the largest Protestant churches in the country, has been registered as a non-profit organization that delivers relief to thousands of refugees, but has been unable for the past 3 years to obtain church registration.

Mr. Chairman, I have a number of other examples in my statement, and I would ask that the full statement be made part of the record. Let me just say again how pleased I am that we're having this hearing, and we need to continue this focus, this scrutiny. As one of our former Supreme Court Justices said, "one of the greatest disinfectants is light," and we need to continue to bring light upon these abuses.

Chairman **D'Amato**. Thank you very much, Mr. Congressman, and your entire statement will be placed in the record as if read in its entirety.

Senator Burns, from Montana, we're delighted to have the Senator take his time to join us today.

Senator **Burns**. Thank you, Mr. Chairman, and thank you for holding this hearing. I'm sort of the "newlywed" on the block here and, rather than make a statement, I opt to listen and to gain some handle on the problems that we're facing in this very important area. So, thank you very much for the opportunity.

Chairman **D'Amato**. Thank you, Senator.

Congressman Salmon, from Arizona. Congressman, it's good to see you.

STATEMENT OF HON. MATT SALMON

Mr. **Salmon**. Thank you, Chairman D'Amato, I really appreciate the opportunity to be here today and have such a fine and distinguished panel, or several fine and distinguished panels, address us on this crucial issue.

I can't help but recall that in my study of history, this country began 200 years ago with the ideals of a few select people who wanted to flee religious persecution. If America stands for anything, if it stands for anything at all, it has stand for religious freedom, the ability to worship according to the dictates of your own conscience.

Both of you mentioned the Church of Jesus Christ of Latter Day Saints, of which I am a member, and proudly served a mission for my church in Taiwan from 1977 to 1979. It wasn't so long ago in this very country that there was a price tag put on the heads of my ancestors. In fact, the State of Missouri declared an eviction notice, basically, and said that if they didn't leave peaceably, that there would be "open season" on Mormons and that they could be killed, and the founder of my religion was ultimately killed.

I know that religious freedom is an innately part of what we believe and it is very important. As I hear about religious persecution across the globe, and I see the injustices that man perpetrates upon man, as they have for thousands and thousands of years, it breaks my heart. As a member of Congress and as a member of this Commission, I believe that we ought to do everything within our power to correct these injustices, and to stand for what's right, and to do what our Founding Fathers would have had us do, and stand for the most basic of human rights.

I hope that as you shed light for us and to the world, that we can make that a reality, but I also hope that Americans will also realize that religious persecution still happens in this country. There are people that are persecuted for their beliefs, and there are angry fights and battles because of differences in religious beliefs.

I don't know of any deity that would ever advocate violence or doing harm to one's fellow human being because of their beliefs. In fact, every bit of religion, be it Muslim, Christian, Jewish, every religion—or Buddhist, any religion that I have ever studied or learned about—advocates love and humanity and caring. If that is the case, why in the name of religion is so much atrocity perpetrated? Thank you, Mr. Chairman.

Chairman **D'Amato**. Thank you, Congressman. Of course, one of our founding members and former Co-Chairman of the Commission, Congressman Steny Hoyer, from Maryland.

STATEMENT OF HON. STENY H. HOYER

Mr. **Hoyer**. Thank you very much, Mr. Chairman, I am pleased to be here. Clearly, as all the opening statements have indicated, religious freedom and the right to worship as one chooses is a bedrock of our society, of western civilized society and much of the rest of society.

Clearly, one of the questions that we will confront today is the distinctions that a society makes as to its governmental policies. We have had that problem here in the United States in terms of tax policy. By calling yourself a religion, you do not automatically become a religion. It is difficult for that distinction to be made if, in fact, a distinction is to be made.

But, having said that, it is important, I think, that this Commission, on a relatively regularly basis, reviews this issue. Any of us who have traveled extensively knows that religious freedom is at risk in many parts of the world. Religious intolerance exists in this country, around the world. Perhaps, in every country of the world, and in every society of the world, the premise of the Helsinki Final Act was that it was the vigilance of our neighbors as well as the vigilance of ourselves, that would protect those basic freedoms.

So, Mr. Chairman, I congratulate you for having this hearing and look forward to the testimony of the witnesses as we carry out our responsibility to oversee the implementation of the Final Act's principles. One very important one being the right to worship as one sees fit. Thank you, Mr. Chairman.

Chairman **D'Amato**. Congressman, thank you. We're going to proceed to our first panel, very distinguished panel, and our first panel is Dr. Smyslova, who is the Chief of the Legal Department at the Institution of Religion and Law in Moscow, a prominent non-government organization. She is also a member of the Women's Council of Moscow Baptist Churches and Vice Director of the Russian Chapter of the Global Christian Organizations, The Navigators. Doctor.

**TESTIMONY OF DR. EKATERINA SMYSLOVA,
CHIEF OF THE LEGAL DEPARTMENT,
INSTITUTE OF RELIGION AND LAW, MOSCOW**

Dr. **Smyslova**. Mr. Chairman and members of the Commission, I would like to thank you for this chance to present my testimony here.

According to the Article 14 of the Constitution of Russian Federation, Russian Federation is a secular state. No one religion can be established as state or compulsory religion. Religious associations separated from the state and equal before the law. But now Russia has chosen the new way for state and church relation, from separation to close cooperation with limitation of religious freedom. New relations are legally fasten by new bill "On Freedom of Conscience and Religious Associations", which people call the law on freedom of conscience.

Changes in federal legislation were made after a long period of preparation of public opinion.

In 1994, Moscow Patriarchate of Russian Orthodox Church signed the contracts with Ministry of Internal Affairs and Russian Armed Forces. After this, it have got free access to military units. Orthodox

clergymen sanctifies naval ships, organizes worship services for military personnel, construct churches on territory off of military bases and academies. Officers also send soldiers to construct church buildings off of military bases. For example, the Cathedral of Christ the Savior was constructed mainly by soldiers.

In August 1996, Minister of Internal Affairs Kulikov has signed new agreement with Patriarch Alexi II where was written: "We see urgent necessity of protection citizens from spiritual aggression... Russia always was country of high culture and spirituality where Orthodoxy was the base of the ... state."

As result of close relations with Moscow Patriarchate Ministry of Internal Affairs has sent to the State Duma official information on October 23, 1996 where foreign religious organizations were performed as special divisions of intelligent services who collect strategically important information. In the list of foreign sects, spies was included even underground Russian Orthodox Church.

Minister of Public Health Tsaregorodtsev in August 1996 sent to all regional departments of public health and to provosts of medical and pharmaceutical schools a letter of information. He has written about the necessity to protect mental and physical health of Russian people from sects, especially new religious movements. He offered in partnership with Russian Orthodox Church to establish special centers for mental correction of victims of sects. He recommended FSB to study all sides of activities of sects and discover sources of their finances. He recommended to limit legally rights of sects and to adopt federal law to stop illegal medical practice of sects and develop state programs for psychiatric researches in field of religiousness.

Immediately after these letters charismatic Christian churches experienced many problems with local authorities because their practice of prayers for healing was accepted as illegal medical practice without license. For example, public persecutor of Yaroslavl region with support of local bishop of Russian Orthodox Church and city administration stopped activities of the Christian charismatic church New Generation because they "mentally infected" people. Only after extensive religious, legal and psychiatric research with analyses of history of the church and their members organized by the Institute for Religion and Law and proved by Expert Analytic Counsel of State Duma the church could continue the practice.

In February 1997, the Russian division of Campus Crusade for Christ organized in the town of Semkhos, Moscow region, a special concert for children from problem and poor families to let them know about God's love and distribute gifts—a set of school supplements and colorful bilingual children Bible. Two priests of the nearest Russian Orthodox Church parish with a group of their followers tried to block the doors of the building and stop people from going to the concert but failed. After the event they visited the local school and asked children to give them all the gifts received from foreigners because they were allegedly infected by seeds of Devil. All the books taken from the children were burned in school's furnace.

From the beginning of 1997 all of state mass media developed a campaign against sects and for Russian Orthodox Church. Every day hours of TV time a main channels were dedicated to the historical and spiritual significance of Russian Orthodox Church, Moscow Patriarchate. It already has become a tradition for high ranking officials to participate

in Orthodox liturgy during main Church holidays. Private people feel themselves forced to join the Orthodox Church by the state. The ordinary people say "In the thirties the state forced us to join the collective farms but now it is the Orthodox Church."

Now in Russia we have a unique situation when the old Law On Religious Freedom based on the Constitution is still legally valid, and the new bill On Freedom of Conscience and on Religious Associations is still being discussed, but the spirit of the law in Russia already has changed.

Let's compare what Russian people have by the old law and what they will have by the new bill.

According to the law on religious freedom issued in 1990, people could enjoy religious freedom individually or jointly with others through appropriate public associations. Religious associations have all the benefits and privileges of non-profit organizations plus additional rights and privileges.

The state recognized any religious association created by ten citizens. It was necessary only to fill out the application form with details about founders at the local Department of Justice office, send a copy of charter and statement of faith for legal analysis and also proper confirmation of the legal address of the organization. In 1 month, the association got a certificate on state registration and could act as a legal person with full rights.

The new bill was passed by the State Duma and Federal Council July 4, 1997, but vetoed by the President of Russian Federation Boris Yeltsin because of violation of the Constitution and international treaties. After 2 months of negotiations, parties reportedly found the compromise. The last version of the bill was approved by the President and we expect it will be finally passed by the Parliament this month.

On September 11, 1997, Russian Pentacostal, Baptists and Seventh Day Adventists Churches, Russian Muslim Union have sent to the President Yeltsin their notes of protest against the version of the bill proved by him finally. Why they are not satisfied?

According to the new bill, the process of recognition for religious communities will take not less than 15 years. If religious association cannot prove by official documents their existence on Russian territory more than 15 years, it has to yearly re-register up to this term. Process of registration according to the bill can take up to 7 months. During the time of proving its right to existence, religious associations will enjoy strictly limited rights. It does not matter if all of the world accepts this religion as positive and well known. It will have the same set of rights and duties as any new religious group. Believers have the right to organize their hierarchy but to establish institutional structures they need 15 years of existence for local associations, and 50 years existence plus local associations in more than half of all regions of Russian Federation for all-Russian institutions.

In recent years, under the 1990 law on religious freedom, believers had right to rent freely accessible places for worship or assemblies. For this purpose, they used half-empty buildings of different clubs, cinema and school buildings on weekends. At the same time, they had a lot of problems with getting land to construct buildings. For example, the Baptist Church Resurrection has not been able to get a property since 1991, but it belongs to the old and respectable Russian Unions of Evangelical Christians-Baptists and is well known by its active charity works.

Originally, they had a property near park museum Kolomenskoye and even spent more than 20 million rubles for blueprints but because Orthodox Patriarch Alexi II doesn't want a Protestant church near the Russian Cultural Heritage the property was taken from the church back by decision of Moscow Mayor Luzhkov. Since that time, many church members, including their pastor, emigrated to the United States to confess their religion freely.

Since the beginning of 1997, the law on education has new meaning for believers. Article 1.5 states "It is prohibited to establish and maintenance into state, municipal educational institutions and monitoring bodies for education any religious structures or religious movements and organizations." Everybody could agree with this, but now local administration in many regions of Russia, including Moscow, produced clarifications to this law and have forced educational institutions to break rental contracts with religious organizations. Several regions of Russian Federation even adopted local law which prohibits renting premises in any state and municipal property to religious organizations so churches have to worship God in their own small apartments or outdoors.

All religious associations and organizations have the right to solicit and receive voluntary financial and other contributions, but if according to the old law, investors got some taxation benefit if they donated part of their benefit to religious institutions, it is not clear yet if the state will encourage investors financially to make donations to the religious associations in their first 15 years of existence.

One of basic rights for any religion is the right to give and receive religious education, but in Russia it will be limited by the new bill. Only religious associations fully recognized by the state will enjoy the right to train their religious personnel. Only they will get access to such places as hospitals, armed forces, special houses for old people and invalids. But not all of fully recognized religions have equal rights for this. If Russian Orthodox Church, Moscow Patriarchate, has free access everywhere, other old churches will have the right to visit their members only. How will religious faith institutions and organizations existing less than 15 years in Russia educate their followers? How will they express their belief if according to the bill they have no right to establish mass media and produce, import, disseminate religious publications and materials?

Official representatives of foreign religious structures will have no such right, too. How can believers in such cases realize his right to acquire, possess, and use sacred books, religious publications and other articles and material related to the practice of religion or belief in the language of their choice?

Parents in Russia have the right to ensure the religious and moral education of their children. But many times we see where parents who have been raised as atheists do not accept the spiritual choices of their grown children. Sometimes they create associations of parents of totalitarian sects victims and try to rehabilitate their children.

The right of believers, religious faiths and their representatives to establish and maintain direct personal contacts and communication with each other, in their own and other countries, is not violated on a private level. But if a religious faith exists on Russian territory less than 15 years, it may not invite anybody in Russia for religious purposes.

Also it is a big problem in almost all of the regions of Russia to register religious visas. In many regions, local governments ask foreign missionaries for special registration fees treating them equal to foreign businessmen.

Freedom to travel to attend pilgrimages, participate in assemblies and other religious events is guaranteed by law, but violated in practice. There are many pilgrimages for Christians, Jews, and Muslims organized now in Russia and it is fine. You can go out of country for religious purposes free, but inside Russia we see different picture. It is very difficult and sometimes impossible for foreign evangelical groups, for example, to take part in evangelizing meetings with their Russian sister churches. Local bishops of Moscow Patriarchate of Russian Orthodox Church struggling with proselytism find understanding and support in local officials. They often prohibit too big meetings or even prohibit state and municipal hotels from renting rooms for groups of foreign religious guests.

After 70 years of Communist power and full liquidation of the old traditional structures of the Russian Orthodox Church—the new structure known now by this name was created by Stalin in 1943—the Moscow Patriarchate has no right to seek a monopoly on spiritual life of the country. But it demonstrates religious intolerance in modern Russia with its hatred toward other religions and even other branches of Russian Orthodox Church and by trying to create special privileged conditions for itself using all of state resources and power.

The structure born by totalitarian society serves to totalitarian oriented political majority in the present red-brown Russian State Duma, so the picture for religious freedom in Russia is not optimistic.

Chairman **D'Amato**. Thank you very much, doctor.

I'm going to ask our witnesses to attempt to distill their remarks to approximately 5 minutes. That doesn't mean at five a bell is going to go off, we don't run it that way but, otherwise, we'll just never get through all of our panelists.

Our next distinguished witness is Fr. Drew Christiansen. Fr. Drew is the Director of the Office of International Justice and Peace, of the United States Catholic Conference. Fr. Christiansen was also a founding member of the Kroc Institute for International Peace Studies at Notre Dame. Father, it's good to see you again.

**TESTIMONY OF REVEREND DREW CHRISTIANSEN, S.J.,
DIRECTOR, OFFICE OF INTERNATIONAL JUSTICE AND PEACE,
U.S. CATHOLIC CONFERENCE**

Fr. **Christiansen**. Thank you, Mr. Chairman. Thank you for the opportunity to contribute to the Helsinki Commission's ongoing efforts to promote greater respect for religious freedom in Europe, and I'd like to commend the Commission and its staff for its diligence in pursuing human rights and being helpful to organizations like ourselves in trying to see that the Helsinki Final Act is fully realized.

Mr. Chairman, I have a written testimony which I would request permission be included in the record.

Chairman **D'Amato**. It will be, and we thank you, Father.

Fr. **Christiansen**. In all the Bishops' activities on issues of religious liberty, we first listen to the pleas of those who are suffering due to intolerance of religion, and seek their counsel and advice on how we can help relieve their plight. We consult first of all with Catholic hierar-

chies and Justice and Peace Commissions, but also ecumenically. In Bosnia and Croatia, we have consulted frequently with Muslim and Orthodox and Jewish leaders. In Northern Ireland, we carry out our activities in conjunction with the Presbyterian, the Anglican and the Methodist Churches.

Although there are many problems of religious intolerance in Europe today, I will focus, with a few exceptions, on what the Bishops' Conference knows best, the situation of the Catholic Church, particularly in the former Communist countries of Central and Eastern Europe, where the transformation in the area of religious liberty has mirrored the broader transformation in these countries since 1989.

The religious liberty problems in Europe today arise from a variety of sources—lingering intolerance of religion among former Communists who have remained in the bureaucracy or have regained power; the general difficulties involved in moving from communism to democracy and instituting the rule of law; ethnic and nationalist conflicts with a strong religious dimension; conflicts within and among religious groups; and widely different conceptions of the meaning of religious liberty, and models of church-state relations. Intolerance on the part of majority religions toward minority religions is just one of several factors that explain infringements of religious liberty.

First, I'd like to speak about intolerance associated with ethnic and nationalist conflicts. The "ethnic cleansing" of whole communities and the destruction of churches and mosques in Croatia and Bosnia-Herzegovina is a form of religious repression that was unmatched even in the darkest days of communism. Serious problems remain now that there is a semblance of peace. Authorities in the Republika Srpska refuse to give permission for Catholic priests to return to minister to the Catholics that remain there. In Croatia, Catholic priests are restricted from ministering in Eastern Slavonia due to resistance and threats from local Serbs, while some of the few Serbian Orthodox clergy who have attempted to return to the Krajina face similar harassment at the hands of Croatians and Bosnian-Croat refugees.

These restrictions on pastoral ministry are symptomatic of the larger problem of the inability of refugees of all religious and national groups to safely return to their homes in areas where they would be a minority. Those who do attempt to return face harassment and violence, including several recent bombings of churches and mosques. The very survival of the Catholic Church in much of Bosnia is threatened by this failure to implement the right of return contained in the Dayton Accords. Displaced Serbian Orthodox and Muslim communities face a similarly bleak future.

In Northern Ireland, the sectarian violence has taken on an ugly new dimension in the past year. Several dozen Catholic and Protestant churches and halls have been victims of arson amidst deepening inter-communal divisions there.

Secondly, let me address restrictions on foreign religious bodies and sects. Laws in several countries restrict "non-traditional" religions by imposing special regulations on so-called "foreign" or "minority" religions, often at the behest of the majority religion.

The new law on religion being considered in Russia is a well known example. The current version of the bill accords different treatment to different religions based on whether they are "traditional" and on the length of time they have been legally recognized in Russia.

The proposed bill would also construct a process of obtaining legal status that is impossibly labyrinthine. The flawed bill is coupled with a proliferation of discriminatory local laws on religious bodies in Russia.

Armenia and Belarus also restrict foreign religious bodies. In Belarus, for example, the Council of Religious Affairs has considerable discretion in excluding foreign religious workers. In January of this year, the government dropped its threat to not extend the visas of most of the 130 foreign Catholic priests serving there, but many priests could eventually be deported and the situation of some 100 Catholic nuns, who have been refused residence and work permits, remains tenuous.

Return of church property confiscated under communism has been a contentious issue in most countries of the region. This remains particularly problematic in Romania, where the Greek Catholic Church has faced obstacles in gaining restitution of properties. Given the failure of an Orthodox-Greek Catholic commission to resolve this issue, Greek Catholic representatives are supporting pending legislation that would return certain properties in rural areas where there is more than one formerly Greek Catholic church.

Finally, let me address the question of bureaucratic obstacles. Especially in many formerly Communist countries, religious leaders, minority and majority alike, complain that administrative agencies or local governments fail to comply with laws on religion or place undue burdens on religious believers.

In conclusion, I would like to offer a few suggestions for a constructive approach by Americans concerned to promote religious liberty in Central and Eastern Europe.

First, we should be careful not to impose a peculiarly American church-state model on countries of Central and Eastern Europe that have very different histories, cultures, and theological perspectives on this issue. As deep divisions in our own country reflect, there is no simple answer to the church-state question nor is there only one legitimate church-state model for protecting religious liberty. What we must look for are provisions that respect religious liberty for all.

Second, the efforts by some traditional churches to impose restrictions on foreign and minority religions, especially in Central and Eastern Europe, derive in part from a deep-felt sense of insecurity. Traditional religious bodies, especially in former Communist countries, often feel they are at a distinct disadvantage vis-a-vis Western groups with significant resources and expertise. It is vital that we reach out to leaders of these churches, and even help them rebuild the life of their churches.

Thirdly, ecumenism is in its formative stages in parts of Central and Eastern Europe. Western religious groups can contribute to this development by ensuring that our activities are undertaken in a spirit of ecumenism and by looking for ways to support ecumenical initiatives in the region.

To highlight just one of many examples, in Bosnia, the World Conference on Religion and Peace is assisting local religious leaders in forming an interfaith council which should be an important forum for renewing interfaith dialog in a post-conflict situation.

Finally, U.S. policy must continue to press for adherence to religious liberty commitments, as outlined in the OSCE's Vienna Concluding Document and other international commitments. The deep concern shown by the Clinton Administration and Members of Congress for the

proposed legislation in Russia are to be commended. It should be replicated in other cases, where appropriate. Thank you for allowing us to testify.

Chairman **D'Amato**. Thank you very much, Father.

Our next witness is Fr. Papaioannou, who has ministered to the Orthodox community in not only the United States, but in Turkey and in Canada. He has also written extensively on the Greek Orthodox Church and Hellenism in America. Father.

**TESTIMONY OF THE VERY REVEREND
DR. GEORGE PAPAIOANNOU, REPRESENTATIVE OF THE
GREEK ORTHODOX DIOCESE OF NORTH AND SOUTH AMERICA**

Fr. **Papaioannou**. Thank you, Mr. Chairman. Before anything else, I wish to thank you, Mr. Chairman and the distinguished members of this very important Commission, on behalf of His Eminence Archbishop Spyridon, Primate of the Greek Orthodox Archdiocese of America, whom I have the honor to represent, for the opportunity and the privilege to address the plight of the Ecumenical Patriarchate of Constantinople.

On October 19, 1997, His All Holiness Patriarch Bartholomew will pay a pastoral visit to our country. His All Holiness is coming to America bringing that same foundation that has endured from the beginning of Christianity and to share with us not only the pain of persecution of the Mother Church of all the 5 million Orthodox Christians in the United States and the 300 million throughout the world, but also to bring us the message of love and reconciliation.

We are especially thankful to you, Mr. Chairman, because you have recognized the importance of the Ecumenical Patriarchate in the world and together with Senator Sarbanes you have championed the successful effort to present Patriarch Bartholomew the Congressional Gold Medal that most recently was given to Mother Teresa of blessed memory.

Mr. Chairman, I am here today not to make an accusatory statement against Turkey, but rather to appeal through the U.S. Helsinki Commission, to the Turkish Government to show respect to the secondmost ancient center of Christianity, the Ecumenical Patriarchate, founded in 38 AD by Andrew the Apostle, the brother of Peter who founded around that same time the Church of Rome.

It was under the guidance of this Church that all creeds, professed by all of Christendom were formulated and proclaimed. It was from this setting that Christianity was delivered to the Slavic world. The setting from which the Ecumenical Patriarchate is exercising its authority of love is the same today as it was in 38 AD, and the years of the Seven Ecumenical Councils. Constantinople is today's Istanbul.

There are those who question the ability of the Patriarchate to function freely because of the obstacles placed on it by the Turkish state. Can one claim that there is religious freedom in Turkey today? There will be people who will make such claims; perhaps there are observers of the Turkish embassy in this room today who want us to believe that there is religious tolerance and freedom of worship in Turkey. But, unfortunately, those claims do not correspond to the reality.

About 4 years ago, just 2 days before my visit to Turkey, employees of the Patriarchate had found four powerful bombs on its grounds. They were intended to destroy the Patriarchate and kill the Patriarch. A year ago, new bombs were thrown at and damaged the Patriarchal Cathedral of St. George. Graves were opened at a cemetery and it was

desecrated. The Patriarch visited the cemetery and please listen to his heartbreaking cry: "Why do you desecrate the graves? Leave our dead to rest in peace. Come and punish us. Throw your bombs at us who are still alive. But you must know the bombs do not scare us, neither will the threats prevent us from fulfilling our mission."

Mr. Chairman, the Orthodox Church has had an abundant experience of persecution from the distant past to the present. She has faced trials from the fanatics of Islam at different times and in different places. But the most difficult trials are those that she suffers from the official Turkish state today, which continues to place hurdles in her path to render to the Orthodox people and to the world its sacred services.

Mr. Chairman, I am appealing to the members of this Commission on behalf of His All Holiness Patriarch Bartholomew and Archbishop Spyridon of America, to make use of your good offices and influence so that the Turkish Government will allow the reopening of the Theological School of Halki which was ordered to close its doors in 1972. The unresolved differences between Turkey and Greece over the Aegean and the Cyprus issues were only the excuses to close the school, a spiritual and non-political institution. The Ecumenical Patriarchate was punished for issues it had no control over or involvement in or power to resolve. This Turkish verdict called for the severest penalty, a slow death. For how else can one define the Turkish decision to close the school which for 150 years trained the clergy for the Patriarchate? How can Turkey justify its proclamation of religious freedom and tolerance?

Mr. Chairman, Turkey is striving to enter into the family of the European community that values supremely two things—religious freedom and education. The freedom and security of the Ecumenical Patriarchate to function, and the reopening of Halki present to the new Government of Turkey an opportunity and challenge to prove that it believes in these supreme human values.

Thank you again for the opportunity to address this very important issue.

Chairman **D'Amato**. Thank you, Fr. George.

Finally, I am pleased to welcome Dr. Shimon Samuels, who is Director for International Liaison of the Simon Wiesenthal Center in Paris. Dr. Samuels is a noted author on the issue of combating racism and prejudice. Dr. Samuels.

**TESTIMONY OF DR. SHIMON SAMUELS,
DIRECTOR OF EUROPEAN AFFAIRS,
THE SIMON WIESENTHAL CENTER, PARIS**

Dr. **Samuels**. Thank you, Senator D'Amato. Thank you for the invitation to come to the United States and address this hearing.

Simon Wiesenthal Center is an international Jewish human rights organization with 420,000 members worldwide, head-quartered in Los Angeles. It was established in 1977, to draw the lessons of the Holocaust to the study of contemporary prejudice, and I opened the European office in Paris in 1988.

In the document which I have prepared, there is an addendum which gives an overview of the violations of the Jewish condition in each of the OSCE member states, and I would appreciate that going into the record. I will, however, simply give ten paradoxes on that condition today.

First, the fall of the Berlin Wall and the end of the Soviet empire released the pent-up ghosts of classical anti-Semitism in countries where the Holocaust had succeeded, that is, an anti-Semitism without Jews, or what I've called a "phantom pain syndrome" where the limb has been amputated but the body still wishes to scratch. The last vestiges of the ravaged communities of Eastern Europe are often the scapegoats for the pain of withdrawal from the central economy and the transition to market capitalism.

Yet, East European anti-Semitism has less to do with real Jews than with the abstract image of the Jews. It's a euphemism or codeword for imported, foreign, Western, modern. For example, the International Monetary Fund, which is used by ultra-nationalists as a scapegoat for inflation and unemployment, is portrayed as a tool of a Jewish plot manipulated by both Washington, D.C. and Tel Aviv. The anti-Semitic classic, the Protocols of the Elders of Zion, have resurfaced in every post-Communist country, feeding a persistent disposition to hate that which is most feared, the unknown. To make sense of the unknown, a conspiracy theory of invisible enemies of the nation is the line of least resistance. Anti-Semitism is almost "Juderein", that is, free of Jews post-Holocaust Eastern Europe is a code to undemocratic conditions and behavior for other minorities. It's also an element of political discourse in election campaigns, regardless of the physical presence or absence of Jews. I would like to just show one example, for example, in Latvia, the postal service produced first-day covers to celebrate the jubilee of the air force, one for domestic use with a swastika, the other with a blank hole for international use. When I protested this to the President of the Latvian Parliament, he responded that the swastika was traditionally a symbol of happiness, not for the Jews of Latvia.

Second, so-called "revisionist," "Holocaust denial" movements are growing as references to the horrors of World War II are becoming de-Judaized, relativized or trivialized. Western Europe, bent on unification, seeks a future-oriented identity unencumbered by wartime atrocities and animosities.

The end of the Cold War has by no means diminished the dangers of terrorism in Western Europe, and this is my third point. Though pan-European cooperation between law enforcement agencies has become more effective, the surveillance and security measures around synagogues and Jewish institutions have not been removed. Indeed, the desecration of Jewish cemeteries and memorials has increased imitatively.

Fourth, 10 million Muslims in Western Europe, the second religion demographically, have joined Jews as a common target for the resurgent extreme right. However, Muslim-Jewish solidarity in combating racism is more spasmodic than constant, due to differences over the Middle East.

Fifth, though this year, 1997, has been declared the European Year Against Racism, the expanding European Union has witnessed the replacement of customs and border control officers by skinhead gangs and hatemongers who use the vectors of music and sport, traditionally anti-racists but now stocked by racist rock groups and violence on the soccer fields, to recruit a frustrated generation of unemployable youth, the seedbeds of hate.

Sixth, while anti-Semitism is clearly not a factor in European government policies and Jewish communities are not subject to state oppression, the perception of vulnerability persists, especially in confront-

ing the memories of World War II and the deconstruction of national myths. For example, your own work, *Senator*, in forcing the opening of archives and the question of looted Jewish property in Europe, especially in Switzerland, has unleashed a backlash of media anti-Semitism through caricatures. This is part of this deconstruction of the images of France as the country of resistance, of Austria the first invaded country by the Nazis, of Switzerland's neutrality, et cetera. This is exacerbated by the growing prominence of exclusionary political parties, especially in France and Austria.

Seven, the opening of state archives since 1989 in Eastern Europe has moved ever westwards toward a greater transparency and the 1989-1995 period was marked by a series of fiftieth anniversary commemorations of World War II episodes. These emphases have brought the Jewish experience to the forefront of public concern.

The Holocaust ironically acted as protective Teflon against blatant anti-Semitic expression for the post-War generation. The eighth paradox is the Teflon has now been eroded. Though qualified in some countries as a crime, anti-Semitism is becoming simply an opinion, for example, the rhetorical radio question of former Hungarian Deputy Prime Minister Istvan Czurka: "If philo-Semitism is legitimate, why is anti-Semitism illegitimate?"

Since the 1982 Lebanon war, some 15 years ago, the European media have consistently used Holocaust language to characterize Israeli policy. We heard then of Beirut as the Warsaw ghetto, Southern Lebanon as the Sudetenland, Israeli Luftwaffe, pogroms. There's been a spillover effect on Jews in Europe. These invidious comparisons have been effective in eroding remaining pangings of conscience for active or passive collaboration with the Nazis in occupied Europe. To project such guilt upon the image of Jews portrayed as Nazis is a great source of psychological relief.

Thus, the German Green Party calendar of 1983 called for a boycott of Jaffa oranges as "Germans now pass on the burden of their history to the new Jewish Nazis of Israel."

Similarly, the denial of the Holocaust provided a common focus for extreme right and extreme left, the French denier of the gas chambers, Robert Faurisson, identified with the ultra right but printed by a Trotskyite publishing house. In fact, the right aimed to absolve Germany: if the Holocaust was a Jewish lie, then its first victims were the Germans who paid reparations, whose reputations were sullied. On the left, if the Holocaust was a Jewish lie and the world, out of conscience, gave the Jews a state, then the first victims were the Palestinians. So, there was a symmetry of interest, what I call a "political transvestitism."

The Holocaust denial movement was officially launched from California in 1979, and quickly encountered a ready European predisposition to multiply the damage. The philosopher, Abraham Joshua Herschel, said, "Auschwitz was built not with bricks but with words." The engendered contempt on one level—for example, these "build your own gas chamber" little kits which were circulating in France and have now been banned due to intervention—was teaching of contempt. But on another level, certainly the incremental impact of Holocaust revisionist language in the media opened the floodgates to a wave of anti-Semitic violence across Europe.

From October 1980 to September 1982, Western Europe was the theater for 73 shootings and bombings of Jewish targets. Since then, however, terrorism has become a general scourge. Often what starts with the Jews follows for others.

Similarly, neo-Nazi computer games, such as "Aryan Test," "Concentration Camp Manager," "The Fuhrer Lives," use the language of the Holocaust. Here, for example, in these games, young children are given 2,500 Deutsch marks to buy victims. They can choose Jews, Turks, North Africans, homosexuals, handicapped, to calibrate the computer for the amount of Cyclon B gas. They then have to sell off the hair, the gold in the teeth, to recoup funds to buy new victims—pernicious because the child wishes to win the game against his computer. Now, these games today, because they focus not only upon Jews inter alia on a broad range of ethnic and minority targets, show a common interest in combating technology in the service of hate.

The ninth paradox, while Europe, once white and Christian, will perforce confront the challenges of its pluralism, technology further empowers the forces of hate. Terrorists, political extremists, racists and Holocaust deniers have invaded cyberspace to sow the seeds of prejudice with legal impunity. We presented a report on this to the United Nations in Geneva last September, and to the Israeli Knesset 2 months ago, and may I suggest that it might be appropriate for a future hearing of your Commission. The invasion of the Internet is spreading this type of pornography and incitement in ways that we have never conceived in the past. Hate is indivisible. For the hatemonger, the Jew is only a tactical target. His strategic objective is democracy itself.

Thus, the Jewish experience might be viewed as a barometer for democratic health and, though the Holocaust was unique in its intent, its lessons may serve as a benchmark for contemporary atrocities and as an early warning system for impending dangers. So, to combat intolerance in Europe today, the Simon Wiesenthal Center is engaged on three levels.

First, monitoring of extremist publications and groups and their trans-ideological and international linkages; second, counteraction through the media, law courts and international organizations as a non-governmental organization, especially in consultative status to such European institutions as the OSCE; prevention is the third level of action through educational material, film documentaries and international conferences with the cooperation of the Center's Museum of Tolerance in Los Angeles.

I was born in Great Britain at the end of World War II, and thus I am acutely sensitive to geography. Thirty-one miles of Channel water protected my family and community from the ravages of the Holocaust on the European continent. In today's world of communications technology, those 31 miles are as protective as 3,000 miles of Atlantic water.

My final paradox, the tenth, no Monroe Doctrine can defend the Americas from the threats of extremism in Europe or beyond. We in Europe can often serve as a trans-Atlantic trip-wire and alarm bell. Though the New World may no longer redress the balance of the Old, trans-Atlantic cooperation, and especially the vital support of the United States through your Commission here today against violations of human rights and such as today's hearing, can identify the trip-wires and serve as an alarm bell for us all. Thank you.

Chairman **D'Amato**. Thank you, Doctor.

I'm going to ask the panel two questions, two basic questions, and I'd be interested in any of your comments—and, Fr. Christiansen, I'll turn to you first.

First, do you see a trend across Europe and Central Asia of rising religious intolerance on the parts of governments and, second, what effect—anyone who would like to comment on this and, obviously, the good Dr. Smyslova would like to comment on this—what effect might the proposed Russian law on religion have on laws, regulations and attitudes about religious freedom in other countries in Europe and Central Asia, and have you seen evidence of similar laws being contemplated in neighboring countries?

Fr. **Christiansen**. Thank you, Mr. Chairman. With respect to the question of a rising tide, I'd say that in Europe, as such, you have a mixed situation. You have a situation of transition, and there have been improvements in many places, but there is still much to be done. There are other places where the trend is going back. I think the previous Russian bill and the bill that is now being entertained are both a sign of that retrogression.

In more general terms, when you asked about Asia, I think, yes, there is a rising tide of persecution of religious believers, a tolerance of religious persecution of believers, and an inefficacy on the part of governments in being able to control radicals who have repressed believers of other faiths, or moderates in their own faith. Moderate Muslims are as much at risk as Christians in many places. I think in China, in particular, we have an example of egregious persecution of Christians, Evangelicals and Catholics of the underground church, and especially of Tibetan Buddhists.

But getting back to Europe, there are other problems in places like Armenia. I think we've heard about situations in Turkey. I think that there are lots of problems to be dealt with, and I think if the discriminatory distinctions of the new Russian law go into place and the law is in effect with all its very complicated provisions, I do think that will set a precedent for other people who are trying to move such legislation in other countries to go ahead because if the largest country moves in that direction—largest country in the region—the one with the deep spiritual history, I think the smaller countries of the region may think that they can do likewise.

Chairman **D'Amato**. Not a very encouraging situation.

Fr. **Christiansen**. No, but I think we also need to understand that there are places where there has been improvement, and that there are efforts being made in lots of places to create stronger religious understanding and ecumenical and interfaith ties, like the interfaith council in Bosnia I cited, that are lending light to the situation.

In June, I came back from a meeting in Eastern Slavonia. It was the first ecumenical meeting of bishops of the Orthodox Church and the Catholic Church in the region in 6 or 7 years, since the beginning of the fighting there. I think there's been considerable progress, but a few radicals can make it very difficult in situations where a lot of people are working for improvement.

Chairman **D'Amato**. Dr. Smyslova.

Dr. **Smyslova**. I can add that the new bill on religious freedom in Russia can initiate changes in such legislation of other European countries. Just a brief point on this. We already have such promises from Ukraine that if rights of representatives of the Ukrainian Orthodox

Church will be limited. According to the new bill, Ukraine will make amendments to their law and will limit rights of Russian Orthodox Church on the territory of Ukraine, too. It will mean the start of process of limitation of rights of believers. I'm afraid that a lot of countries will follow that example.

Chairman **D'Amato**. Father.

Fr. **Papaioannou**. Mr. Chairman, I wanted to just touch on the situation in Russia and in Bosnia, where Orthodox Christians are in the majority. First of all, I must make clear that, speaking not only for my own self, but also for Archbishop Spyridon, who was asked a similar question about religious intolerance at a press conference here in Washington the other day. We are against religious intolerance anywhere.

When it comes to Russia and definitely about this new bill that was reintroduced in the Duma, I feel that this is unjust—it is unjust—however, I just wanted to mention to you that we have some sympathy for the Orthodox Church in Russia because I still know Russian church suffered more than any other religious institution in the world, aside from Jewish religion, for 70 years. Being a faithful Orthodox Christian, I admire the passion for the faith, the dedication, the witnessing for Christ. After they received the freedom, they see the other denture, the aggression of the various Christian groups that have invaded this country, trying to witness of something that already the people in Russia have witnessed. I just wanted to say that, as the Patriarchate of Constantinople said, listen to it.

Those missionaries who tried to christianize Christian Orthodox Russia should take a few moments and reflect on the sacrifices for Christ of Russian Christians. Thank you.

Chairman **D'Amato**. Dr. Samuels.

Dr. **Samuels**. I think, very briefly, in the West, anti-Semitism today is a question of insensitivity. It is not a question of policy. I think that here education has gone a long way to mitigate some of the stereotypes and prejudices of the past. Obviously, from my report, there is a residual problem in the West as in the East.

In the East, anti-Semitism is a factor of political opportunism which is manipulating predispositions to prejudices of the past. Now, I think that the greatest danger of all is, if you talk about Russia, the instability, both economic and social, which exists today, which has a potential for upheaval that could even transfer power into the hands of the so-called patriotic opposition which is based very much on the language and discourse of anti-Semitism. Obviously, this is not a threat to just Jews, it's a threat to the entire world.

My final comment would be that the subject, or the title of this hearing, I found a little confusing, religious intolerance, because I think that what you are dealing with is really the obverse side of the coin, it is intolerance toward religion. Religious intolerance is, for me, fundamentalism, and one of the most important factors of such gatherings as this, I believe, is the interfaith solidarity against fundamentalism of all colors and all sides. I would like to say that there has been considerable progress in Catholic-Jewish relations, and even in Muslim-Jewish relations.

The Simon Wiesenthal Center organized a conference a year and a half ago in Paris, to identify moderates in the Islamic communities in order to come together to take a common stand among moderates against

the fundamentalists that we all have. I think this is vital if we are going to try to control those forces that would like to undermine, not just religion but the very fabric of liberal democracy. Thank you.

Chairman **D'Amato**. Thank you, Doctor. I'd like to recognize the distinguished Congressman from Massachusetts, Congressman Markey.

Mr. **Markey**. Thank you, Mr. Chairman, very much. Thank you for having this very important hearing.

One of the proposals on the table for the EU is to issue European Union identity cards which would be used in place of passports and allow citizens of Europe the ease of traveling through countries freely.

In 1991, Greece passed a law that would mandate citizens to declare their religion on these cards. That alters Greek policy that had existed, giving people the option to leave the response blank. You don't have to declare your religion everywhere you're going, every time you pull out your card.

What benefits do you believe the Greeks think they are going to receive from that kind of policy? What is going on in that country, and what does it reflect in terms of the rise of religious intolerance in Europe generally?

Fr. **Papaioannou**. You must bring to mind that the Greek Orthodox faith has been the official faith of Greece since the liberation of the Greek nation from the Ottoman Turks, the reason being that the church stood by the side of the Greek people during the conquest of Greece for 400 years, but also by the Turks but also because it helped the Greek people to be—to educate the Greek people and, for this reason, it was proclaimed as the official faith. I remember because I was born in Greece and then I started in Constantinople in Turkey, and I remember that we had the ID cards and, from those years back, there was this question, the identification of religious affiliation, Greek Orthodox.

Mr. **Markey**. So, despite the fact that the Jewish and Catholic communities are bitterly criticizing the policy, despite the fact that the European Parliament is criticizing this policy, the Greek Government has refused to alter their policy. Why is that, and isn't it really inconsistent with the whole point of the European Union to have this acceptance of the different cultures as the mechanism by which they create this common economy and economic power?

Fr. **Papaioannou**. It is rather a tradition, a tradition, as I said, that goes way back.

Mr. **Markey**. Well, why are they changing it now? Why are they mandating it now, that you have to put it on your card? This has never been the case before.

Fr. **Papaioannou**. Because in the card you are Greek Orthodox, you say I am Greek Orthodox. That was from way back. The idea is not something that is introduced—

Mr. **Markey**. You're saying the 1991 law did not mandate that for the first time, you're saying that's always been the law.

Fr. **Papaioannou**. That is true. That is true.

Mr. **Markey**. I see. What is, in Greece, the debate over this issue? How do they respond to the Jews and to the Catholics who clearly feel marked by their identity as not being Greek Orthodox?

Fr. **Papaioannou**. As far as the Jewish religion is concerned, I can say this with all certainty, that Greece has an excellent tradition in safeguarding the right of the Jewish community from way back, and there are so many examples of guarding and protecting the Jewish people during the German occupation.

Mr. Markey. So you don't think there's a problem then?

Fr. Papaioannou. Definitely, I don't think that this is a problem, that this is intended to be against any religious group. In fact, I must say that there is much more religious freedom today in Greece than there ever was.

Mr. Markey. Well, if there is no problem, why is the Jewish community bitterly criticizing it?

Fr. Papaioannou. Because, frankly, I don't know, but this existed long before.

Chairman **D'Amato.** Dr. Samuels.

Dr. Samuels. I wouldn't want to focus just on the Greek situation, but I come from a country, Great Britain, which has a visceral objection to putting any type of racial or religious identity on ID cards, even during World War II.

I also believe that leaving it blank can be grounds for discriminatory treatment by begging the question. The only regimes that have ever put "Jew" on a passport or ID have been such typically democratic countries as Russia, Soviet Russia, Nazi Germany, and Iran.

I'd like to thank you for raising this issue because I will now take it up with the European Commission in Brussels, and I will, hopefully with your support, request consideration of consolidated uniform European Union position on this question, to have an EU ID card, if this is in the offing.

Mr. Markey. So, what would happen here is that a Greek who has a Jewish religion, has to go around all the rest of the European Community now with this passport, will have "Jew" on their passport no matter where they travel. Of course, that's just the opposite.

Chairman **D'Amato.** Or Catholic, or whatever.

Mr. Smith. Yes. I think the Congressman has raised—Father and everyone—a very important point. I don't think the Father is in a position to—nor do we want to place him in a position—to try to defend this, but it is something that is important for this Commission and those who are concerned in these areas of tolerance—we talk about tolerance—and we need it so desperately that this requirement is one that is repugnant. I don't have to be apologetic for my position when it comes to Greece and working to solve some of the discriminatory policies that have been more than that, that have been aimed at it and the fact that it has been placed, in many cases, in a precarious position. But it does itself an injustice. Indeed, I do believe that it probably has been as protective, and more protective, of the rights of minorities over the years than most countries. So why should it subject itself to justify criticism for a policy that really can't be defended, nor do I think we should ask Father to defend it. I don't think you should try to. I think it does an injustice to its culture, to its people, to its openness, to the protection that it has traditionally afforded to people of all religious persuasions, and I think we should probably ask them to consider this in the spirit of openness and tolerance and friendship, not in the spirit of adversarial—and I think that's where the Congressman is coming from.

Mr. Markey. I thank the Chairman very much because you are right on-point. There are too many Holocaust survivors in our own country, who are now in America, who roll up their sleeves to show us the numbers and the Star of David that was imprinted on them as a sign of their religion. Too many of us—my wife is Jewish and, clearly, leaving Lithuania was important for her family at some point, in order to escape this singling out.

The same thing is true for most Catholic families, but most religions here in America. We're here in America because for some religious or economic reason, in a European country—we weren't welcome any longer, and we came to America. The principle that we now hope to extend backwards is that as you move to a United States of Europe, that we not have a revisit to the syndrome that singles out people based upon their religious or ethnic backgrounds. To put it on a passport and to make people carry this around Europe for the rest of their lives so that every single person who is given—and, of course, it is meant, as a passport, to ease transportation, to reduce the boundaries that have been established over the years in transportation or economic commerce, or even just vacationing across the European continent.

I just hope that the Jewish and Catholic and other communities in Europe continue to raise their voices on this issue because I know that Senator D'Amato and I and others on this Committee are going to continually raise these issues to make sure that the descendants of those who came to our country because they were persecuted, don't have to continue to live under this kind of seemingly bureaucratic but, in reality, stigmatizing identification as being different from those who are in the rest of the Greek or European community. I just hope that this hearing helps to advance that cause, and I thank you, Mr. Chairman.

Chairman **D'Amato**. I want to thank the Congressman. Let me thank all of our panelists for their participation today. We're deeply appreciative. I think it has underscored a number of real and potential problems as it relates to people and their human rights and their rights to be who they are, without fear of persecution. We'll call our second panel. Thank you.

I'm going to ask our panelists to try to adhere to the 5-minute rule because we have another panel thereafter. Our second panel consists of Professor Cole Durham, James McCabe, and Dr. Laila Al-Marayati.

I'm going to ask the Congressman if he would chair and listen to the panelists, take their testimony—I have to go to the floor—they tell me there is going to be a vote, and there is a matter up now that affects our State. Congressman, if you have the time, I'd be very appreciative.

Mr. **Markey**. Glad to do it.

Chairman **D'Amato**. Thank you.

Mr. **Markey**. [Now presiding] Why don't we begin with you, Mr. McCabe and, following the request of the Chairman, please try to keep your opening comments into a 5-minute period so in question and answer we perhaps can have discussion among the panel. So, we will begin with you, sir.

**TESTIMONY OF JAMES M. MCCABE, ESQUIRE,
ASSOCIATE GENERAL COUNSEL,
WATCH TOWER BIBLE AND TRACT SOCIETY**

Mr. **McCabe**. Thank you, Mr. Chairman and Members of the Commission, and thank you, too, for your invitation to testify today.

Jehovah's Witnesses were not always as well understood in the United States as they are today. Just a short walk from here, an exhibit in the lobby of the Supreme Court Building proudly displays landmark decisions of that Court. Among those illustrated are cases taken by Jehovah's Witnesses to the Supreme Court in the 1940s to establish basic religious freedoms now guaranteed for all Americans. In one of those land-

mark decisions, the case of *West Virginia State Board of Education v. Barnette*, Justice Jackson wrote for the majority of the Court these words:

“If there is any fixed star in our Constitutional constellation, it is that no official, high or petty, can proscribe what shall be orthodox in politics, nationalism or religion, or other matters of opinion, or force citizens to confess by word or act their faith therein.”

By that decision, the Supreme Court ensured the United States would preserve freedom of religion without state-imposed obstacles. Jehovah's Witnesses and persons of all religious faiths have benefited from this basic human right to this day.

Today, Jehovah's Witnesses and their associates constitute more than two million citizens of the United States. They are recognized as model citizens not only in the United States, but in upwards of 200 lands around the world.

More than 2.6 million Jehovah's Witnesses and their associates live in the member states of the OSCE in Europe. The Helsinki Final Act contains the same commitment to religious freedoms and tolerance espoused in Justice Jackson's opinion. Also, most of the OSCE member states in Europe have constitutions which embody these same ideals. Moreover, many of these same States are bound by the requisites of Article 9 of the European Convention on Human Rights which obligates member States to protect religious freedom for all.

In many countries of the OSCE today, there are grave threats to freedom of religion. These threats are already in various stages of implementation by certain member States. A common thread we see emerging in most of these state initiatives is what we suggest is a two-tiered structure for religions—those officially favored and recognized by the government, and those second-class religions left devoid of basic rights and privileges.

Bulgaria, for example, passed a law in the Fall of 1994 requiring all religions to register under the new Family Act, including those recently recognized by the government after the fall of communism. The registration period followed a vicious media campaign against minority religions. Twenty-four religious groups who had been previously recognized, including Jehovah's Witnesses, were denied registration. Despite efforts by the Bulgarian Helsinki Committee in Sofia, the government did not back down.

The result for Jehovah's Witnesses was cancellation of an assembly of over 1,000 people by local police, cancellation of leases for meeting places, prohibition of importation of religious literature, deportation of Polish missionaries, loss of jobs, and the arrest and police beatings of at least two ministers in Sofia. The Supreme Court of Bulgaria denied Jehovah's Witnesses any relief, claiming they could not be legally registered because Jehovah's Witnesses have a different doctrine than that of the Bulgarian Orthodox Church. This case is now on appeal to the European Commission on Human Rights, and may soon be referred to the European Court of Human Rights.

Armenia is another example. Despite constitutional guarantees of religious freedom, the Armenian Government will not recognize Jehovah's Witnesses. Their literature has been seized by customs officials and destroyed. Armenian Witnesses are not allowed to meet in large groups for worship or instruction. Instead, they are forced to meet in hiding, in small groups in private homes.

Russia is another critical example of the religious intolerance growing in Europe. As Mr. D'Amato pointed out this morning, the Russian Duma appears determined to pass new legislation that we believe will create a two-tiered religious structure for Russia. The proposed legislation will allow only those religions who can prove that they have been in existence in Russian territories for at least 15 years to be fully recognized.

If the proposed legislation is enacted, under Article 14, even those religions able to obtain registration may be liquidated or banned for any one of a number of reasons, which are not only worded vaguely but are open to wide interpretation. This is particularly disturbing to Jehovah's Witnesses who have lived, worked, and worshiped in Russia over the last 100 years. The words "ban" and "liquidation" bring to mind horrific images of the difficult years under Communist dictators, labor camps, and exiles to Siberia. We sincerely hope the Russian Government will choose to abide by the freedoms agreed to in its OSCE commitments.

In answer to the question raised to the first panel by Mr. D'Amato, we do see the trend in Russia continuing in other republics. For instance, in Georgia, they are now considering a similar religious registration law. In May, I met with officials in Tbilisi from the Parliamentary Committee supervising religious matters and with officials from the Ministry of Justice, and the President's Advisor on Religious and Ethnic Minorities. They appear to be very concerned with the religious freedom issue. Yet several tons of bibles and religious literature remains confiscated from Jehovah's Witnesses in Georgia, and the most recent reports from the media in Tbilisi describe a law very similar to the Russian model now being proposed in Moscow.

Another brief example of growing religious intolerance, although not quite as drastic, can be observed in the OSCE country of Germany. In Germany, Jehovah's Witnesses had their beginnings in Berlin in 1897. Nonetheless, on June 26, 1997, the Federal Administrative Court denied Jehovah's Witnesses the guarantee of the rights of a corporation under public law, the same rights already guaranteed to over 30 other religious associations in Germany. Is this a continuation of a two-tiered religious structure in Germany and a signal to the emerging democracies of what is acceptable within the OSCE?

Jehovah's Witnesses have existed in another OSCE country, Austria, for more than 100 years. Yet their attempts to be recognized as a religion have been rebuffed by the Austrian Government for the past 15 years. Jehovah's Witnesses in Austria are thus relegated to the status of a second-class religion.

Another disturbing trend we see in some other OSCE States, such as Germany, France, and Belgium, is the creation of parliamentary commissions to investigate sects and cults. In reality, these commissions have acted as government agencies, indiscriminately lumping together minority religions not only as second-class religions, but also as dangerous.

Really, when one considers the various expressions of second-class status for minority religions in Austria, France, and Germany, it is not surprising that Russia, Georgia, and Armenia, and other newly emerging democracies are working to impose this same second-class status on religions which do not happen to be the dominant or quasi-state religion. We hope the courts of Europe and the European Court of Human

Rights will uphold freedom of worship and association. We encourage this Commission to zealously seek the adherence of OSCE States to the lofty ideals and commitments of the Helsinki Final Act to ensure equality before the law for members of minority religions, such as Jehovah's Witnesses. Thank you, Mr. Chairman.

Mr. **Markey**. Thank you, Mr. McCabe, very much.

Our next witness is Dr. Al-Marayati. We welcome you so much to our hearing today, and we look forward to your testimony.

**TESTIMONY OF DR. LAILA AL-MARAYATI,
PRESIDENT, MUSLIM WOMEN'S LEAGUE AND MEMBER,
SECRETARY OF STATE'S ADVISORY COMMITTEE ON
RELIGIOUS FREEDOM ABROAD**

Dr. **Al-Marayati**. Thank you. I'm here to speak regarding Muslims and the intolerance faced by Muslims in Europe today. I thank you very much for giving us the opportunity to be here because ours is a voice that has been noticeably absent from similar hearings that have been occurring lately. I will try to keep my remarks condensed, so I would ask that the text that I have submitted be included in the record.

Mr. **Markey**. Without objection, so ordered.

Dr. **Al-Marayati**. Thank you. In Islam, the significance and valuation for human rights and dignity can be found throughout the Qur'an, the holy scripture for Muslims, and throughout other religious texts. In matters of faith, the language is explicit and unequivocal: "There is no compulsion in religion; Truth stands out clear from Error." Thus, the rights of Muslims and non-Muslims alike in expressions of faith are guaranteed, not only in theory but in practice as the Qur'an states: "O you who believe! Be ever Steadfast in your devotion to God, bearing witness to the truth in all equity; and never let the hatred of others lead you into the sin of deviating from justice. Be just: This is the closest to being God-conscious. Remain conscious of God; verily, God is aware of all that you do." Yet it is hatred and rage that is at the root of anti-Muslim sentiment and violence plaguing Europe today.

The status of Muslims in Europe is precarious for they represent a group that is viewed as alien, unacknowledged, or threatening throughout the region. Racist tendencies fueled by paranoia regarding Islamic revivalism have rendered Europe hostile, unresponsive to, and in violation of the human rights of Muslims.

While Western leaders support new-found religious freedom in places like the former Soviet republics which had allowed for Christian revivalism, the same leaders fear the resurgence of Islam in those countries, underscoring the bias of policymaking in Europe.

In an interfaith meeting in Rome last summer with Father General Kastalneck of the Jesuit Order of the Catholic Church, it was made clear that "Europe has a problem with Islam." Indeed, the problem is the historical baggage carried by Europe with respect to the Middle East, dating back to the Crusades and the Inquisition.

The human rights violations suffered by Muslims in Europe range from police brutality and right-wing extremist attacks that often result in murder to confinement to the role of second-class citizen. When expedient, the card of fears of "Islamic fundamentalism" is used to justify persecution and discrimination as Europe and her allies do not question such a characterization. While other religious groups are measured by

the mainstream and not the extremists, Muslims are defined by the most extreme elements in their midst. For a clearer and more constructive U.S. policy in Europe, this double standard must end.

The hatred of Muslims throughout Europe is well summarized in an article highlighting the findings this year of the Runnymede Commission in the United Kingdom which examined the growing phenomenon of "Islamophobia", dread or hatred of Muslims. While focusing on Great Britain, the findings can be applied anywhere anti-Muslim prejudice is expressed. The key features of Islamophobia include the portrayal of Muslim cultures as monolithic, intolerant of pluralism and dispute, patriarchal and misogynistic, fundamentalist and potentially threatening to other cultures. A further and particularly disturbing feature of Islamophobia is its apparent acceptability as "the expression of anti-Muslim ideas and sentiments is increasingly respectable."

The acceptability and tolerance for anti-Muslim prejudice and hatred is allowing gross human rights violations to occur unchecked. Other groups who have been similarly suppressed in the past accept that Islam is largely a negative force and therefore condone, through their own silence, these atrocities.

Reports regarding the persecution of Muslims are mainly gathered from human rights groups such as Amnesty International, Human Rights Watch, and others. There is no broad-based Muslim organization which can document the extent of persecution and discrimination of Muslims in Europe. Many Muslims are unaware of the availability of these groups to advocate on their behalf and also because some of the suppression is committed by those in authority, Muslims have a lack of trust of any system that claims to protect them. So we can only assume that the extent of the persecution of Muslims in Europe is vastly underreported.

The most significant tragedy in Europe since the Holocaust was the genocide in the former Yugoslavia where Bosnian Muslims were the victims of a widespread, government-sponsored campaign of ethnic cleansing by Serbian armed forces and civilians. Neighboring European nations as well as the United States justified their inaction and lack of involvement by claiming that the conflict was motivated along ethnic lines, yet Serbian leaders such as Slobodan Milosevic and Radovan Karadzic used anti-Islamic rhetoric to fan the flames of hatred that allowed 200,000 Bosnian Muslims to be killed, over one million expelled from their homes, 20,000 women to be raped and countless more men, women and children suffering from long-lasting physical and psychological trauma.

At the time when the international community chose not to act, many felt that if the victims had been Christian or Jewish, then intervention would not have been delayed. Current focus on the persecution of Christians, receiving support in Congress for severe response to similar crimes, lends credence to this view of a double standard for the protection of some religious minorities to the exclusion of others. This hypocrisy is further manifested by the lack of will on the part of the global community to take definitive action in bringing the indicted war criminals to justice.

In the war in Chechnya, while both sides committed atrocities, Russian troops carried out a disproportionate amount of violence against non-combatants including indiscriminate killings, extrajudicial executions of civilians, torture, rape and hostage-taking.

The main problem facing Muslims in many countries in Europe is police brutality, which includes assault, murder, harassment, intimidation, and other degrading treatment that qualifies as torture. This is particularly a problem in Germany, France and, to some extent, the United Kingdom. The depth and severity of police brutality is only slightly outdone by the atrocities committed by right-wing extremists.

In Germany, the majority of victims are Turks and Kurds, usually refugees or asylum seekers. A pattern has emerged of ill-treatment of foreigners. On some occasions, police officers have continued the assault that was started by right-wing extremists.

In other instances, the victims are not informed of the basis for their arrest, they are accused of being combative thus justifying police brutality, and they are not given due process once detained. The officers who are prosecuted for the use of excessive force receive punishment that is inadequate, and the victims' families do not receive adequate compensation. This also results in under-reporting of the extent of the problem as the victims fear retaliation and deportation and do not seek to highlight their problems.

In France, similar reports of the use of excessive force by police officers against Muslim minorities, particularly from Northern Africa, include beatings, mass arrests of immigrants, and other forms of verbal and physical abuse. In addition, several detainees have been shot and killed in the back or in the back of the head while in police custody. In one egregious case, the officer received a lightened sentence, and the conviction was expunged from his criminal record. So he continues to serve and carry arms.

Mr. **Markey**. Could I ask, Doctor, if you could summarize your testimony and, if you could, make your recommendations to the panel as well.

Dr. **Al-Marayati**. I will just briefly go through some of the other problems. The hate crimes that exist in Germany, over 1,000 documented in the past year, are becoming more widespread in other countries throughout Europe, Netherlands, Switzerland, France—500 hate crimes. The main problem also is the tolerance for these crimes by authority figures.

We've already talked about citizenship. Many Muslim minorities are not allowed to become citizens of the countries where they have lived for years and they are second- and third-generation families.

They experience discrimination in employment, in the military, and in the education system. The main issue has to do with repression due to fears of Islamic resurgence, which results in mass arrests in France, and deportation, not allowing mosques to be built in the Czech Republic, opposing Muslim leaders in Uzbekistan, and also, in Turkey, which has cracked down to an extreme nature on Muslim activism and Muslim education in the schools.

Muslim women also suffer as specific targets because they wear a head-covering known as "hijab", which singles them out. This became a significant problem in France where girls who were wearing a head-cover were not allowed to go to school. This meant some families preferred to keep their daughters home and they did not get educated.

In Turkey, they are not allowed to continue their education or advance in the workplace because it is felt to be a sign of excessive religiosity.

Human rights groups have not focused specifically on the problems faced by Muslim women who, compared to their male counterparts, may be less likely to report harassment, intimidation and discrimination. These problems are the result of deep-seated hatred and prejudice that must be addressed. It is also contributed to, to a large extent, by the media which continues to present images of Islam and Muslims in a very negative light. This happens in our own country where movies like Executive Decision, True Lies, and recently G.I. Jane that are broadcast around the world perpetuate these stereotypes.

Therefore, our main recommendations have to do with making sure that the member states of OSCE uphold the principles to which they have signed on in international human rights documents; that they develop educational programs in all levels of their country as these atrocities begin at the top and work their way down. They need to be accountable for human rights violations of all types, not only focusing on religious persecution, and we must ensure that Europe is not exempted from the Freedom from Religious Persecution Act, if it is passed, simply because of our own cultural identification with Eurocentrism.

Finally, we ask that the media recognize its contribution to the problem and take a more even-handed approach, without relying on stereotypes to generate a profit or create alarm, and focus more on accurate portrayals of Muslims and other minorities to develop programs of a positive nature that can actually combat racism. Thank you very much.

Mr. **Markey**. Thank you, Doctor, very much.
Professor Durham.

**TESTIMONY OF PROFESSOR W. COLE DURHAM, JR.,
SCHOOL OF LAW, BRIGHAM YOUNG UNIVERSITY;
MEMBER, EXECUTIVE COMMITTEE, INTERNATIONAL
ACADEMY OF FREEDOM OF RELIGION AND BELIEF**

Prof. **Durham**. Thank you. Let me just say, one of the hazards of leaving Russia on Sunday and teaching in Utah yesterday and the day before is that while the attachments to my presentation are with me, I'm not quite sure where the presentation itself is. I hope that I am satisfactorily here myself, but I trust that in the spirit of all things being included in the record, this will be permitted.

Mr. **Markey**. I'm sure that you will be able to paint a verbal picture that will substitute for the inadequacy of whatever airline you were flying on.

Prof. **Durham**. Thank you. Let me just say two or three things. First, I am immensely grateful for the work of this Commission. I have worked closely with staff members and some of the Members over the summer, particularly on the Russia bill, but also in other matters. I was one of the members of the U.S. Delegation to the seminar on religion that was organized by the OSCE in April 1996, and I have been one of the participants in two expert committee meetings on these issues since.

I think the OSCE provides an extraordinarily important context to pay attention to these issues, and the United States plays an extraordinarily important role. It is not that our partners are somehow less visionary on these issues. We all know that every country has problems in the area of religious freedom. By holding these hearings, looking at some of these questions in Europe, we certainly are not intending to be "holier than thou" finger-pointers. But I am just very conscious of the

significance of this Commission and its influence through the OSCE in Europe, and it is vital that we learn to extend the channels of discussion on these issues.

Often Americans have a little more fire on these issues, in part because religious freedom has been so much more important to our divergent and plural heritages. These values need to be shared, but shared with recognition that some of the great achievements in religious freedom are also, of course, European.

I want to focus my remarks—and I'll have to be quick—on three countries—Russia, Ukraine, and Bulgaria. Because a lot has already been said about Russia, let me just focus on some very recent developments.

One of the things that will be included as an appendix to my testimony is two statements by the International Academy for Freedom of Religion and Belief. Copies of these did manage to stay with me this morning. These go into much more detail on what has been happening, what the detailed problems with the Russian legislation are, and I think enough has been said.

I would just like to stress a couple of things. The outlook on the Russian legislation is dreary. We were all heartened by Yeltsin's veto message. It was very impressive, very thorough, and the compromise measure seems to have totally ignored it. There is a significant risk that Yeltsin may simply not have been adequately briefed on these issues by his own staff. But at this point, the compromise measure is one that has been submitted by Yeltsin, so it's going to be hard for him to veto something that he has signed and that the Duma has worked off of with some glee.

It's clear, as has been mentioned, that a number of the smaller groups—the Roman Catholics, the Baptists, Pentecostals, and others—have withdrawn their support. (We would think of them as larger groups, but they are small in Russia).

I was at a press conference last Thursday when it was explained what had happened to them, and I'm sure it's a mixed story but, essentially, they were told that if they would support Yeltsin's position, their concerns would be taken into effect in the final draft. I'm sure their views were considered. They appeared to be considered in the sense of "well, that's an interesting idea, but we're not putting that in the legislation." The smaller groups felt betrayed as a result.

I have to say that the key problems with this legislation remain—problems that were there when the European Community objected to the legislation last summer, when we objected, when Canada objected, when the Vatican objected. I hope that those objections will continue to stand up.

I should say I have some cause for hope. Some of you may be aware that Senator Bennett from my state visited [Russia] early last week with a number of high-level officials. I also met with some of them later in the week when I was there, and let me just describe how it may be this 15-year rule that looks on its face like it's going to exclude so many people, may not be quite as bad if interpreted in a particular way.

Senator Bennett's office informed me that contrary to what was being claimed by opponents, the legislation will not adversely affect smaller religious groups, such as the Mormons and many other similar groups, and was given this assurance in several different contexts in discussions involving himself, his administrative assistant, State Department

officials, and others. I'm reading this because I would like to get this on the record. I'm a little worried that this interpretation may be forgotten, and I think it's important to try and summarize this.

Obviously, groups who can demonstrate that they've been in the country over 15 years are not going to be subject to this—at least on the face of the law—second-class treatment. But Senator Bennett was assured that, beyond this, under the terms of the law which distinguishes between centralized organizations and localized organizations, that centralized organizations are not subject to the 15-year limitation. In particular, Andre Loginov (said to be the person on Yeltsin's staff serving as the chief draftsman of the legislation by Yamashev, Yeltsin's Chief of Staff) went into considerable detail in explaining that if an organization is registered as a centralized organization by 1999, it will be able to create local organizations, or entities, simply by designating them as member entities in the centralized association, and these entities, i.e., the centralized entity and the designated local entities, will not be subject to the 15-year limitation.

I had an opportunity during my stay to meet with some others and to have this interpretation checked with Ministry of Justice officials, and this came back from several fronts. So, I have to say, as gloomy as I am about the legislation, I think that this interpretation may be something that will be livable and will expand the livability of the law.

Now, one needs to be cautious about this "ray of hope." While the interpretation does appear to fit with a careful interpretation of the text, it is clear that many of the supporters of the law expect that it will have a more exclusive influence. One of the more chilling statements from a session Senator Bennett's party had with Archbishop Kliment of the Russian Orthodox Church suggests what I mean.

The Archbishop stated that if the Russian Orthodox Church could wait a thousand years to obtain religious freedom, the Mormon Church and other religions could wait 15 years. It's an interesting concept, but not exactly what the Helsinki Accords have in mind.

There are obvious risks with the "ray of hope." Interpreters come and go. Today's generous interpretation may give way to a much more restrictive one tomorrow. Interpreters who have every good intention of proceeding in a fair and equitable manner today may be subjected to strong political pressures tomorrow that undermine the good intentions. That may, indeed, be exactly the story behind the inconsistency between Yeltsin's veto message and the law as adopted.

Moreover, even if the described interpretation is sustained and implemented, it does not cover all groups, most notably those which for ecclesiological or other reasons do not have centralized structures.

In light of the foregoing, I think that one needs to think seriously about what would happen with the Smith Amendment as it goes into Conference. I think there are reasons to think that the grounds for cutting off aid could be softened because I think, in fact, for a large number of groups, perhaps most groups there will not be harsh effects. On the other hand, I think that it's important to keep some kind of sanction in place.

One of the things I've wondered about—admittedly in the early hours of the red-eye, so I probably want to rethink this with some advice from others—but it may be significant to suggest also that the State Department have not only some flexibility, but also some direction that aid, as

it is allocated out in Russia, that there are some constraints on whether it goes to some of the regions that are particularly problematic with respect to religious freedom compliance.

Mr. Markey. Could I ask, Professor, that you try to summarize the remainder of your testimony?

Prof. Durham. Yes. I think I'll skip over Ukraine. There is some mention there of some new developments on entity restrictions. This is a case in point that came in by fax yesterday, and I'm still trying to get more information about this, but I think we're already seeing direct copying from Russia to some of the other places. We notice these things when they happen in Russia, but similar things have happened already in other places. There is a pattern here, it's quite evident, in narrowing and tightening ability to register religious organizations, and I would second much of what has been said by my co-panelists on these kinds of problems.

I list a series of problems, just to give a kind of flavor of the kinds of problems that the Mormons are experiencing in Bulgaria. They are very similar to what we have heard about the Jehovah's Witnesses and other groups and, I think, in general the problem of new religious movements. As I listened to some of the other comments, I note an incredible tendency for countries to over-react to these problems of new religious movements. A few extreme cases are multiplied in popular consciousness and exploited by other powers as mechanisms for controlling or having an excuse to control other religious groups. I think this has to be watched very closely.

Let me summarize my conclusions then. One, I think we should continue to support a religious freedom agenda with the OSCE, and that may mean finding funds to have some staff people that can make religious freedom a viable priority. OSCE and Office of Democratic Institution and Human Rights (ODIHR) are understaffed in this area, and they need help.

Second, I think the legislation is going to pass in Russia. There is some hope that it might not be quite as gloomy as we thought, but there are still very serious concerns, and I think we need to think seriously about having some kind of substitute tools to keep some pressure on those interpreting and implementing this legislation.

I'll skip over the other points. The final point I would make is that it is vital that we continue to stress religious freedom as a first freedom. It's one of the great principles that we have in this country, as the Commission members know and, without being self-righteous about it, we have great things to be thankful for. I have tremendous respect for some of the people of good faith working on these issues in Europe. There are noble and courageous people working in this area, just as there are people who are intolerant and bigoted. These are mixed problems we have in all cultures, but we need to bring out that which is noble, that which we stand for, and I hope the Commission will continue to contribute in the powerful way that it has to that end. Thank you.

Mr. Markey. Thank you, Professor, very much. Let me, if I may, just ask you some perhaps clarifying questions about the status of the Mormon religion in Russia, as you understand it, and explore a little bit your interpretation of what this new draft proposal includes, as it's being interpreted by some to Senator Bennett and others, so that we can understand as well what the pitfalls are.

They want to create different tiers of religion. So, why don't you, if you could, tell us, first, who will be automatically in the first tier? Just name those religions, as you understand it.

Prof. **Durham**. It's clear, if you look at the preamble—the preamble is, of course, precatory—that the Russian Orthodox Church is named, other Christian religions are named, Muslim religion is named, and Judaism is named, and these are recognized as groups that have contributed to the culture of Russia.

There's been so much haggling over the preamble, that although in theory it has no functional effect, it's clear that there's a kind of symbolic ranking going on.

Mr. **Markey**. So, where would the Catholic religion be?

Prof. **Durham**. Well, I take it it's a Christian religion, and it's mentioned—the Christian religions are——

Mr. **Markey**. Would be included.

Prof. **Durham**. Yes.

Mr. **Markey**. Now, which religions that we are familiar with would be in the second tier?

Prof. **Durham**. Well, let me stop for a second and say, basically, it seems to me that functionally what the legislation really does is that it makes it harder, despite the legislation's nice provisions saying all religions are equal, to have legal entity status. I mean, basically, the first third of the law has glowing terms on equality of religion, you know, standard kinds of things. Then there are some mechanical provisions in the middle that basically say how legal entities are set up. It would look like a corporation statute in the United States. Then there are a list of all the things that you can do if you are a religious organization. The problem is, as most of us have been understanding the law, if you have not been in Russia for over 15 years, you're not eligible to assert all those rights.

Mr. **Markey**. So those rights include tax benefits——

Prof. **Durham**. Yes, tax benefits, right to own property, right to enter into contracts, all kinds of things that are just vital to carry out religious life.

Mr. **Markey**. So, let's just take the Mormon religion as it is presently going to be placed inside of this tiered structure of religious benefits, religious protection that is going to be constructed in Russia.

Prof. **Durham**. One of the problems is there are a lot of vague provisions. So, as you try to figure out where you fit, you realize you're going to be at the mercy of whoever is interpreting things. What's been happening to us over the past week, however, is that we've been given assurances that the Mormon Church is going to be able to continue to operate.

Mr. **Markey**. So what you're saying is that while, in fact, the language of the draft may, in theory, provide real protections, that it leaves so much discretion in its interpretation that you become subject to unfettered bureaucratic discretion at the local level, looking at this draft language in terms of what kinds of protections you'll receive perhaps outside of Moscow.

Prof. **Durham**. Right. I think it's very important to stress that local level issue because, in fact, my experience is that people at the federal level are quite reasonable and enlightened, but when you get away from the center it's very hard to predict what is going to happen.

Mr. **Markey**. So are you satisfied that the language will give you that protection, as it's presently drafted and interpreted by Senator Bennett, or do you believe that there is ample room for continuation of discriminatory practices, notwithstanding the legal niceties of anything they may pass?

Prof. **Durham**. The way I see it is that there is some language there that, if construed the way they are telling us it will be construed, would protect us, but there are risks and, as I said in my testimony, there are some risks. You worry that other pressures will come along, that the same people won't be in office, you know, all these kinds of things.

Mr. **Markey**. I think this is something that the Commission is going to have to continue to monitor on an ongoing basis.

Prof. **Durham**. Right. I want to give every credit that I can to some of the bureaucrats who are working with the law, who are clearly working in a pressure situation, and who are trying to find ways to be fair. I think they deserve credit for that, but there are complex pressures playing out in their situation.

Mr. **Markey**. Well, this Commission will continue to raise its voice where bureaucrats are denying religious organizations their opportunities to advance the goals of—

Prof. **Durham**. I think that's extraordinarily important.

Mr. **Markey**. Let me turn and recognize the gentleman from Maryland, a long-time champion of these issues, Steny Hoyer.

Mr. **Hoyer**. Thank you very much, Mr. Markey, I appreciate that. You hear the bell going off. We are going to have a vote and I apologize for that. That is why we've been running in and out.

First of all, you mentioned in your testimony, but I would like a feel from each of you, your perception that there is a heightened religious intolerance among OSCE States. Or are we making progress? I would like to hear from the three of you, maybe the four, on that. Mr. McCabe.

Mr. **McCabe**. Thank you, Congressman. I would say that it's a mixed bag. For instance, in the country of Greece which we heard a little bit about, Jehovah's Witnesses have made significant advances by appealing to the European Court of Human Rights and won four significant victories there in the last 5 years, most notably the case of Kokinokes which effectively reduced the validity of the anti-proselytism law in Greece. But in other countries like Bulgaria, Russia, and Georgia, we see this growing landswell I think fueled by the very anti-sect media and a growing anti-sect group that comes from Western Europe. Their influence is noted in Russia, from France and Germany, and I think it's fueled primarily by a few radical things that have taken place, like mass suicide in the forests of France, some things that took place in this country in Texas, and that gets blown up in the media, creates pressure on government to establish anti-sect committees, and they indiscriminately lump all non-traditional religions together as the "sects", and they use that word pejoratively to lump religious minorities under this nomenclature that I think then results in a general climate of fear and bias in the general population that is totally unfounded in reality.

Dr. **Al-Marayati**. With respect to the Muslim communities in Europe, you have such a wide range extending from Muslim minorities in Great Britain to Muslim majorities in new countries such as Uzbekistan and in some places, for example, in Russia as Islam is one of the registered religions, which could be perceived as something positive.

But we are mainly concerned with the anti-Muslim and anti-foreigner attacks that are occurring not only in parts of Eastern Europe, but also in Western Europe in countries like Germany, France, and now more and more in other places where it hadn't been a problem before, related, for example, to the large refugee population coming from Bosnia.

So, unless that becomes checked, I'm afraid that will get worse. Although the conflict in the Former Yugoslavia has been controlled, the Serbs are waging a ruthless campaign against the Albanian Muslims in Kosovo, and nobody is really focusing on that, it's not strategically important, and they are just continuing what they had started already with the Bosnian Muslims.

So, I think that I see in some places religious persecution accelerating, in some areas there may be positive changes as Muslims start to have more freedom. But when you push people into a corner, then you're going to start to see the more extremist elements come forward, and that's what we're concerned about and that's why this issue is of vital importance.

Mr. **Hoyer**. Doctor, let me ask you a question, if I can. Your perception in predominantly Muslim countries with a government that is Muslim by either membership or formal, do you see a lessening of religious intolerance in those countries—and, obviously, it's equally hard to generalize, I suppose, in this instance as well. I ask that only in terms of it seems to me we have a worldwide problem. Obviously, we're focused on Europe, OSCE is focused on obviously the signatory states, and now the Asia portion of the former Republics of the Soviet Union, now independent countries of their own.

Dr. **Al-Marayati**. I think it's very important to look at religious intolerance in those countries that people are focusing on in the Muslim world as part of a greater problem of total human rights violations, that in those very countries the Muslim majority has been suffering for years under despotic regimes that do not respect their basic human rights—freedom of speech, freedom of assembly, and so forth—but also their own religious rights in terms of having an opinion different from that of the government.

People are recently finding that out, for example, when they travel to Sudan, or hear about that in Saudi Arabia that it's a problem for Christians and Muslim minorities, but also for Muslim majorities who are not able to articulate their opposition to the government.

So, I believe that it is part of a greater problem of human rights, which is why we feel that the whole issue must be looked at under that greater picture.

Mr. **Hoyer**. Doctor, thank you. One more question. As you know, I have been very involved both through this Commission on the issue of Bosnia. Along with some other members of this Commission, we're probably the most active Members demanding that the United States intervene to defend the Bosnian states and the Bosnian elected government; I do not mean the present Dayton Accords government, but the pre-elected government. I was interested in your comment. I tend to believe that had the controlling majority in Bosnia been Christian or Jewish, the European and Western nations would have acted much more decisively, much more quickly. Can you give me a comment on that?

Dr. **Al-Marayati**. I agree, and I alluded to that because I think it also reflected at the time a certain ambivalence about Islam that has been added to and developed into an open hostility about Islam. The

Serbian leaders used that to justify what they were doing, and I think that the lack of understanding about Islam and Muslims and about Bosnians in general kind of paralyzed the world community, and there were perhaps other political factors going on in Europe that prevented them from taking action.

It is speculation because we don't know what would have happened, but now that this government is taking much more action, looking at the persecution of religious minorities, particularly Christians, around the world, we wonder if this had been a persecution of Christians in Bosnia, the action would have been swift. It's that kind of double standard that's particularly troubling for us.

Mr. Hoyer. I think appropriately so. I think that was a real instance where if it had been a Jewish minority or a Christian minority that had been savagely subjected to genocide by the Serbian war criminals, that we would have acted much more promptly, much more quickly.

Dr. Durham, last question, if I might. I would like your observation. You made a number of specific proposals. I found these helpful. I would like your observation on religious intolerance. I come from the State of Maryland. In 1643, we passed the first act of religious toleration, as you may know, in the Colonies. That was largely a self-defensive act by the Calvert family who was Roman Catholic. Of course, the majority of the Colony was Protestant, so that there was some degree of self-interest. But whether that was true or not, it was a statement of religious toleration as the policy of that Colony.

I am interested in whether or not you think we are making progress within the OSCE framework.

Prof. Durham. Well, I think we're making progress. I think, in fact, a part of progress is identifying what the problems are. I think one of the problems with religious liberty problems is they are more complex than some other kinds of things. I mean, compare it with torture, for example. People can agree pretty readily on what torture is but, in the religion area, we've heard missionary work referred to as "aggression" this morning. There are others of us who think of it as a conscientious obligation. So, these issue get more complex.

I think one step that the OSCE is doing is just trying to do good, solid work trying to understand what the nature of the problems are. I think there are some areas where we are losing ground. I think the references to what is happening certainly with Islam, with new religious movements, general movements that are more distinctive are examples. It's absolutely frightening that we're as late in the world as we are and you can still have such irrationality among human beings on these issues.

Mr. Hoyer. Professor, I apologize for interrupting you. That was the third bell, I have 5 minutes to get over to the House floor, so I have got to go. But I want to thank all of you for your testimony.

Again, Mr. Chairman, I want to thank you for scheduling this hearing. I am going to try to get back. It seems to me, Professor Durham, you said that this is one of the basic rights. Obviously, in our First Amendment we felt that it was one of those primary essential recognitions that a state has of the sanctity of an individual's ability to think for themselves and worship as they will.

Clearly, there is religious intolerance in this country. It is acted out at times. I would imagine Jehovah's Witnesses, in particular, Seventh Day Adventists, Church of the Latter Day Saints, and others would say that that was present in the United States as well.

What these hearings hopefully will accomplish will be a renewed focus by this Commission and the OSCE as an OSCE-wide problem that needs to be addressed because the strength of the OSCE has been, and must continue to be bringing the light to the fore because intolerance and discrimination are intellectually not acceptable. Unfortunately, in practice they are, and so we need to intellectually focus on them so the practice of discrimination will stop. Thank you, Mr. Chairman, and thank you, panelists.

Chairman **D'Amato**. [Now presiding] I want to thank Congressman Hoyer for presiding. We are just concluding in the Senate a vote. I had to participate both in the vote and in the debate prior, and that's why I was not here to listen to the testimony of the panelists. I don't mean to keep you later, and I am deeply appreciative of your efforts, your expertise, and your sharing with us your concerns.

I am concerned because it seems to me that while overall we've made great progress in terms of democracy and freedom, it masks what is taking place. In some cases, extraordinary efforts by various governments and groups are bringing great harm and great pain and making it impossible for some people to practice their religion and/or carry out their beliefs. Where there are religious beliefs or convictions that do not infringe on the rights of others, that is unacceptable.

We may individually not put much stock in someone's belief, but for us to tolerate and for governments to become involved in the active persecution of various groups that pose no threat to other citizens, I believe, is something that is taking place and that we don't address ourselves because we say we have greater freedom today than ever before. The seeds of destruction start with going after the smallest, those who can't defend themselves, those who don't have great sympathy, those who may be viewed as somewhat out-of-sync. Indeed, if we look back at the history of the persecutions that regularly took place in and around the world and here in this country, isn't that what took place—whether it was the fellow who wore a long beard, or had a dress that did not comport with what society viewed as the norm. So people could, and did, poke fun, and went further, and felt free to take the kinds of actions that no one would ever think of countenancing about taking against a neighbor, so to speak, who did conform. Diversity was something that was mocked and shunned.

I tell you, it seems to me in listening to and reading the testimony of the various panelists, that that is more and more becoming something that should be of concern to us. In too many countries, many countries that have the stamp of democracy and that maybe don't deserve that stamp of full democracy, they are permitting by inaction, and sometimes by their consideration of laws that openly—openly—prejudice those who seek to practice their religion in the manner which they feel fit or their beliefs that they hold that may not be in synchronization. I don't know if any of you care to comment before we bring in our next panel. Mr. McCabe.

Mr. **McCabe**. Thank you, Senator D'Amato. I think what you've said hits on a crucial factor. In the United States, we don't register religions because we have the First Amendment and we have a penal law system that's there to punish extremism in any form.

Every member state of the OSCE has a similar penal law code which they could use against abuses of other people's rights or infringement on rights. This whole registration process of religions in the Eastern

countries just flies in the face of the principle of freedom of religion. It creates, as we've discussed in our testimony, different tiers of acceptability of religions, and it also brings, I think, to the fore a fundamental fact that I've seen in my travels to Central and Eastern Europe, and that is the quasi-state religion or dominant religion is so tied up with nationalism and patriotism that it itself becomes the state religion.

If you dare to believe differently than the national dominant religion, then there's something wrong and we have to suppress that.

Dr. Al-Marayati. I'd just like to say that we've been talking about Central and Eastern Europe, but even our allies in Western Europe have difficulty with controlling elements of anti-religious hatred that's officially, if not sanctioned, ignored or perpetrated by authorities, for example, in police brutality in Germany, France, and United Kingdom.

Also, in France they've censored the Friday khutbah or the speech given in the normal Friday gatherings of Muslims. If they don't like what's said, if they just feel it's threatening in some way, they deport the speaker.

In Germany, the Muslims are not allowed to gather for their evening prayers because, again, of fears that it might develop into some other activity. That's a normal part of our faith, to pray in the evening.

So, even as we concentrate on these states in evolution from communism to democracy, we also need to take a critical look at our allies that have been established democracies for many years.

Chairman D'Amato. I think, Doctor, you touch on a very important point, and we don't like to recognize the disorder in our own home. So when you speak of many of the Western allies are our home and, therefore, if we don't bring this up, that subjects those minorities to even greater persecution with no hope of anybody paying attention.

Prof. Durham. I'd just like to pick up on a couple of aspects of your comments with which I agree. I'm also a criminal law professor and, you know, I hear about dangerous groups and I seldom understand why more than normal criminal sanctions are needed. Why do you need special laws against particular groups? Practically always the special laws are efforts at social positioning in a culture. They are forms of tyranny.

I think one of the things that we need to work on with people in the OSCE is an understanding that to the extent there are problems, they should be treated them with equal laws and not with laws that give officials discretion to exercise petty tyranny in the most sacred area of people's lives.

Chairman D'Amato. Very important—very important—because the individual and the dignity of each and every person is something that I think we all have an obligation to protect. Think about that. If that takes place, what a great, great, great society we would have in country and community and street and neighborhood, right down to the very local and to our own homes that would be, to give respect to each and every person and to their dignity. Easier said than done, but it's more than real words, and it's very powerful—very powerful.

I want to thank those of you for participating very much, and will now call our third panel.

Let me say before we call the third panel, to those in the media. Look—hello. Hello, those with the cameras. I'm not asking you to put them on me, but I am asking you to direct your attention here. Hi. We are not going to start the third panel until I know I have your attention.

I'm going to ask you all to take a step back. You fellows come this way, all right? I'm going to also ask that you can demonstrate the proper respect for our witnesses. I will give you ample opportunity to take your shots of the witnesses, of Mr. Travolta and Chick Corea, but you don't have to move up on them, OK?

So, we'll be respectful of your profession and of your time and those with the still photography, the same thing, we'll give you time, but it's not a race of who gets there first. Everyone will have an opportunity, but let's do it in an orderly manner, and that's what I'm going to ask for.

So, we're now going to call our third panel, Steven Selthoffer, Director of Legal and Media Affairs of the Christliche Gemeinde Kln; John Travolta, Chick Corea, and Isaac Hayes, and I would ask them if they would come out at this point in time. As I said, let's be respectful of them.

Gentlemen, I want to thank you all for coming and being here. I've indicated to the media—and I want to say that I was very proud of the manner in which they have provided you an opportunity—and I said to them that we would give them plenty opportunity to get you on camera and to get their shots without there having to be a rush. When they feel they have concluded, we'll let the stills take their pictures.

First of all, let me say I am deeply appreciative of the time and the effort that all of our panelists have taken. I know a number of them have been meeting with the various congressional offices, and I think only in this country do we continue to demonstrate a deep and abiding commitment to the individual's rights and to the dignity of each and every person, and that we have to give more than lip service to the fact that every religion and every individual practicing his or her religion or their beliefs—their beliefs—that they can do that without fear of persecution here in this country. That is an ongoing battle that we have to fight, in all of those countries who have become signatories of the Helsinki Accords which this Commission has been legally constituted by the Congress of the United States to oversee and to seek compliance with. Today there are problems throughout the world.

Today we see Russia seeking to enact legislation that would curtail even the most established of religions. Today we see European allies who have been noted for democracy yet allowing things to take place either by way of government action or inaction that are intolerable.

Our witnesses today are here to give public testimony as to those aspects that they have seen personally and witnessed. Our final panel will begin with Steven Selthoffer, the Director for Legal and Media Affairs of the Christliche Gemeinde Kln. We especially appreciate the long distance you have traveled to be with us today.

Three other members of this panel—and I don't have to give their biographies because they are well known throughout the world as gifted and accomplished artists, men who have shared their talents as musicians and actors with the world. What is perhaps less well known about them is that each of them has suffered discrimination because of the membership and the beliefs that they hold in their church, and they are here today to share that with us—Mr. Hayes, Mr. Travolta, and Mr. Corea. We're going to start with Mr. Selthoffer.

**TESTIMONY OF STEPHEN V. SELTHOFFER, DIRECTOR FOR
LEGAL AND MEDIA AFFAIRS, CHRISTLICHE GEMEINDE KLN,
COLOGNE, GERMANY**

Mr. **Selthoffer**. Chairman D'Amato, distinguished guests, ladies and gentlemen. As a freelance journalist for a small publication, I have noticed that there has been an increasing and alarming number of random incidents of persecution, with some premeditated and systematic actions, by federal and local governments against Christian churches labeled as "sekte" in Europe.

Clearly, the new European Union now forming is not just an economic model but a social model as well. The battle for religious freedom, and defining that freedom for the future, is on now.

The stigma of being labeled a "sekt" by any European government or State Church minister carries serious ramifications. Rarely stated in an official capacity, it's the whispered unofficial inter-governmental and media labeling that does the most damage.

The term "sekt" carries the weight of historical proportions roughly meaning "the most evil threat to society." European government personnel and State Church ministers clearly understand the malicious intent of the definition. The definition is the most publicly damning word a church or organization can receive. The accusation of being labeled a "sekt" incites a public reaction of the deepest emotions, evoking vehement hatred, vandalism, bomb and assassination threats, in modern times a heavy financial burden for a legal defense, and historically death.

Coveting significance and political power, a few "sekt" commissioners are raising their public profile. Playing now with the mechanisms of media and government, their personal desires are to institute more oppressive government control to limit religious freedom by citing potential problems, historical fears, and worldwide worse-case scenarios.

The "sekt" commissioners maintain an excellent relationship with the media. The premeditated intent—could we look at this article right here. This was *Stern* magazine approximately 2 years ago. There was a Jesus March which started out of London by Graham Kinder, Roderick Foster, Gerald Coates, et cetera, they are on the board—wonderful thing, covered all over the world by the BBC, et cetera.

The German publication equated it to Guyana and the mass murder there, Waco, the Switzerland suicides and, of course, the poison gas attacks in Tokyo. Anyone associated with this was accused of being a "sekt", with the problems that followed.

Closest to the Biblical example of a Christian church are the independent charismatic churches throughout Europe. They are unencumbered by tradition and bureaucracy, and the charismatic churches are growing steadily in number across Europe.

There are approximately 500 million charismatic Christians worldwide in all Christian denominations. Time does not permit me to go into great detail of every European country regarding these issues. Two deserve your immediate attention.

Bulgaria. The churches in Bulgaria are facing official government accusations of heroin trafficking, promoting suicide, child abuse, et cetera, all of which have placed in motion the full throw weight government authorities to shut the ministries and churches down.

The churches have endured confiscation of personal property, confiscation of Bibles and religious materials by SWAT teams, police actions of breaking and entering to disrupt the services, police abductions and interrogations, numerous raids of armed anti-terrorist police units, and on June 21, 1994 the Sofia SWAT teams were posted 24 hours around a church building for 3 months to prevent its access and use.

Regarding Germany, no German pastors whom we contacted, or asked on our behalf to be contacted, were willing to cooperate or give statements regarding the problems they have experienced.

In Germany, there are approximately 900 charismatic churches and 300,000 charismatic Christians. The many free and independent charismatic Christian churches in Germany are not officially recognized as equals under the law or have the same legitimate status as the state Lutheran Church or the Catholic Church.

Numerous pastors have faced repeated defamation with impunity from the media which has triggered official government publications `warning the public of the dangers` of certain churches, personal and government inspired lawsuits, bomb and assassination threats and the revocation of tax exempt status, to name a few.

While Germany has greater freedom of speech than Arab and Eastern European countries for political expression and demonstrations, there are instances where issues of freedom of speech, freedom of religious education, the right to a moral education of their children are threatened, or are endangered of being encroached upon and/or eroded by court cases or in separate individual incidents.

One charismatic church, the Evangelical Christian Church, Cologne, Germany, has 1100 members who are facing a legal assault on an unprecedented scale. They were accused of being a sect and their tax-exempt status was revoked.

The Bescheid, the official document revoking the churches tax-free status, without merit, demands back payment of over 397,000 Deutchmarks. The reason for this legal action for revoking the tax status is clearly stated in the Bescheid. The Finanzamt stated it believes that `there is no spiritual, cultural or material value` to the church, and that pastor is with me here today. His name is Dr. Terry Jones, an American.

The city of Cologne has also begun demanding payment to itself of the tithes and offerings of the church's 1100 members for a previous 7-year period before the final outcome of the tax-exempt status is determined.

The situation the Evangelical Christian Church and other churches face is false accusations from `sekt` commissioners and federal officials coupled with money from the city coffers v. a church's money from Sunday offerings for its numerous legal defenses.

This potentially could be the scenario in Germany and the new Europe if clear guidelines are not established and sect commissioners, their influence, and the media go unchecked.

The German Commission of Inquiry on So-called Sects and Psychogroups, created by the Bundestag to investigate sects in Germany, demands closer scrutiny. Serious questions arise to the scope and nature of its creation, its representative panel, its motives and procedures.

No one we know will go on record to speak concerning their experience of mistreatment with the Commission. They fear severe reprisals. One pastor fearfully commented to me, `You don't know how powerful they are. They are powerful.`

The Commission of Inquiry and a small number of "sekt" experts have hijacked the cult issues in an attempt to expand the broad reach of government now grasping to move beyond its constitutional limits against groups whom a small minority personally disapprove.

I believe the commission is the '90s witch hunt of Abgeordnetenhaus proportions. It is an unholy alliance of politicians, academics and amateur "sekt" experts bent on birthing heavy-handed legislation through prejudice, hysteria and rumor mongering.

From our experience, no one summoned to the closed commission hearings should expect to have an impartial hearing. The name of the commission itself implies guilt and prejudgment of the most hideous nature, literally equating "sekten" and psychos with those incidents on the right.

Controls on this behavior are lax or ineffective. As a result, the Bundestag at large is either ignorant, or uninformed of the abuses.

With one eye on the past and one on the present, you have to think twice about the future. In my best estimation, the procedure and treatment of the people summoned to be investigated needs to be closely scrutinized and openly examined. We believe it may reveal attitudes and some incidents that are not reflective of the Germany of today, but weeds from a dark political past.

The conclusions of the Commission of Inquiry should never be trusted. The innocent are already suffering again. There are no guarantees that more people won't suffer across Europe tomorrow.

In my professional opinion, these hearings regarding religious freedom in Europe need to be expanded. It will take courage to confront the issues and firm resolve to ensure liberty in the new Europe union for tomorrow. This concludes my testimony. Thank you.

Chairman **D'Amato**. Thank you, counselor. Since you referred to Fr. Jones who is pastor of the Evangelical Church in Cologne, why don't we ask him, if you would limit your remarks to 5 minutes, Father, we'd like to hear from you.

**TESTIMONY OF DR. TERRY D. JONES, SENIOR PASTOR,
CHRISTLICHE GEMEINDE KLN, COLOGNE, GERMANY**

Dr. **Jones**. Mr. Chairman, as we were invited to come to this meeting, I did not realize exactly what would happen, but I think that it is very clear that, as far as Western Europe goes, that Germany plays a very, very vital role in the future of the European Union, and that it is very, very important that we are able to establish a religious freedom in Germany.

I have been there for the past 17 years, so I am not someone who has just gone there to do a report, I have a great love and a great respect for the German people. But I believe that it is very important that this happens.

We also have experienced very many bomb threats, vandalism, even my children have been threatened to be kicked out of school if they mention the name of God. We have experienced these things as, I believe, a direct result of the news media, of a type of witch hunt. We then experienced that immediately after all of these reports came out in the news media, that we received a Beschied from the tax office revoking our tax-free status, and I would like to read what they said.

Chairman **D'Amato**. How long did you enjoy this tax free status, Reverend, before it was revoked?

Dr. **Jones**. Six years. The statement that they sent us says, "The organization, the Evangelical Christian Church, Cologne, is no longer a charitable organization because of its non-involvement in any activity that benefits the spiritual, cultural or material good of society." That particular statement is totally wrong.

We have one of the largest churches in Germany, and one of the largest churches in all of Europe. We have 40 different departments within that church that concentrate on the well being of the people. We have one of the largest, if not the largest, drug and alcohol work in all of Germany. It goes on, "It is also no longer recognizable, that the organization and its purposes would find acceptance under a large section of the population."

I believe that during the reformation that this statement could also have been said about Martin Luther. I believe also that during the time of the Civil Rights Movement in the United States, this statement could have also been said about Martin Luther King.

Our pastoral staff has suffered over these past 8 years very much mental anguish. I believe also that actually this particular anguish as a direct result in the early death last year of my wife.

The German nation has its constitution, that constitution, I believe, demonstrates the greatness of that nation. The constitution says—and that is actually all that we are asking the German government to do is to uphold their constitution—in Article 4, it says, "The freedom of belief, of conscience, and the freedom of religious and world views are untouchable, and that the undisturbed practicing of one's religion is guaranteed."

Actually, we as an organization and as a church, all that we are asking is that the German Government would uphold the constitution. It is my conviction that a great deal of our problems is caused by a lack of understanding. I believe that there is a lack of understanding of what actually a cult or a "sekt" is. I am convinced that if the German and the American Governments could work together, the German Government would find out that we do not fit into this category, and that it is very important to protect the rights of the individual. I believe that's a very important point.

I think that there is a difference between the mentality of an American and the mentality of a European. A European is a person who thinks more in a collective manner, an American thinks on an individual basis. I believe it's very important that the German Government upholds the rights not only of the collective masses, but also upholds the rights of the individual person, to protect his or her belief without fear of reprisal as guaranteed by Article 4 of the German constitution. Thank you.

Chairman **D'Amato**. Thank you, Pastor.

Now we'll recognize Mr. Travolta, and we thank you for taking your time and being here with us.

**TESTIMONY OF JOHN TRAVOLTA, ACTOR, MEMBER,
THE CHURCH OF SCIENTOLOGY**

Mr. **Travolta**. Mr. Chairman and distinguished Members of the Commission. I appreciate the opportunity to testify regarding the widespread discrimination perpetrated by official sources in Germany. I accepted this invitation because the Helsinki Commission, its members and Congress have a critical role in redressing the situation. Indeed, the most

important thing you can do right now to combat religious discrimination in Germany is to pass the House Concurrent Resolution 22, the Payne-Ney Resolution.

In this remarkable century, we have learned some hard lessons about intolerance. We have learned that intolerance can lead to discrimination and that discrimination very easily breeds persecution.

The country in which members of my religion, Scientology, face the most severe discrimination is Germany. Another country in which religious minorities face persecution is in Russia. For instance, I understand that the Russian Duma is about to consider legislation that would restrict freedom of religion or belief in Russia, including for Catholics, Baptists, and the Pentecostals. These problems are not isolated. I believe that the actions of the German Government have exacerbated the situation of religious minorities in Russia.

My purpose in testifying today is to lend a voice to the many people in Germany whose rights as human beings and citizens are being trampled. Because they are members of minority religions, they are denied the rights of everyday people. Their experiences of discrimination and persecution go unheard because there is no one to speak up for them. When German Government officials forbid artists to display their paintings, ban their concerts, and blacklist them, for the sole reason of their different religious beliefs, even the German media has been silent. It is time someone spoke up for their rights, because if we do not do so now, their plight will grow worse with every passing day.

Government-orchestrated discrimination and intolerance toward Scientologists and members of other minority religions has reached frightening levels. Artists, athletes, professors, students, executives, Scientologists in any profession, know they risk losing their job, their business and their fundamental rights if their religious affiliation is made known.

For example, in 1991, Chancellor Kohl's party, the Christian Democratic Union, known as the CDU, banned Scientologists from membership. Other parties followed the CDU's lead and today Scientologists are not allowed to belong to any of Germany's major parties. The CDU membership form even requires an applicant to attest that he is not a Scientologist before he is allowed to join the party.

The CDU Young Union, the youth wing of the party, publishes a booklet entitled "InSects—No Thank you!" The cover of this booklet depicts minority religious members in Germany as insects to be exterminated. The booklet has been officially endorsed by the CDU's Party General Secretary.

Individuals and businesses throughout Germany are routinely required to sign a declaration, referred to as a "sect filter", swearing that they are not Scientologists. Failure to sign means that companies will not hire them, trade unions will not admit them, they will not be permitted to join social groups, banks will not open accounts for them, and they are even excluded from sports clubs, solely because of their religion.

Present in this room today is Ms. Claudia Engel, a German Scientologist, married and with two children, who was denied a license to operate an employment agency solely because of her religion. The denial was based upon an order by the German Minister of Labor that no Scientologist was to be granted a license. By the time a court finally

ruled that Ms. Engel's rights had been violated, the business she had worked so hard to build had been destroyed and her professional reputation irreparably damaged.

Since November 1996, the Bavarian Government has blacklisted Scientologists from the civil service. All applicants for employment in the public sector in Bavaria must attest that they disassociate themselves from Scientology. If a company doing business with Bavaria is suspected of having Scientology connections—in other words, if it is owned by or employs members of the Church of Scientology—the state will refuse to consider their bids.

The German Government even placed Scientologists under nationwide surveillance—in layman's terms, it spies on them. This brazen decision to unleash the intelligence machine of the state against Scientologists violates the fundamental rights of German Scientologists as well as foreign Scientologists who travel or do business in Germany. Scientologists may be followed, their mail may be intercepted, their phones may be tapped, their conversations may be overheard and their offices may be infiltrated.

Apparently the justification for this ominous decision to spy on private citizens—against which Scientologists have no recourse and which has been undertaken by no other government in the world—is that the Church of Scientology is somehow political. I have never heard this claim made anywhere except in Germany. It is utterly unfounded and ridiculous. I have been studying Scientology for more than two decades and have never seen or heard anything resembling political objectives.

I know it is a religion—my religion, and that of millions of others around the world. It deals with the spiritual side of man, and its goals are wholly religious and humanitarian. The American Government carried out an exhaustive examination of Scientology which ended 4 years ago with the finding that it is a non-profit organization devoted exclusively to religious and charitable ends. Given all this, it defies understanding why the German Government would choose a policy of religious intolerance and persecution.

The most innocent targets of the climate of hatred created by the German Government are children. Children of Scientologists have been expelled from kindergartens, schools and sports clubs, and often subjected to harassment and ridicule due to their parents' religious beliefs.

I am personally familiar with this discriminatory campaign. In August and September 1996, politicians of Germany's two leading parties, the Christian Democratic Union and the Social Democratic Party, called for boycott and a ban on the movie *Phenomenon* because I am a Scientologist. A boycott was also called against Tom Cruise and the movie *Mission Impossible*, also for no other reason than that he is a member of the Church of Scientology.

Of course, we can chuckle about it because in the overall scheme of things these boycotts did no great harm. However, the mere attempt by politicians to censor art because of the artists' religious affiliation sends chills down my spine. As Americans, we are reminded of McCarthyism at its worst. The most fearsome aspect of this undemocratic behavior is that it indicates just how bad discrimination must be for ordinary German Scientologists who do not have the same opportunities to speak out against this type of arrogant intolerance.

The freedom to create and communicate an artists' vision free from state interference is the most cherished of all freedoms and the most fundamental of human rights. If we do not challenge these unwarranted acts of discrimination, what will happen next? What other artists will be banned or boycotted because of their religion or beliefs? Will artists who happen to be associated with other minority religions also be singled out? Are the "thought police" far behind?

Many members of Congress, including some who are sitting here today, have written to the German Government protesting the treatment of American and German Scientologists and members of other religious minorities. I have personally seen many of these letters, and I am gratified that so many of you have risen in vocal opposition to these injustices. I am also pleased that the State Department's Germany Section and its Office of Human Rights and Humanitarian Affairs has consistently reported these practices in spite of German Government efforts to stifle their reports.

Unfortunately, in spite of your protests, the situation continues to worsen.

Germany is not a Third World country. It is considered a democracy, and it leaves no doubt that it expects to be treated like one. The United States has severely criticized China for human rights violations, and we correctly condemn Third World countries for such barbaric abuses. If we expect Third World countries to listen to us and heed the moral dictates of international human rights agreements, we must apply the same strict standards of criticism to our allies when they violate the human rights commitments they ought to be upholding.

General awareness of discrimination against religious minorities in Germany must be greatly increased. I urge you, therefore, to formally raise the issue at the upcoming November Conference of OSCE.

I also urge you to raise the volume and the intensity of this issue. I request that an official delegation be sent to Germany to investigate the discrimination and to report back to the Helsinki Commission, to Congress, and the American people. Many Americans simply do not realize what is going on in Germany. If they did, they would be appalled because every single American I have personally briefed on the situation has been shocked and amazed by the German Government's undemocratic behavior.

There simply is no question that members of minority religions in Germany, like everyone else, deserve to be treated with tolerance and respect.

Members of the Commission, you share the responsibility to bring this issue to the attention of Congress, the Administration and concerned American citizens, and you have the means to devise and enforce effective remedies for such human rights violations.

Thank you very much for your attention.

Chairman **D'Amato**. Thank you very much, and thank you for taking your time, because this is not a matter of Scientologists and deprivation of their rights, it goes well beyond, as you have stated.

We're talking about individual belief that people can hold and cherish, and should be allowed to, without there being oppression. I am shocked by this publication, as you have pointed out, that calls for the extermination basically of people who may have different views and beliefs, not just Scientologists. That is shocking. Indeed, the great economic power that the German Government has is well known and,

indeed, looked up to, and there is a very real question as to the totalitarian states that still exist, or states that have little in the way of democracy. If, indeed, they look and see what is taking place in the powerful, respected democracy, and what is to prevent them and aren't they really being encouraged when it befits their own needs for political purposes to become involved in crushing or stamping out or using, holding up those who are different—very easy.

Our good friend and colleague, Congressman Salmon from Arizona, understands as well, as he refers to his forefathers who were persecuted, who were killed, who were driven from the land because they were different. It's easy to galvanize huge masses against those who are perceptively different because, again, they practice a different faith, are of a different color, wear a different garb. This is important in this day and age. I must tell you, notwithstanding my work on the Commission—and I think Congressman Hoyer who has been here before me—that I was not aware of those things that you, and Rev. Jones and Mr. Selthoffer and the other panels, have testified in terms of the manner in which oppression is taking place. Indeed, where there is a group or an individual who threatens by way of his or her acts or plans to harm another person, obviously the state should take action, and you endorse that, but to single out people because of their religious belief or conviction is absolutely inappropriate, totally inappropriate, and we will pursue this matter.

Let me call Mr. Hayes, Isaac Hayes. We will then open for questions, after we hear from Mr. Corea and Mr. Hayes. The panel, I know, has a number of questions and we would like to get from you personal accounts of what you have seen.

Mr. Hayes.

**TESTIMONY OF ISAAC HAYES, ENTERTAINER,
MEMBER, THE CHURCH OF SCIENTOLOGY**

Mr. **Hayes.** Thank you, Mr. Chairman. Mr. Chairman and distinguished Members of the Commission, I thank you for the opportunity to testify here today. I would like to commend you for conducting this hearing on the persecution of religious minorities in Europe, and in particular by the German Government. It is important that Germany's violations of minority religious rights are brought to the attention of the Congress, the White House, and the American people. Your determination to hold these hearings is a necessary and welcome step in bringing public awareness to that government's contravention of rights guaranteed by international law.

I speak today in several capacities—as a member of a religious minority, as an African-American, as an artist, and as someone who took an active part in the civil rights struggles both in this country and in South Africa. I know discrimination when I see it, and it is alive and thriving in Germany.

For at least 6 years now, the German Government has sponsored and encouraged discriminatory acts against my fellow parishioners of the Church of Scientology in both the public and private sector. This includes boycotts, blacklisting, expulsion from schools and jobs, and methodical social ostracism.

You will hear today about the discrimination Mr. Chick Corea experienced in Germany and you are familiar with the attempted boycotts of movies featuring Mr. Tom Cruise and Mr. John Travolta because they are Scientologists. Let me tell you of some other, equally outrageous, examples of discrimination directed against American artists.

Golden Bough, a group of American musicians specializing in traditional and original acoustic music, has performed extensively throughout Britain and Europe. The band members are Scientologists. Since 1991, a series of canceled concerts and broken engagements, have severely undermined Golden Bough's ability to perform in Germany. During a 1993 concert in the city of Stade, Germany, members of the CDU Young Union disrupted Golden Bough's performance by storming the stage, where they chanted slogans and waved banners denigrating the band members' religion.

The CDU Young Union, by the way, is the under-30 arm of the CDU. It is the same political organization whose members have passed out condoms in black boxes marked with a skull and crossbones and the words "Dianetics" and "Scientology." Those who hand out these condoms claim that they are "90 percent effective" in preventing future generations of Scientologists.

Prior to 1991, Golden Bough averaged 15 concert performances on each German tour. In 1996, only two concert tours could be arranged, and this year Golden Bough has not played a single German gig. This is the consequence of the religion-based artistic apartheid practiced by the German Government.

For German artists, the situation is even worse. Carl W. Roehrig, a Scientologist who has produced more than 1,200 original works of art, has suffered the sudden closure of exhibits, cancellation of his bank accounts without notice, and customers threatened for purchasing his artwork and engaging his artistic services. The economic consequences of the harassment were disastrous for Carl.

The German Government is a signatory to international agreements guaranteeing freedom of religion. In fact, Germany has modeled its constitution on ours, including strong protections for the right to religious belief and worship. Scientology is a religion and has only spiritual and humanitarian aims and motivations, this I know to be true from my own personal experience.

The Church of Scientology has also been adjudged as exclusively religious and charitable by the U.S. Government. Of course, the Church and its members support democracy and the rule of law. They are active in their communities, fight crime, drugs and illiteracy. These facts are what make the German Government's discrimination against Scientologists so incomprehensible and all the more hypocritical.

In 1996, for example, the Bavarian Government passed legislation requiring that all applicants for public sector jobs or contracts declare any connection with the Church of Scientology. Government officials in Bavaria, as well as in other areas such as Stuttgart, have stated that they will not let Scientologists work in public service.

While a "declaration" requirement is theoretically not an actual ban, in practice it amounts to the same thing. The real reason that the Bavarian Government requires a declaration rather than enforcing an outright ban on public sector employment of Scientologists is to disguise what must be decried as a blatant human rights violation.

Many individuals have been fired from public sector jobs because of their membership in the Scientology religion. In the private sector, corporations are refusing to contract with Scientologists, many companies will not hire Scientologists in case they are accused of being influenced by Scientology, and others take active steps to identify and punish employees who are Scientologists.

I had the pleasure of meeting Mr. Gerhard Waterkamp, a German national who recently sought refuge in California. Before then, Mr. Waterkamp was living in Germany and working as an executive with a multinational company called Freudenberg. This company employs some 25,000 people and earns more than \$1 billion annually here in the United States alone.

Near the end of 1995, Mr. Waterkamp was informed that he was to be promoted to a senior executive position at Freudenberg. Instead, a few weeks later he was fired because Freudenberg executives had discovered his name on a list of people who had participated in religious services at a Church of Scientology. He offered to voluntarily transfer to the United States where religious tolerance is a way of life. However, he was told that company policy forbade Scientologists to work for Freudenberg anywhere in the world, including the United States.

When Mr. Waterkamp tried to find another job, he was unable to do so. Finally, he was advised by one head-hunter that "as long as you carry this 'Star of David' on your jacket, being a Scientologist, you will not get a job in Germany." That prophecy proved true. Eventually, Mr. Waterkamp and his family had to emigrate to the United States to find employment and the freedom to practice their religion.

In Germany today, Scientologists are banned from all major political parties, including the Christian Democratic Union of Chancellor Kohl. Scientologists who have been life-long members of these parties have been expelled. Since only political parties can choose candidates to fill government offices, Scientologists are without a voice in the formation of government, and without the means to create such a voice. This is disenfranchisement and undemocratic, plain and simple.

The campaign of discrimination against Scientologists by the German Government is intensifying. In June, Germany's Interior Ministers authorized covert operations against the Church of Scientology and its parishioners, including surveillance and infiltration of church offices. Other Germans are publicly encouraged to report anonymously on Scientologists. Big Brother has arrived. No other democratic country has so hounded a religious group.

For years, as noted by the Helsinki Watch and other human rights organizations, Germany has had a problem protecting the rights and safety of members of minorities, whether it be violence toward immigrants or exclusion from government jobs. In fact, as recently as July, executive members of the National Association for the Advancement of Colored People (NAACP), of which I am a lifetime member, went to Germany as part of a fact-finding mission. They have since informed the NAACP Board of the appalling human rights abuses they observed against Scientologists and other religious minorities, and have urged further action to be taken.

Nations which have signed human rights treaties, such as the Helsinki Accords, must hold one another to the commitments they have undertaken. If industrialized nations do not demand that one another meet

their human rights commitments, developing nations with poor human rights records are less likely to meet their own human rights commitments.

An unfettered iron fist looms over religious minorities in Germany, and they never know when or where it will strike next. This Commission can make a dramatic difference by demanding that Germany immediately stop the harassment of religious minorities and meet its international human rights obligations.

Let me urge two courses of action. One, that the Commission adopt the example of the U.N. Special Rapporteur and send a fact-finding delegation to Germany to look into and report officially on the German Government's adherence, or lack of it, to the Helsinki Accords. Two, that full and unequivocal support be given to the resolution by Congressmen Payne and Ney which asks Congress and the United States Government to declare their uncompromising condemnation of religious discrimination and to demand that Germany respect the rights of members of religious minorities in spirit and in practice.

Mr. Chairman and Members, the roots, the bitter roots, of religious intolerance, religious oppression, and human rights violations must be—must be—eradicated; if not, I'm afraid that the seeds will grow into flowers of evil and will proliferate our society.

Thank you very much for this opportunity.

Chairman **D'Amato**. Mr. Hayes, thank you for your deep commitment to individual rights and for coming forward today with your testimony.

Our last witness of this panel, Mr. Chick Corea. Mr. Corea, it's good to see you.

**TESTIMONY OF CHICK COREA,
MUSICIAN, MEMBER, THE CHURCH OF SCIENTOLOGY**

Mr. **Corea**. Thank you. I'm going to try to add some personal comments to this. Thank you very much, Mr. Chairman and distinguished Members of the Commission. I hope I don't—I'm going to reiterate a few things, but mainly my statement is one of personal experience over these past few years.

But before that, let me thank personally Congressman Donald Payne for introducing legislation that, combined with these hearings, may bring an end to discrimination by the German Government. I think this hearing is both very important and very timely, a fact amplified by yesterday's arrival in Germany of the U.N. Special Rapporteur on Religious Intolerance, who will conduct a 10-day fact-finding mission there to personally investigate and determine the extent of discrimination against members of minority religions.

A little bit about myself is that I've been traveling around the world performing my music as an American artist for over 30 years. I'm also a Scientologist and have been since 1968. I'm very proud of my religion, but religious faith to me is a subjective as well as private matter.

Although I would be free to do so, I don't normally articulate my beliefs in public, and certainly not from the stage. I make this point because of what follows.

In 1993, this Commission published a report entitled Human Rights and Democratization in Unified Germany. That study alerted the international community to the first signs of a deliberate policy of discrimination by the German Government, especially against Scientologists.

That same year, I experienced for the first time an attempt by the German Government to deny me my right to perform in Germany. The state Government of Baden planned to conduct a jazz concert in conjunction with the World Athletic Championship on August 15, 1993, in Stuttgart and invited me to perform, a normal thing. After accepting the invitation, I was told that the state Government had canceled my contract after learning that I am a Scientologist. That was the first time that I had ever experienced anything like that in all of my musical travels around the world.

At first, I did not grasp the larger implications of German Government actions against my religion and my music. However, I have been forced by circumstance to examine the issue. The German Government discriminates not just against me, but also against all of my fellow parishioners. It discriminates against other minority religions equally wantonly. This discrimination is not only wrong on moral grounds, as I have known all along, but is illegal under international law, as has been stated a number of times here, and is very obvious.

It is my understanding that the Helsinki Accords and similar international agreements, to which Germany is a signatory, guarantee the religious and artistic freedom of citizens in member nations. German Government actions against my fellow parishioners and I violate these guarantees.

I have studied Scientology for 35 years. I know that it is a religion in the most profound sense of the word. I don't see how anyone but the person who believes and who prays and who studies himself can make that kind of a judgment. I don't see how any group or commission, especially government, can make a judgment like that.

The U.S. Government has expressly recognized the Church of Scientology as a religion, deserving the status of a tax-exempt, non-profit organization, organized and operated exclusively for religious and charitable ends. To suggest as the German Government alone has done, that Scientology has political aims is absurd and without factual foundation, as I can attest from my over 30 years of experience in the church.

Why the German Government would insist on publicly deriding my religion, which does so much good, has me puzzled and very, very concerned. I do know that there is no possible excuse or valid justification for the German Government's discriminatory policies and actions.

Mr. Chairman, I wish I could report to you that, since my initial problems in 1993, the situation in Germany has improved. I wish I could report that the words of protest from the musical, artistic, religious, human rights and political community had persuaded the German Government to abandon their policies of religious and artistic apartheid. Unfortunately, that has not been the case.

I am here to tell you, and I am supported by official documentation such as the last four State Department Human Rights Reports, that intolerance and discrimination against members of minority religions who live, work in or visit Germany is increasing. After 1993, the officially sanctioned discrimination against me grew worse. As you can see from those State Department reports, my experiences in Germany are mirrored by those of other American and German artists who happen to be Scientologists.

After the refusal in 1993 of the Baden-Wrttemberg Government to honor my contract to perform, I attempted to continue with my performances in other parts of Germany. I didn't want to just say, well, I'm

not going there anymore, I had developed a really wonderful relationship with German audiences which I really cherish. However, the German Government not only tried to stifle my rights to perform, but regularly made public statements criticizing me due to my religious beliefs. Believe me, the only reason why I'm bringing these personal things up is not because I like to be critical or something, but I want to bring these issues to be viewed.

In 1994, for example, I was invited to perform at the Opera House of Kassel. When the Ministry of Science and Art learned that I am a Scientologist, they pressured the organizer to cancel the concert. I guess the pressure came a little elate because this time they failed, but they went so far as to force the promoter to add a supplemental clause to my contract, which I knew nothing about until weeks after the concert, actually—prohibiting me to “promote” Scientology before, during or directly after the performance. Were I to so much as utter the word “Scientology”, according to this clause, the government would impose a 50,000 Deutchmark penalty.

Such state and local government actions continue today. In 1996, I accepted an invitation to appear at the 27th Annual Jazz Week Festival in Burghausen. The local government “sect expert” demanded that my performance be canceled. The Minister of Culture at first refused to do so, on the grounds that I was performing as a musician, not a preacher—I actually saw the little article that was translated to me in the German press—and the concert sold out and went ahead. But soon afterwards, members of the Bavarian parliament severely criticized the Culture Minister for defending my right to perform. The State Minister-President intervened and publicly compelled the Culture Minister to order the festival organizer to ban me from any future performances at a state-subsidized event. This is like being placed on a blacklist and extinguished as a performer, since in Germany the vast majority of music festivals are subsidized by the state.

Prior to 1994, I enjoyed a special and successful musical relationship with the German people, averaging over a dozen performances a year in Germany. I could have scheduled many more, but limited the number so I could still perform elsewhere in Europe. Due to the German Government's ongoing campaign against me, since 1994 I had just one or two performances per year in Germany. What bothers me is the fact that this can happen on the threshold of the year 2000, in a country we think is a democracy. If this can be done against me, then I can only imagine with horror just how terrible it must be for the German Scientologists who cannot speak out in an international forum.

These German Government actions at federal, state and local levels are chilling. They amount to nothing less than a deliberate policy of religious apartheid. They infringe on the rights of all artists who are members of religious minorities, and all people who are denied the right to hear my music. What especially bothers me is the last point, that the German Government is infringing on the rights of the German people, whom I consider my friends and with whom I have enjoyed a wonderful relationship for the last 30 years.

Over the years that I have endeavored to protect artistic freedom for all in Germany, it has been gratifying to know that I have not been fighting alone. Many officials in Congress and the executive branch have defended my right to perform and my right to spiritual choice.

Those of you such as Congressman Payne, Congressman Pastor, and Congressman Ney who have repeatedly championed my case, I thank from the bottom of my heart.

I am grateful also for the support of State Department officials such as Secretary Coffey and his staff, Janice Wiener and others concerned with the German Desk.

Ladies and gentlemen of this Helsinki Commission, I urge that, as the U.N. Special Rapporteur has done, the Commission send an official fact-finding delegation to Germany to investigate and report back to Congress, our government, and the American people on minority religious discrimination and, in particular, on the German Government's violations of the rights guaranteed under the Helsinki Accords.

I further recommend that the resolution by Congressmen Payne and Ney which demands that Germany meet its human rights obligations is given your full support.

Just one final note. I believe that freedom to express to one another what we really think about life and freedom to create and share music and art with one another are the most cherished and basic rights needed to have a truly free and democratic society. Artistic and religious "cleansing" have no place in this.

Thank you for hearing my testimony.

Chairman **D'Amato**. Thank you, Mr. Corea.

Mr. Hayes, you made reference to a family and a gentleman who was upwardly bound, they are here today? Would you identify them?

Mr. **Hayes**. Yes, Mr. Chairman. Mr. Waterkamp.

Chairman **D'Amato**. Mr. Waterkamp and his wife and their two children.

Mr. **Hayes**. Yes.

Chairman **D'Amato**. Mr. Waterkamp, you are living now in the United States, you are working here?

Mr. **Waterkamp**. Yes, we are living now in California.

Chairman **D'Amato**. In California, and you couldn't get a job after this business where it was revealed you were a Scientologist and you lost your employment in Germany, is that right?

Mr. **Waterkamp**. Yes, I was searching for 8 months and I couldn't get a job. The company that fired me said it was company policy not to hire Scientologists, and this was known in Germany and nobody would hire me.

Chairman **D'Amato**. You were effectively blacklisted then.

Mr. **Waterkamp**. Yes.

Chairman **D'Amato**. And a head-hunter, as Mr. Hayes said—I think sometimes we have to put a face, a human dimension on these issues—these are not just numbers. I've met these two beautiful young daughters—congratulations on such a beautiful young family—this morning at breakfast, and I didn't know. I thought they were just visiting from California. Then I was told that they were forced to leave because the gentleman could no longer hold a job, after he was upward bound, and he was thrown out not on the basis of poor performance, but because he is a Scientologist.

I don't endorse any religion, that's up to the individual. You don't even have to believe, but that's your right. If you don't want to believe, that's your right. I think that because of the sensitivity today that we are afraid to speak to these issues, you know, as to whom we offend. You have a beautiful family, and we are certainly proud to have you

here in our country, but we want you to be able to make those choices as to where you want to live and where you want to work on your own. Thank you for coming today, and for bringing your family.

Before I turn to my colleagues, I just want to make an observation because some are going to ask and some are going to say why—why this hearing—is it John Travolta who brought this, or is it Isaac Hayes or Chick Corea, is that why? Well, what about those millions throughout the world, who don't have somebody of some prominence, who don't come forward—and I think Mr. Corea said it very well in his testimony—about the nameless faces, but they are people and they have families just like the family that we saw here, just like the children that we saw here.

I cannot believe that this gentleman—now, maybe he's a master spy, but it doesn't seem to me that this gentleman poses any kind of threat so that he would have to lose his job and see his family turned out. I've seen this kind of situation, and we are cowed by the alliances that we have, and somehow those who may speak out are then branded as being “anti” some country. Nobody here has said one negative word about the German people. As a matter of fact, what I've heard is friends, well received, loved, who want to continue whether it's in their profession or work, whether it's in their ministry, but that it is government policy that puts out this kind of absolutely absurd, horrible, horrible kind of limits debasing people. That it is political parties engaging with the act of participation with government that would ridicule and hold up to scorn and, indeed, encourage the kind of demented activities by the skinheads and others, and then they go, oh, it wasn't us, we didn't do it, we didn't burn that building, we didn't attack these people.

If you create the climate in which prejudice and hatred can abound, what do you think is going to take place? And so there are going to be those who say—and I understand the body politic—oh, why are you engaging in this? Because it is our job. Congressman Hoyer and I and others have been on this Commission and engaged in its work. If we're going to be just some kind of lip service show thing to take up the popular causes, I don't endorse nor do I condemn nor is it the job of this Commission to endorse any religion, any group, any belief, or any disbelief. That is for the individual to decide on his or her own how they want to worship. But it is this Commission's job to speak out and to search out whether or not those who are signatories to the Helsinki Accords will be protective of those individual rights. It is ours to monitor and to report, and we will do that, and that is our obligation. There will be a meeting in November, and we will see to it that we discharge those duties not when it's just popular because there's a large number of people, or there is an ethnic group that has political clout in their country, that's easy. But what about when there is a small oppressed minority? Do they not have the right to the protections guaranteed by this Constitution and by those official Accords that we and others have signed?

Let me say again, and I will repeat for those who are here and for the record once again when asked why, why this Commission, why this work? Because it is our job. It is our job. It is the very charter, the Helsinki Accords to which we are signatories. We don't just want to be signatories for the purposes of politics. There were some who signed, on the alter of political expedience as, indeed, the Russians signed. How many days and how many times and how many trips did Congressman

Hoyer and I take to hold the Russians accountable. Didn't we do that, Congressman? Didn't we bring them to task as they persecuted Jews, and Pentecostals, and fired people from their jobs, and put them in isolation? And we fought for them, we fought for their release, and we met with them. It's easy to do when there are millions of people, whether they be Catholics or Jews. We did. Easy to do when we're fighting those who are totalitarian on their face.

What about holding our friends and neighbors accountable? Maybe not so easy. Maybe with some political risk. But it's easy to mount the campaign.

So I'm going to refer to the words of Elie Wiesel when people ask why. These were his words when he accepted the Nobel Peace Prize on December 10, 1986, not so long ago. "We must always take sides. Neutrality helps the oppressor, never the victim." Listen to that—incredible—neutrality helps the oppressor. "Silence encourages the tormentor, never the tormented." Think about that. Think about the skinheads who rove and burn and pillage, and people who have to live shut away, afraid to mention that they may have a belief, afraid that their children will be oppressed, because there are those of us who live in this great and powerful and wonderful democracy where people have a right to say what they want, you can agree and disagree, and now they have to be silent because there is no one to speak up and the tormentor becomes even more emboldened.

Then Elie Wiesel goes on to say, "Sometimes we must interfere. When human lives are endangered, when human dignity is in jeopardy"—listen to that, when human dignity is in jeopardy—"...national borders and sensitivities become irrelevant." Ah, were we to have a government that would put aside the niceties of our political alliances and stand up for those who are victimized. It's pretty hard to tell your brother or your sister or even your child that you're doing the wrong thing, even within our families, let alone to say to an ally, a great ally in terms of trade, in terms of the military, in terms of all of those national alliances, "Wait a minute, this is wrong." Elie Wiesel says that "when human dignity is in jeopardy, national borders and sensitivities become irrelevant. Wherever men or women are persecuted because of their race, religion, or political views, that place must, at that moment, become the center of the universe." To all of those inquiring, doubting, probing people who may ask that question of this Senator, of this Commission, now or later, that is my response to you.

Congressman Salmon.

Mr. **Salmon.** Thank you, Mr. Chairman. It's been very, very enlightening to hear you gentlemen testify about some very real persecution that's happening across the globe.

Let me first say as we talk about minority religions, let me remind us all that every religion that began on this planet was a minority religion when it first began. In fact, when the early Christians began to profess their beliefs, they were thrown in to play with lions to defend their religion. So religious persecution is not a new phenomenon that is just associated with our day and time.

Senator D'Amato referred to comments I made earlier in this hearing regarding persecution of my ancestors when they wanted nothing more than to believe how they wanted to believe. A couple of hundred years ago, a band of insurgents decided that it was so important that they be

able to worship according to the dictates of their conscience, they came over here and they tried a great experiment. That great experiment has become this country.

Now, if we stand for anything—if we stand for anything—it ought to be that an individual ought to be able to worship and believe according to the dictates of his or her conscience. We ought to be willing to die for that.

Here in the Congress, we ought to be at least willing to stand up and fight for it. I don't know if we've got too many people willing to die for anything around here except maybe a campaign contribution, but other than that—

[Laughter.]

Chairman **D'Amato**. That's going to be the quote of the week.

[Laughter.]

Mr. **Salmon** [continuing]. Other than that—or kill for it—I truly believe that this is an issue that we ought to make of the utmost importance. I know there's a lot of misunderstanding yet in this country. We profess to be tolerant. We profess to stand for religious freedom. But, yet, religious persecution still is perpetrated within the walls of our own country. It happens. When bigoted statements are made, sometimes the press decides that they are going to make an issue of it, if it's a politically correct religion; if it's not a politically correct religion, well, then they don't defend. I think that's hypocritical. I think it's time for us to stand for that fundamental right that anybody—anybody—on this planet, especially in this country, be able to worship according to the dictates of their conscience.

Having said that, that is a right that I cherish dearly, and I will fight to preserve for my children, and I'm glad you're here to fight for yours.

I have a question or two, real quickly, and then we've got to run to a vote, Mr. Chairman, it sounds like, is that correct?

I have a question that I'd entertain for any of you to answer, and that is, are you aware of any other Western country that has used the equivalent of our Federal Bureau of Investigation to conduct an official observation of your church, other than Germany? Anybody can answer that question that would like to.

Mr. **Travolta**. I'm not.

Chairman **D'Amato**. Counsel, you've made a study of this? Mr. Selthoffer?

Mr. **Selthoffer**. I was speaking with a "sekt" commissioner about 2 years ago, I was out just to do a small story on a church in Berlin, the Evangelical Christian Church, Cologne, and the "sekt" commissioner boasted of ties with the FBI and the ATF and stuff like that, he said he had worked and cooperated with them, et cetera, and I immediately just made some phone calls, it was just completely ludicrous. I believe he was inflating his credentials for his own work there in Germany.

He also at that time boasted to me personally about watch what we do in Russia. I said, what do you mean? And he said, with you charismatic Christians, or Christianity, we will keep you out of Russia. I didn't know what he meant. Then, from there, he went on, you know, he wanted to speak with me more up in Denmark, but the "sekt" commissioners are something that just needs to be looked at.

We're looking at the symptoms here today, but I would like to look at the people who have been doing the fingerpointing in Germany and around Europe, and their relationships with the government.

Mr. Salmon. It seems hauntingly reminding of a similar circumstance back in the 1940s—or in the late 1930s—when people thought that it began as something that they believed to be benign, and it turned out to be the great Holocaust. It turned out to be one of the worst, if not the worst, persecutions of people in this world that's ever existed and, frankly, it frightens me because things like we've just seen today, these kinds of periodicals and things that were distributed, it begins. I don't consider that to be benign, I think that they've already gone several steps too far. But I would predict that if this is left unchecked, it will end violently, and it will end in a way that is not acceptable to anybody who cares about human rights across the globe.

Chairman **D'Amato.** Congressman, let me call—I know he only has a few minutes—a great, great champion of human rights and great fighter for many, many years, Congressman Hoyer.

Mr. Hoyer. Thank you very much. I had the opportunity to chair the Commission when the report to which one of you referred was issued in 1993, before we had a "hostile takeover" of the organization of which I am a member.

[Laughter.]

Mr. Hoyer. Why? Why do you think this is occurring in Germany? What is the cause? What is the motivation? Mr. Hayes, the gentleman whom you introduced stood and said he has been unemployed and black-listed because of his association with Scientology.

Clearly, you know many African-Americans have a similar story of lack of opportunity, or denied opportunity, or, in fact, removal from situations of opportunity because of race. We know that racism is endemic, unfortunately, throughout the world, and continues to be a real problem in this country.

Why in Germany do we see this phenomenon directed at Scientologists? And I was not asking just you, Mr. Hayes. Mr. Travolta and Mr. Corea and Mr. Selthoffer, I would be interested in your view as well.

I apologize. As you heard, we have a vote, so we will go soon.

Mr. Travolta. I'll make it short. In brief, we don't really know. As said in my statement here, there is some accusation of political objectives, but we have never, ever been political, and that's the only thing that I know of. Frankly, we are trying to talk, to find out what is wrong, but we can't. There is no forum to do this, and that's why we're coming to you for your help.

Mr. Hayes. I'd like to make an observation. It could be out of lack of communication. When the unification of Germany occurred, they had some economic problems. Usually in a society where jobs seem to be threatened and so forth, people tend to get uneasy, and they feed on the flames of ignorance and fear.

Scientology, the religion, people who are Scientologists, the technology that we study, the principles that we practice, there are some people who apply technologies and they become pretty much well off. When someone sees something like that happen, it tends to threaten one's existence, and that's just a human frailty. That's the only thing that makes sense to me at this point.

Mr. Hoyer. Thank you, Mr. Hayes. Mr. Corea.

Mr. Corea. I had one thought because I and others who are intelligent and logical and reasonable have been asking that question for years. I mean, it's the question to ask. I think, for me, what I finally can grasp as the simplicity of it is that if the answer were a reasonable one, as the

question is, it would have long ago been answered. So, we're not dealing with reason, which is the frightening part of it. We're dealing with incredible, weird, wild emotions.

A number of the government people here amongst the Senators and Congressmen have already personally experienced this kind of illogical response to the question why. It's been asked. I think the answer is that it's not a logical one, and therefore the problem.

Mr. Hoyer. Mr. Selthoffer, did you have a response?

Mr. Selthoffer. I've also thought on that question myself about the last year of so. I'm not a psychiatrist, I'm not a police officer. The people I've talked to in the beginning of the Enquete-Kommission, members of the SPD and things like this, they would question us when we were asking about the Enquete-Kommission, are you a "sekt?" There are secretaries. We received no faxes, no basic information on who was forming the Kommission, outside of its own purposes, and stuff like this.

I alone didn't have this problem, but also other attorneys around Germany asked regarding it. We were basically stonewalled. There was no open communication. As Mr. Travolta said, there is no forum for discussion. The mechanisms, as we've watched the problems with Scientology, the German mechanism of in every conceivable aspect of anybody's life are fully in motion against that group, and there's nothing stopping them from turning to the next one, or the next one, or the next one.

I don't believe in their good graces, or any government's good graces. There has to be constitutional limits, and checks and balances. I think in this particular instance, there is a lack of checks and balances, or maybe a lack of watchdog groups not only in Germany, but across Europe, that could ring the alarm bells and bring, whether it would be court cases or media, to bear on the situation. That's just my own opinion, but I think it's pretty much the situation, especially also with Eastern Europe. They don't understand constitutional protection yet, as you well know.

Mr. Hoyer. Well, I thank you for your answers. Mr. Corea, I think you may be right. Obviously, prejudice tends to be irrational, fear-driven. That is unfortunate, and we find it in all of our societies.

There is a forum, and that is what the Chairman has brought up. I have the opportunity on at least an annual basis, and usually more regularly, to interface with members of the Bundestag for the purposes of meeting in the OSCE Parliamentary Assembly. Chairman D'Amato, of course, is the leader of our delegation, but has not been able to go, so I have led our Delegation to the Parliamentary Assembly, of which I am Vice President, for the last 4 years. I am going to discuss this with my friends from the Bundestag, who are good people, and see if there can be discussion on why this is happening.

Obviously, the skinheads we understand. We have skinheads in the United States. We have haters. We are not going to eliminate that, tragically, from my religious perception, perhaps, in our lifetime until, from my perspective, the "second coming." But, having said that, what we must eliminate is governmental sanction and support for that. That is the key.

We are not going to eliminate all the haters of the world, unfortunately, but we can eliminate their support structure in a formal way, as societies. I want you to know, Mr. Chairman, I will certainly pursue this, and will be back to all of you and to our Chairman. Thank you very much.

[Applause.]

Chairman **D'Amato**. Let me say that we intend to use the proper authority that is vested in this Commission not to be confrontational, but to be inquisitive, ask why, and to seek the kind of dialog and open the doors that can bring about understanding and cooperation. We all have an obligation to do that. I don't think anybody wants to be told, "You must do X, Y, or Z." This is not a question of being "in your face," but it is a question of putting forth the facts as those of you have testified, and some who, by their presence—Claudia Engel, again, a woman who literally lost her profession because of being a Scientologist. Claudia, why don't you stand? Again, she is the young woman who Mr. Travolta talked about, who had an employment agency and who saw her business destroyed because of her belief. Why don't you come up.

Ms. **Engel**. The thing you were pointing out, that was—in my case, it was the government who said, "You are not OK to have this profession because you are a Scientologist," so it wasn't any skinhead or somebody, it was the federal minister who gave this order out that no Scientologist is allowed to get this special license you need to do this personnel agency. So, no Scientologist should have been able to get this, and this is the reason why they did take my license away.

Chairman **D'Amato**. You had been in this business for how long?

Ms. **Engel**. Just half year, so I got tested before, like police statement that said everything fine, and then by newspaper report it was found out—and they really say we found another Scientologist. I had to sign the declaration like you have to do if you get a job or something, telling that I'm not a Scientologist, that I don't think the teachings are right, and that I'm not a member. Yes, it's even that I didn't have read a book. I should have signed it and, of course, I didn't because I don't lie because of my beliefs. The answer I got just a few days later with a cancellation of my license, and telling that I'm an unreliable person, and to have this label means like brand mark, you know? So, I, of course, went in front of the court and I did win this court case in the second instance, but the judge said that it is illegal what the government does. So, the judge are telling that it is illegal, but this doesn't change the situation. This order from federal minister is still there, and I still have to fight to get my license continued.

Chairman **D'Amato**. Let me say—and, again, I think it's important that we are able to call someone who would otherwise be a nameless, faceless number. In other words, unless you were here, it would be just someone, or the fact that people lose their jobs and can't work. We thank you for coming forward because you are now a person. This is what's happening to people. The Waterkamps and their family, they are people. This is what is happening, and that's why I make a commitment to you that I will attend—if we are out of session, and I think we will be—in November, the review meeting for human rights, human dimension implementation, which talks just about this, which will be held in Warsaw. I will raise this issue personally, and I will raise it not in a confrontational or adversarial manner, but in a manner to see if we can't open dialog with people who someone can see present no threat to national security or to the peace or well being of other citizens, and what you're saying is let us be what we want to be, without there being this harassment and this official, from what I hear you testify, is governmental action to suppress and to oppress people because of their beliefs.

So, that's a commitment that I make as Chairman and as a member of this Commission.

Let me ask if there is anything anyone wants to say before we conclude. Any member?

Ms. **Engel**. I just want to thank you very, very much because I came over here because it is a real hope I have personally and I have for all fellow Scientologists in Germany, because we don't have the chance in Germany to talk to make such a dialog, which I think is the right thing. So, thank you very much.

Chairman **D'Amato**. I want to thank you, we want to thank you, Mr. Travolta, again, who has loaned himself—and let me tell you, it takes courage for even a great performer to come forward when there is so much in the way of controversy as it relates to a religion, a belief, et cetera. Isaac Hayes, Mr. Corea, I want to thank every one of you, Pastor Jones, Mr. Selthoffer for coming forward and revealing themselves and, really, putting themselves up and saying, yes, this is where I am, this is my belief, and I am willing to fight for others. You don't need to. You don't have to go to Germany ever. None of you have to go there to perform. It's not going to cost you one penny. You'd probably just devote your attentions in other areas, but we're talking about people who otherwise would be abandoned—who would be abandoned in silence. That's what Elie Wiesel was talking about.

I'm going to ask you to join us over here, the members of the panel, because the media would like to ask some questions, and we will provide them with the opportunity, and we stand in recess, and you have our deep thanks for being here.

[Whereupon, at 2:10 p.m., the Commission was adjourned.]

APPENDICES

WRITTEN STATEMENT OF CHAIRMAN ALFONSE D'AMATO SUBMITTED FOR THE RECORD

We are here today to look into a matter that touches one of our most cherished and most personal rights, the freedom of religion or belief. Unfortunately there are a number of countries in Europe today that are abridging religious freedom.

Not only does religious intolerance violate human rights and threaten democracy and peace in Europe today, but in the recent past, it has led to the tragedies of the Holocaust and the Bosnian genocide.

The right to freedom of thought, conscience, religion or belief is an internationally recognized human right. Article 18 of Universal Declaration of Human Rights and Principle VII of the Helsinki Accords provide for freedom of thought, conscience, religion or belief.

Our witnesses will tell us how governments are breaking their promises in the Helsinki Accords to "recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience."

All European states have signed these accords. But some European laws and regulations don't respect freedom of thought conscience, religion or belief, in conflict with their international human rights obligations. Their conduct speaks louder than their words.

We are here today to examine whether these governments have kept the promises they have made. Even those who hold minority beliefs deserve tolerance.

America has always had a special role leading the world to recognize and protect these fundamental individual rights and the Commission is pledged to monitor violations of these rights. We look forward to hearing the testimony of these witnesses, who represent the Catholic Church, the Ecumenical Patriarchate, the Jehovah's Witnesses, Islam, the Church of Jesus Christ of the Later Day Saints, Judaism, Christian evangelical churches, the Church of Scientology, and a Russian religious liberty institute. We will stand with the oppressed who need our help. We will hold to account governments that fail to live up to their promises.

Some may ask why we criticize the use of government power to protect the majorities in those societies.

Let me answer those questioners with Elie Wiesel's words, spoken when he accepted the Nobel Peace Prize on December 10, 1986:

"We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented. Sometimes we must interfere. When human lives are endangered, when human dignity is in jeopardy, national borders and sensitivities become irrelevant. Wherever men or women are persecuted because of their race, religion, or political views, that place must at that moment become the center of the universe."

Assaults on minorities are one of the early indicators of serious trouble in societies. When governments attack minorities—including religious minorities—the situation then becomes perilous.

Using the police power of the state, some governments have narrowed the freedom of thought, conscience, religion or belief to the point where it could vanish.

Let me give you just a few examples:

The Russian Duma is about to consider legislation that would restrict freedom of religion or belief in Russia. This follows a Yeltsin veto of an earlier bill that contained serious restrictions on this vital right. The proposed law would limit freedom of religion for millions of Baptists, Catholics, Pentacostals, and others. It is outrageous and unacceptable that such religious bigotry could become law in Russia at the end of the Twentieth Century.

The United States Senate passed an amendment on July 16th by a vote of 95 to 4 cutting off U.S. aid to Russia if they adopted such a statute.

I voted for that amendment, and so did all of this Commission's Senate members. We will be watching the outcome of this new bill very closely.

In Bulgaria, foreign missionaries have been refused visas and residence permits and some were physically assaulted. Mormons had personal belongings confiscated and police beat Jehovah's Witnesses.

In Uzbekistan, the largest Protestant church has been blocked from registering as a church, and its pastor has been imprisoned and denied a lawyer. Independent Islamic leaders have disappeared, and bibles and other religious materials have been confiscated.

Unfortunately, these problems exist throughout Europe.

With the end of World War II and the prosecution of the the Holocaust's criminals, the world agreed that religious and ethnic minorities had to be protected. Bosnia is a bloody warning to all of us that those protections are still fragile.

We cannot, and we must not, stand silently by while basic individual freedoms enjoyed by members of the majorities are denied to members of minorities.

Now, I will turn to my distinguished Co-Chairman, Congressman Chris Smith, for any opening remarks he may desire to make.

WRITTEN STATEMENT OF CO-CHAIRMAN CHRISTOPHER H. SMITH, SUBMITTED FOR THE RECORD

Mr. Chairman, members of the Commission, ladies and gentlemen, I appreciate the opportunity to join you for this Helsinki Commission hearing on the issue of "Religious Intolerance in Europe Today."

I know that there is heightened interest in today's hearing because three celebrities are slated to testify. They and our other witnesses are very welcome to be here. However, in the interest of fairness, transparency, openness and truth, I am very hopeful that our inquiry into Scientologists' allegations of intolerance be explored with due regard to the substantial concerns raised by governments, including the United States Government, concerning the practices and methods employed by Scientology. To examine one without a thorough knowledge and understanding of the other runs the risk of doing a grave disservice to the cause of human rights in general, and religious liberty in particular. The inquiry should be exhaustive and today's hearing is only the beginning. Interestingly, in correspondence received yesterday, the German Government states that "[a]mong the countries that do not consider Scientology a religion are Belgium, France, Germany, Great Britain, Ireland, Italy, Luxembourg and Spain, as well as Israel and Mexico." I look forward to hearing more about this.

The Commission has assembled an impressive and diverse panel of witnesses who are experts on a subject of increasing concern to the Congress, the Administration and the American people the violation of the "freedom of thought, conscience, religion or belief." Mr. Chairman, today's hearing is particularly timely the week after the world bid farewell to Mother Teresa, the selfless, humble woman who because of her religious faith devoted her life to tolerance and love for the poor and the outcast, regardless of their religious beliefs. In only a few days on September 28 the International Day of Prayer for the Persecuted Church will be observed around the globe.

In this connection, we are quite aware that there are countries outside of Europe, such as Sudan, Iran, and China, that are known to be a living hell for countless religious believers. In some countries, practicing one's faith may be equivalent to signing one's death warrant. Both the House and the Senate has heard blood-chilling testimony to this effect. The internationally recognized right to "freedom of thought, conscience, religion or belief" is carefully delineated in the Helsinki Final Act, the 1989 Vienna Concluding Document, and the 1990 Copenhagen Document. These obligations are the standard throughout Europe, and this is the rubric under which today's hearing is being held. We are prepared to hear from representatives of various religious faiths and beliefs, and to address the obstacles that prevent individuals in Europe from freely professing and practicing their religion or beliefs. Today's hearing will not confer status of any kind on any individual or organization.

Certainly today's focus on Europe does not imply that our own history has been free of discrimination and repression. There is a reason why so many members of the Church of Jesus Christ of Latter Day Saints reside in Utah. In 1844, Philadelphia—the city of brotherly love— was the scene of bloody anti-Catholic riots over which version of the Bible would be read in city schools. We still need to be vigilant against reli-

gious intolerance in our own country, whether engendered by fellow citizens or by government bureaucrats with little understanding or sympathy for religious faith.

Religious freedom, Mr. Chairman, is not something "just for religious people," nor is it isolated from the other basic freedoms. Religious freedom, essentially, is the right to freedom of speech, thought, and assembly directed toward one's deepest spiritual needs. If the state is permitted to deny these basic rights to one person or group on the basis of religion, what is to prevent the state from denying these rights to other persons or groups, for other reasons? As theologian Martin Niemoller reminded us, if we don't defend today's minority, who will be around to defend us if we are subjected to tyranny?

The focus of our hearing today is on Europe. The United States is deeply interested in the development of security, cooperation, democratic development, and civil society in Europe. We must, with our friends and allies in Europe, help preserve and expand the foundations for a more tolerant Europe, free from the religious and ethnic intolerance that has led to bloody wars in the past— wars in which the United States has become involved.

Also, I note that the Organization for Security and Cooperation in Europe (OSCE) has been suggested as a model for development of security and cooperation in other regions of the world. Legislation has been proposed in the Congress that would promote OSCE-type arrangements in Asia, for instance. There have been nascent efforts to establish an "OSCA" for Africa. Mr. Chairman, we need to be ever vigilant to ensure implementation of basic agreements on religious freedom that have already been adopted. For if we are not true to the words contained in the original documents, how can we honestly promote them as a model for another region of the world?

Mr. Chairman, I would mention in particular specific problems that have come to our attention recently.

First, in the former Soviet republics, where the Communists suppressed religion for 70 years, a religious revival accompanied the campaign for, and the attainment of, independence. But this natural and healthy tendency has often led to concerns about the influence of non-traditional religions and their success in proselytizing among people coping with the spiritual and economic consequences of the collapse of communism. In many cases, governments have coopted nationalist symbols, including religion, and have cooperated with established religious structures in restricting the activities of what they see as "newcomers."

In Russia, there has re-emerged, after President Yeltsin's first veto, proposed legislation in the Russian parliament that, if enforced, could return Russia to the days of the commissars for so-called "minority faiths." For instance, in order to enjoy full legal rights under the proposed law, a religious organization would have to prove that it has been "legally existing" for fifteen years that's back to 1982, when those churches that did exist openly were tightly controlled by the Kremlin, and Yuri Andropov was throwing dissidents into the GULAG for, among other things, seeking religious freedom.

Apologists for this new legislation claim that it is needed allegedly to "fight crime." True, there is crime in Russia, but certainly it is not gangs of Mormons or Jehovah's Witnesses who are mowing down business rivals in the parking lots of sleazy casinos. And, it wasn't the

Catholic or Baptist churches that were running phony pyramid schemes to wipe out the savings of desperate investors. As Keston Institute's Moscow representative Larry Uzzell (a good friend who has my highest respect, and who recently conducted an extensive Commission briefing on the draft Russian law) recently concluded, "the secret-police informers, collaborationist clergy, and xenophobic bureaucrats in the nomenklatura's old-boy network think they have a natural right to dictate to all confessions in Russia. [And] Unless Yeltsin reverses course, they will get it."

Armenia's 1991 law on religion prohibits proselytizing, and President Ter-Petrossian has recently had to resist attempts by parliament to restrict further the activities of religious minorities. In Azerbaijan, a January 1997 decree banned activities of foreign religious missionaries, following June 1996 amendments to the religion law, which prohibit the preaching of religions alien to Azerbaijani traditions or those which "might lead to a division of society." The Word of Life congregation, one of the largest Protestant churches in the country, has been registered as a non-profit organization that delivers relief to thousands of refugees, but has been unable for the past three years to obtain church registration.

In Central Asia, where the dominant religion and cultural force is Islam, restrictions have been placed on printing and distributing religious literature and speech, especially in the indigenous language, and on organizing religious meetings. In addition, the majority Muslim and Orthodox Christian communities have allied against Protestant and other minority religious groups to counter the increase in foreign missionary activities. In Uzbekistan, for example, the Protestant church Word of Faith has been unable to gain registration, despite repeated attempts to comply with registration laws, perhaps because the church uses the Uzbek language in its activities. The senior pastor, Denis Podorozhny, an Uzbek citizen, has been imprisoned repeatedly and denied a hearing and a lawyer, while being held incommunicado. Moreover, we have heard reports that Uzbekistan's Government has confiscated a shipment of 24,960 New Testaments, apparently because they are printed in the Uzbek language.

Religious minorities confront impediments in a number of post-Communist transition countries even in countries that generally respect human rights and are making notable progress in their democratic development. Even Bulgaria, a country that generally respects human rights, continues to deny to some minority religious organizations which the authorities do not consider to be mainstream faiths—such as the Jehovah's Witnesses, Word of Life and the Unification Church. Without such registration, religious groups encounter discrimination, as they cannot open bank accounts, own land or other property, rent halls and offices, and are not entitled to standing in a court of law. Members of other churches, including the Mormons and certain evangelical groups, have experienced harassment and even assault.

These are just some of the concerns that we have regarding religious intolerance in Europe. I know that our witnesses will have much more to add on this subject.

In closing, I want to reiterate what I said a few weeks ago during a Commission briefing on the proposed Russian religion law. Our concern here should not be seen as hostility toward, or a challenge to, any other faith. The fact is that a "minority" denomination that experiences dis-

crimination in one country may enjoy respect and even government deference as the "majority" denomination in another country. We ask only that states live up to the human rights commitments, including the Helsinki Accords and the Universal Declaration of Human Rights of the United Nations, which they have vowed to uphold.

Mr. Chairman, I look forward to our witnesses' testimony. Allow me to apologize in advance that I must leave the hearing for less than an hour in order to chair the mark-up of the Freedom from Religious Persecution Act (a bill which would cut off non-humanitarian assistance and impose trade sanctions, among other provisions, should the particular country engage in widespread and ongoing religious persecution). An International Relations meeting with the Secretary of State was called for this afternoon, which has required that the mark-up, originally planned for this afternoon in the Subcommittee I chair, be rescheduled for this morning. Thank you, Mr. Chairman.

**WRITTEN STATEMENT OF FR. DREW CHRISTIANSEN, S.J.,
DIRECTOR, OFFICE OF INTERNATIONAL JUSTICE AND PEACE,
U.S. CATHOLIC CONFERENCE, SUBMITTED FOR THE RECORD**

Thank you, Mr. Chairman, for the opportunity to contribute to the Helsinki Commission's ongoing efforts to promote greater respect for religious freedom, in accord with the commitments undertaken by the Member States of the Organization for Security and Cooperation in Europe. The congressional Helsinki Commission is to be commended for its strong leadership in protecting religious liberty in OSCE states for many years now.

The U.S. Catholic Bishops' perspective on religious freedom in Europe is based on our experience working in the region and our close ties to the Catholic Church there. Since 1990, our program to aid the Catholic Church in Central and Eastern Europe, which is funded by a national collection, has given some \$37 million to help revive the life of the Church, from training priests and catechists to establishing charitable programs. This program has also sent hundreds of volunteers to share their expertise with the church in the region. Catholic Relief Services provides training and relief and development aid to people of all faiths in Bosnia-Herzegovina, Croatia, Serbia, Macedonia, Albania, Bulgaria, Belarus, Czech Republic, Georgia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, Ukraine, Turkey, and Russia. In addition to these aid programs, the bishops' conference works closely with the Bishops of Europe on matters of religious liberty, human rights, conflict, and ecumenism.

In all our activities, we first listen to the pleas of those who are suffering under intolerance of religion, and seek their counsel and advice on how we can help relieve their plight. For us that means close consultation with the bishops of the given country as well as the Holy See. We are convinced that the people who are the victims of intolerance and discrimination are the best sources of information and advice. They are the experts on their own situation; they understand the cultural and social conditions in which they must struggle for their own liberty, and they will be the ones impacted by the protests and actions of outsiders.

In my testimony, I will, first, outline the Catholic understanding of religious liberty. I will, then, summarize the major religious liberty problems that remain unresolved in Central and Eastern Europe, citing a few specific examples. Third, I will comment on tensions between majority and minority religions as they are reflected in church-state issues. Finally, I will conclude with a few suggestions as to how Americans can support religious liberty and religious tolerance in Europe.

A CATHOLIC PERSPECTIVE ON RELIGIOUS FREEDOM

Pope John Paul II has said religious freedom is a "cornerstone" of the structure of human rights, an "irreplaceable factor" in both the individual good and the common good, which consists of a just and peaceful social order.¹ Religious freedom has both a personal dimension—the freedom of conscience—and a social dimension—the free exercise of religion.²

Freedom of conscience is the freedom to make a personal decision based on one's beliefs free of external coercion and discrimination. Freedom of conscience requires that government policies, the media and other institutions respect religious beliefs and not attempt to destroy or undermine them.

Because human nature is both personal and social, freedom of conscience is tied to the social dimension of religious liberty: the free exercise of religion. Free exercise means that no one may be forced to act contrary to one's beliefs, nor may one be restrained from acting in accordance with one's beliefs. The free exercise of religion may be divided into three interrelated components. Freedom of religious expression and evangelization includes freedom to worship as a community, freedom to publish and to communicate through the media, freedom to educate one's children in their faith, and freedom to address the religious and moral dimensions of social, economic and political questions. Ecclesial or institutional freedom is the right of religious bodies to internal autonomy, including the right to a legal personality, the freedom to develop and teach religious beliefs, to choose, train, appoint and train ministers, and to obtain and use property. Freedom of religious association affirms the freedom of a person to enter or leave a religious community, the freedom to form religious groups for educational, charitable and other purposes, and the freedom to associate with co-religionists at home or abroad.

A state may restrict or limit religious freedom only for serious reasons, such as when the exercise of religious freedom is violating the rights of others, the public peace or order is threatened, or public morality is at risk.

It is clear from this brief summary that religious liberty is not just a right of the individual believer but is also a right of religious communities. Denial of juridical status to a religious body violates religious liberty just as discrimination against an individual believer does. It is also clear that religious liberty covers a broad range of activities, from freedom of worship to the right to establish charitable groups and to participate in and to seek to influence public affairs. Finally, it is clear that religious freedom is inextricably linked to other human rights, such as freedom of association, freedom of speech, and legal recognition of voluntary associations. The countries in Europe that continue to restrict religious liberty also tend to restrict these other rights, and vice-versa.

CURRENT AREAS OF CONCERN

While there are many problems of religious intolerance in Europe today, others testifying today are more expert on some areas than I, so I will focus, with a few exceptions, on the experience of the Catholic Church—especially in the former Communist countries of Central and Eastern Europe, where the transformation in the area of religious liberty has mirrored the broader transformation in these countries since 1989. The current situation is incomparably better for religious believers than it was 8 years ago, but religious liberty issues continue to be a source of considerable turmoil and tension in some parts of the former Soviet bloc and in other countries.

The religious liberty problems in Europe today arise from a variety of sources: lingering intolerance of religion among former Communists who have remained in the bureaucracy or have regained power; the general difficulties involved in moving from communism to democracy and instituting the rule of law; ethnic and nationalist conflicts with a strong religious dimension; conflicts within and among religious groups; and widely different conceptions of the meaning of religious liberty and

the models of church-state relations. Intolerance on the part of majority religions toward minority religions is just one of several factors that explain infringements of religious liberty.

1. INTOLERANCE ASSOCIATED WITH ETHNIC/ NATIONALIST CONFLICTS.

The “ethnic cleansing” of whole communities and the destruction of churches and mosques in Croatia and Bosnia-Herzegovina is a form of religious repression that was unmatched even in the darkest days of communism. The conflict in the Balkans is not a religious war, but it has a religious dimension because of the way religion and nationalism have interacted. Serious problems remain after the Dayton Accords. Authorities in Republica Srpska refuse to give permission for Catholic priests to return to Trebinje, Doboje, Brcko, and parts of Banja Luka to minister to the Catholics that remain there. In Croatia, Catholic priests are restricted from ministering in Eastern Slavonia due to resistance and threats from local Serbs, while some of the few Serbian Orthodox clergy who have attempted to return to Krajina face similar harassment. These restrictions on pastoral ministry are symptomatic of the larger problem of the inability of refugees of all religious and national groups to safely return to their homes in areas where they would be a minority. Those who attempt to return face harassment and violence, including several recent bombings of churches and mosques. The very survival of the Catholic Church in much of Bosnia is threatened by this failure to implement the right of return contained in the Dayton Accords; displaced Serbian Orthodox and Muslim communities face a similarly bleak future.

The integral link between religion and national/ethnic identity in Romania, Ukraine, Northern Ireland and several other countries also provides a pretext for discrimination and tensions, albeit of a much lesser magnitude. For example, in the past year in Northern Ireland, several dozen Catholic and Protestant churches and halls have been victims of arson amidst deepening sectarian divisions there.

2. RESTRICTIONS ON “FOREIGN” RELIGIOUS BODIES AND “SECTS.”

Laws in several countries restrict “non-traditional” religions by imposing special regulations on so-called “foreign” religions, often at the behest of the majority religion.

The new law on religion being considered in Russia is a well-known example of these illegitimate restrictions on minority religions. The current version of the bill which was sent to the Russian parliament by the Yeltsin administration accords different treatment for different religions based on whether they are “traditional” and on the length of time they have been legally recognized in Russia. The proposed bill would also construct a process of obtaining legal status—essential, for example, for owning property, employing religious workers, and producing religious literature—that is impossibly labyrinthine. The flawed bill is coupled with a proliferation of discriminatory local laws on religion pose a serious threat to so-called minority or non-traditional religious bodies in Russia.

In Armenia, a 1993 Presidential decree, issued in response to the Armenian Apostolic Church's concerns about the influx and growth of foreign and minority religious groups, gave the Council for Religious

Affairs authority to investigate and dissolve minority religious groups that proselytize in violation of the law and to closely regulate foreign religious organizations.

The government in Belarus is also restricting minority and foreign religious bodies. The law prohibits foreigners from holding church leadership positions, and gives the Council of Religious Affairs considerable discretion in excluding foreign religious workers. In January of this year, the government dropped its threat to not extend the visas of most of the 130 foreign Catholic priests serving there, but many priests could eventually be deported and the situation of some 100 Catholic nuns, who have been refused residence and work permits, remains tenuous. These foreign religious workers are essential to the life of the Church in Belarus and other countries because of the strict limits on the number of indigenous priests and religious orders under communism.

In several other countries, minority religious bodies and their adherents are discriminated against in various ways. In Bulgaria, some minority groups, such as the Mormons, have been refused registration. In Greece, the Catholic Church and other minority religious bodies have difficulty obtaining permits to operate houses of worship, permits which are granted on advice of the local Orthodox official. In Russia, it is common practice for the Orthodox Church to be consulted before a local official agrees to return a Catholic Church property or before permission is given to build a new one. In Turkey, minority churches also face difficulties gaining permission to acquire property and operate religious institutions. The Ecumenical Patriarchate, for example, continues to be denied permission to reopen the Halki seminary, which has been closed for two decades. Throughout Bosnia, religious minorities face discrimination in housing, employment, access to the media, and other areas of life.

3. RETURN OF CHURCH PROPERTY.

The return of property confiscated under communism has been a contentious issue in most countries of the region. In past years, disputes over restitution of property have strained the Catholic church's relationship with the state in the Czech Republic and Lithuania. This issue remains particularly problematic in Romania, where the Greek Catholic Church has faced obstacles in gaining restitution of properties confiscated by the Communist government and transferred to the Romanian Orthodox Church after World War II. An Orthodox-Greek Catholic commission has failed to resolve this issue. Greek Catholic representatives are supporting pending legislation that would return certain properties in rural areas where there is more than one formerly Greek Catholic church.

4. BUREAUCRATIC OBSTACLES.

In many formerly Communist countries, religious leaders, minority and majority alike, complain that administrative agencies or local governments fail to comply with laws on religion or place burdens on religious believers. In Russia, for example, government officials charge relatively large sums to license a new priest or to grant permission to purchase or build a church

CHURCH-STATE SEPARATION AND RELIGIOUS FREEDOM

The problem of respecting both the rights of majority and minority religions, is played out most visibly in the area of church-state relations. In general, the historical experience of religions in much of Europe, especially Central and Eastern Europe, has approximated one of two models.³ Through the first part of this century, many countries had a "state" church, which had a monopoly of religion in society and relied on the state both for special privileges and to limit or deny the rights of minority religions and non-believers. In Communist countries, a second model, the atheist state, which was intolerant of all religion, was the norm. Obviously, the state church and the atheist state model present serious religious liberty problems.⁴ The four models used here are adapted from Paul Mojzes, "Religious Human Rights in Post-Communist Balkan Countries," Paper presented at the Conference on Religious Human Rights in the World Today, Emory University, Atlanta, GA, October 69, 1994.

With the transformation of 1989, many in the West hoped and expected that Central and Eastern Europe would quickly adopt a third model, something akin to the American-style of religious pluralism based on a sharp church-state separation and the state's neutrality toward religion. Instead, in some countries, there is a tendency of majority churches to revert to the pre-Communist model of a state church, because, among other reasons, it was the model under which the majority church was free and flourishing and, from the perspective of some nationalist politicians, it is a model which can be easily manipulated to serve their interests.

In other countries, majority churches have not reverted to a state church model of the past, nor have they embraced strict church-state separation. Instead, their approach fits better under a fourth model, common in Western Europe, in which the state gives practical preference to the majority church or religion, but the majority church is not a "state church" because it and the state remain independent of each other and no effort is made to restrict minority religions. The Catholic Church in Poland, Hungary, and Lithuania, for example, are opting for a version of this model over strict church-state separation because they see it as more in keeping with their historical and cultural realities. They fear that church-state separation is being promoted, often by former Communists, as a way to promote secularism and to exclude the church from public life, effectively marginalizing and privatizing religion. The way church-state separation was misused under communism to repress religion only reinforces this fear.⁵

Since the Second Vatican Council, the Catholic Church would consider both the church-state separation model and the church preference model acceptable means for protecting religious liberty, depending on the circumstances. Obviously, if one accepts this view, then one will be more tolerant of religious education in state schools (assuming opt-out provisions are available for children of different or no religious background), clergy salaries paid by the state, state funding for religious groups, "Christian" standards for the media, and other policies that might not pass muster under the American system. Religious minorities and non-believers often contend these policies are unwise, incompatible with a modern democracy, or discriminatory. Whatever one's view, it is necessary to appreciate the theological and cultural

underpinnings of this model of church-state relations if one is to understand majority-minority church dynamics in Central and Eastern Europe.

CONCLUSION

In conclusion, I would like to offer a few suggestions for a constructive approach by concerned Americans to promoting religious liberty in Central and Eastern Europe.

(1) We should be careful not to impose a peculiarly American church-state model on countries of Central and Eastern Europe that have very different histories, cultures, and theological perspectives on this issue. Despite all the strengths of our First Amendment, American advocates for religious liberty should not fall victim to the temptation to remake other countries in our image. As deep divisions in our own country reflect, there is no simple answer to the church-state question nor is there only one legitimate church-state model for protecting religious liberty.

(2) The efforts by some traditional churches to impose restrictions on foreign and minority religions, especially in Central and Eastern Europe, derive in part from a deep-felt sense of insecurity, arising in large part from the effects of Communist restrictions. Traditional religious bodies often feel that they are at a distinct disadvantage vis-a-vis Western groups with significant resources and expertise, and these historic churches see the sometimes aggressive and insensitive activities of these groups as contemporary embodiments of centuries-long Western hostility. Those of us from Western religious groups must make a special effort to understand and show respect for the culture, history and theology of these traditional churches. It is vital that we reach out to leaders of these churches, and even help them rebuild the life of their churches, rather than seeing their countries and their congregants as fertile grounds for new converts. In that spirit, the Holy See encourages Catholics to assist the Orthodox in recovering from the long decades under communism control.

(3) Ecumenism is in its formative stages in parts of Central and Eastern Europe. Western religious groups can contribute to this development by ensuring that our activities are undertaken in a spirit of ecumenism and by looking for ways to support ecumenical initiatives in the region. Cardinal Miloslav Vlk, Archbishop of Prague and president of the Council of European Bishops' Conferences, said at the ecumenical assembly in Graz, that "the cries and wounds are still present in Europe among the churches, among us. On the other side, we have been surprised to find an incalculable number of signs that give rise to great trust...historical gestures of pardon, meetings, pilgrimages and above all a big network of prayers..."⁶ Among the many worthy interfaith initiatives to resolve problems, I would highlight major ecumenical meetings in 1994 in Russia and 1995 in Hungary to discuss religious and ethnic conflict and peacebuilding. These meetings were supported by the National Council of Churches, CAREE, and the U.S. Catholic Conference, among others. In Bosnia-Herzegovina, the World Conference on Religion and Peace is assisting local religious leaders in forming an interfaith council that should be an important forum for renewing interfaith dialog in a post-conflict situation. The historic assembly of all the Christian churches in Europe a few months ago in

Graz, Austria, is another example of the tremendous effort many churches are making to chart a new path of understanding and tolerance among the churches in Europe.

(4) Finally, U.S. policy must continue to press for adherence to the religious liberty commitments outlined in the OSCE's Vienna Concluding Document and other international commitments. The deep concern shown by the Clinton administration and Members of Congress for the proposed legislation in Russia are to be commended and should be replicated in other cases, where appropriate.

2. See the Second Vatican Council's *Declaration on Religious Freedom (Dignitatis Humanae)* (1965); National Conference of Catholic Bishops, *A Word of Solidarity, A Call for Justice: A Statement on Religious Freedom in Eastern Europe and the Soviet Union* (Washington, D.C.: U.S. Catholic Conference, 1988): 69.

3. The four models used here are adapted from Paul Mojzes, "Religious Human Rights in Post-Communist Balkan Countries." Paper presented at the Conference on Religious Human Rights in the World Today, Emory University, Atlanta, GA, October 69, 1994.

4. Archbishop Paul Tabet, Address to U.N. Human Rights Commission, Geneva, Feb. 14, 1994.

5. For example, in opposing a proposed constitutional provision that would declare the state "neutral" toward religion, the Catholic Bishops' Conference of Poland argued: "The state's neutrality of world view, like the notion of church-state separation, has associations with our post-war experience when non-believers received favors and the religious dimension was excluded from public life. The constitution should ensure the permanence of moral values rooted in the history and tradition of our nation, which is mostly composed of believers and which has lived with the Gospel for ten centuries. Its preamble should refer to God as the supreme authority and final protector of all human rights." Statement of March 18, 1995, quoted in *Catholic News Service*, March 29, 1995.

**WRITTEN STATEMENT OF DR. SHIMON SAMUELS,
DIRECTOR OF EUROPEAN AFFAIRS,
THE SIMON WIESENTHAL CENTER, PARIS**

ANTI-SEMITISM IN A UNITING EUROPE

The current European Jewish condition may be characterized by the following ten paradoxes:

1. The fall of the Berlin Wall and the end of the Soviet empire released the pent-up ghosts of classical anti-Semitism in countries where the Holocaust had succeeded, i.e., "an anti-Semitism without Jews" or a "phantom pain syndrome" (the limb has been amputated but the body still seeks to scratch it). The last vestiges of the ravaged communities of Eastern Europe are often the scapegoats for the pain of withdrawal from the central economy and the transition to market capitalism.
Yet East European anti-Semitism has less to do with "real Jews" than with the abstract image of "the Jews"—a euphemism or code word for "imported," "foreign," "Western," etc., e.g., the International Monetary Fund, the scapegoat for unemployment and inflation, is portrayed by ultra-nationalists as the tool of a Jewish plot manipulated by both Washington, D.C. and Tel Aviv. *The Protocols of Zion* have resurfaced in every post-Communist country, feeding a persistent disposition to hate that which is most feared—the unknown! To make sense of it, a conspiracy theory of invisible enemies of the nation is the line of least resistance.
Anti-Semitism in almost "Juderein" post-Holocaust Eastern Europe is a code to undemocratic conditions and behavior.
2. So-called "revisionist"—"Holocaust denial"—movements are growing as references to the horrors of World War II are becoming deJudaized, relativized or trivialized. Western Europe, bent upon unification, seeks a future-oriented identity unencumbered by wartime atrocities and animosities.
3. The end of the Cold War has by no means diminished the dangers of terrorism in Western Europe. Though pan-European cooperation between law enforcement agencies has become more effective, the surveillance and security measures around synagogues and Jewish institutions have not been removed. Indeed, the desecration of Jewish cemeteries and memorials has increased mimetically.
4. Ten million Muslims in Western Europe (the second religion demographically) have joined Jews as a common target for the resurgent extreme right. However, Muslim-Jewish solidarity in combating racism is more spasmodic than constant, due to differences over the Middle East.
5. Though 1997 has been declared the European Year Against Racism, the expanding European Union has witnessed the replacement of customs and border control officers by skinhead gangs and hatemongers who use the vectors of music and sport (racist rock groups and violence on the soccer fields) to recruit a frustrated generation of unemployable youth.
6. While anti-Semitism is clearly not a factor in European government policies and Jewish communities are not subject to state oppression, the perception of vulnerability persists, especially in

- confronting the memories of World War II and the deconstruction of national myths. This is exacerbated by the growing prominence of exclusionary political parties, especially in France and Austria.
7. The opening of state archives since 1989 in Eastern Europe has moved ever westwards toward a greater transparency and the 1989-1995 period was marked by fiftieth anniversary commemorations of World War II episodes. These emphases have brought the Jewish experience to the forefront of public concern.
 8. The Holocaust ironically acted as protective Teflon against blatant anti-Semitic expression for the post-War generation. The Teflon has now been eroded. Though qualified in some countries as a crime, anti-Semitism is becoming simply an opinion, e.g., the rhetorical radio question of former Hungarian Deputy Prime Minister Istvan Czurka: "If philosemitism is legitimate, why is anti-Semitism illegitimate?"

ANTI-SEMITISM AS RELIEF MECHANISM

Since the 1982 Lebanon war, the European media have consistently used Holocaust language to characterize Israeli policy, e.g., Beirut as "the Warsaw ghetto," Southern Lebanon as "the Sudetenland," Israeli "Luftwaffe pogroms," etc. These invidious comparisons have been effective in eroding remaining pangs of conscience for active or passive collaboration with the Nazis in occupied Europe. To project such guilt upon "Jews portrayed as Nazis" is a great source of psychological relief. Thus the German Green Party calendar of 1983 called for a boycott of Jaffa oranges as "Germans now pass on the burden of their history to the new Jewish Nazis of Israel." Similarly, the denial of the Holocaust provided a common focus for extreme right and left French denier of the gas chambers, Roberi Faurisson, identified with the ultra right, but printed by a Trotskyite publisher:

The right aimed to absolve Germany: if the Holocaust was a Jewish lie, then its first victims were the Germans. The left followed: if the Holocaust was a Jewish lie and the world, out of conscience, gave the Jews a State, then the first victims were the Palestinians.

The Holocaust denial movement was officially launched from California in 1979 and quickly encountered a ready European predisposition to multiply the damage. The philosopher, Abraham Joshua Herschel said, "Auschwitz was built not with bricks but with words." The incremental impact of Holocaust revisionist language smashed open the floodgates to a wave of anti-Semitic violence across Europe.

ANTI-SEMITISM AS A MEASURE

From October 1980 to September 1982, Western Europe was the theater for seventy-three shootings and bombings of Jewish targets. Since then, terrorism has become a general scourge.

Similarly, neo-Nazi computer games, such as "Aryan Test," "Concentration Camp Manager," "The Fiihrer Lives," use the language of the Holocaust, and focus not only upon Jews interalia but on a broad range of ethnic and minority targets in Europe.

9. While Europe, once white and Christian, will per force confront the challenges of its pluralism, technology further empowers the forces of hate. Terrorists, political extremists, racists, and Holocaust deniers have invaded cyberspace to sow the seeds of prejudice with legal impunity. Hate is indivisible. For the hatemonger, the Jew is only a tactical target; his strategic objective is democracy itself.

Thus, the Jewish experience might be viewed as a barometer for democratic health and, though the Holocaust was unique in its intent, its lessons may serve as a benchmark for contemporary atrocities and as an early-warning system for impending dangers. Thus, to combat intolerance in Europe today, the Simon Wiesenthal Center is engaged on three levels: "Monitoring" of extremist publications and groups and their trans-ideological and international linkages "Counteraction" through the media, law courts and international organizations as an NGO, especially in consultative status to such European institutions as the OSCE "Prevention" through educational materials, film documentaries and international conferences with the cooperation of the Center's Museum of Tolerance in Los Angeles.

Born in Great Britain at the end of World War II, I am acutely sensitive to geography. Thirty-one miles of Channel water protected my family and community from the ravages of the Holocaust on the European continent. In today's world of communications technology, those thirty-one miles are as protective as three thousand miles of Atlantic water.

No Monroe Doctrine can defend the Americas from the threats of extremism in Europe or beyond. We in Europe can often serve as a transatlantic trip-wire and alarm bell. Though the New World may no longer redress the balance of the Old, transatlantic cooperation such as today's Hearing, can identify the trip-wires and serve as an alarm bell for us all.

ADDENDUM—AN OVERVIEW OF THE JEWISH CONDITION IN THE OSCE

Albania: Some 350 Sephardic Jews emigrated to Israel in 1991, leaving less than 20 in Tirana. All had been hidden by Moslem neighbors during the Nazi occupation, but a religious practice (of all faiths) had been banned under the Hoxha Communist regime.

Andorra: None.

Armenia: 2500 in Yerevan. Most of the community has left for Israel. *Issues:* Armenian nationalist publications have referred to Jews as sympathetic to Turkey and thus to Azerbaijan during the war in Nagorno-Karabakh, alleging that Jews profited from the 1915 Armenian massacres. On the other hand, the 1915 atrocities have been commemorated in the Armenian diaspora with the cooperation of many Jewish sympathizers.

Austria: Approximately 12,000 Jews of mainly post-World War II Polish and Russian origin, mostly in Vienna. *Issues:* The legacy of the Waldheim affair and the growing political prominence of Jorg Haider's exclusionary Freedom Party.

Azerbaijan: 34,500. *Issues:* Iranian propaganda has been disseminated calling for controls against Jewish emigration to Israel and a stop to local Jewish communal activities, claiming they are part of "the world Zionist conspiracy directed against the Moslem religion."

Belarus: 60,000 with over half in Minsk. *Issues:* In November 1995, President Lukashenko accused Israel of harming the economy by encouraging a "brain drain." Nationalist movement, have begun to cooperate, with the European New Right, especially the White Legion with GRECE of France. A Minsk branch of the neo-Nazi Russian National Unity incites to anti-Semitism, as does Word of the Church, a publication of the Belarussian Orthodox Church rightist faction.

Belgium: About 40,000, mainly in Brussels and Antwerp. *Issues:* Extreme right movements, especially in Flanders, host annual international neo-Nazi gatherings.

Bosnia-Herzegovina: 1,100 in Sarajevo have acted as a communications vector for the Moslem community, to whom they feel gratitude for concealing them during WWII, although 7,000 were murdered by the Nazis.

Bulgaria: 6,000 in Sofia and Plovdiv of a once vibrant community of 50,000, almost totally rescued in WWII, and most of whom emigrated to Israel.

Croatia: About 3,000, mainly in Zagreb. Most of the community was destroyed during the Holocaust at the hands of the Nazi puppet Ustashi regime. *Issues:* Immediately upon secession from the former Yugoslavia, the Croat authorities posthumously rehabilitated Ustashi figures, renaming streets and public sites in their honor. President Tudjman, who denied Croat culpability in the slaughter of Jews in his book, *Wastelands of History*, has apparently recanted. His coalition partners, however, continue to use Ustashi symbols and the President recently exhumed and reburied Ustashi murderers alongside their victims as "an act of reconciliation."

Cyprus: Some 50, all in Nicosia

Czech Republic: Some 8,000, mainly in Prague, whose communal activities have been dynamically augmented by over 1,000 American Jewish expatriates.

Denmark: Around 8,000, mainly in Copenhagen- Almost all were rescued from ultimate Nazi deportation by being smuggled in fishing boats to neutral Sweden. Some Soviet Jews have more recently settled in Denmark.

Estonia: 4,500, mostly in Tallin, remain of the pre-Holocaust community. In both Estonia and Latvia, most Jews (like ethnic Russians) were born elsewhere in the former Soviet Union and are thus unable to obtain citizenship. *Issues:* Though the authorities have indicated remorse for the direct complicity of Estonians in the Holocaust of Estonian Jewry, SS auxiliary veterans continue to hold rallies. Due to the large ethnic Russian population, Russian-language racist publications spill over into Estonia, including those of the extreme nationalistic Russian National Unity Party which distributed *The Protocols of the Elders of Zion*. The authorities do not act, on the grounds that this would aggravate already tense relations with the local Russians.

Finland: About 1,300 between Helsinki and Furku.

France: 700,000 Jews are estimated to live in France, of whom over 380,000 in Paris. About 65 percent arrived in the 1960's from the newly independent Maghreb countries (Morocco, Algeria and Tunisia). This

influx has resuscitated Jewish creativity all over France, which had lost some 100,000 to Nazi deportation. *Issues:* The communal, business and political achievements of French Jewry are matched by a resurgent anti-Semitism of both extreme left and right. More dangerous is the growing electoral support for Jean-Marie Le Pen's exclusionary National Front party.

Georgia: 15,000, mainly in Tbilisi. *Issues:* The monthly *Noi* published an article entitled "Beware Jews." The Supreme Court sentenced the author to one year in prison and President Shevardnadze condemned the article as "an act of fascism." Similarly, a nationalist trade union published an abridged *Mein Kampf* attacking Shevardnadze.

Germany: 90,000. The some 30,000 Jewish predominantly post-war immigrants from Poland have been augmented since German unification, by the arrival of nearly 48,000 from the former Soviet Union. *Issues:* The rapid community growth (especially in Berlin) and the emergence of over 1,000 closet "red-diaper Jews," i.e., children of fervently ideological Communists in the former East Germany, is matched by extensive neo-Nazi and skinhead groups that are nourished by the problems of post-unification integration and the search for a German national identity.

Great Britain: About 330,000, of whom over 200,000 reside in Greater London. Well integrated and culturally creative, British Jewry never experienced Nazi occupation. *Issues:* The Jewish community has been the target of Middle East originated terrorism. Islamic fundamentalist inroads, especially evident on university campuses, have targeted Jewish and Hindu students. Though extreme-right parties are marginalized, England has also become a major European publishing and distribution center for Holocaust Denial literature and skinhead music groups. Neo-Nazi agitation is often a factor at both national and international soccer matches. The Simon Wiesenthal Center is at the core of the campaign for the prosecution of Nazi war criminals resident in the United Kingdom.

Greece: Some 5,000 Sephardic Jews, mainly in Athens and Salonika, are the remnants of a community devastated by Nazi deportation. *Issues:* Popular and media anti-Semitism have been exacerbated by such Orthodox Church figures as the Metropolitan of Corinth who claims a Jewish conspiracy with Turkey against Greek interests.

Hungary: The more than 100,000 Jews, 80,000 of whom reside in Budapest, make up the largest community in Eastern Europe. *Issues:* Magyar nationalism, in the wake of the Communist regime, has targeted Jews as agents of capitalist cosmopolitanism and anti-Semitism has been a strident factor in election politics.

Iceland: Only a dozen Jews reside in Reykjavik.

Ireland: All 1,500 reside in Dublin, apart from about 50 in Cork. *Issues:* The synagogue of Cork was fire-bombed by an Irish UNIFIL soldier who had developed anti-Semitic sentiments while serving in Lebanon.

Italy: About 35,000, one of the oldest Diaspora communities, reside mainly in Rome, Milan and Florence. About 10,000 perished in the Holocaust. Recent immigration includes Jews from Libya, Egypt and Iran. The community, along with the Protestant minority, has signed a Concordat with the authorities officially defining its status. *Issues:* Anti-Zionism set the tone for several anti-Jewish terrorist incidents perpetrated by extreme-left and extreme-right elements. Local church expressions of medieval anti-Semitic blood-libel persist, e.g., Mafina di

Massa. The trial of SS war criminal, Erich Priebke, occasioned neo-Nazi rallies and Holocaust Denial publications. Of greatest concern is the growing political prominence of former Fascist Party leader Gianfranco Fini, whose Alleanza Nazionale party, despite his own claims to be a reborn democrat, is surrounded by an extremist entourage and the regional nationalists of the Northern League in intensifying intolerance, i.e., to Southerners and others.

Kazakhstan: 22,000, mainly in Alma Aty. *Issues:* Russian-language anti-Semitic publications circulate among the large ethnic Russian minority and branches of the Russian National Unity are active among them.

Kyrgyzstan: 4,000.

Latvia: 17,500, mostly in Riga. *Issues:* Similar to the situation in Estonia, both anti-Russian nationalist movements and ethnic Russian publications have targeted the Jews. The SWC protested the issue by Latvian postal services of a first-day cover marking the jubilee of the Air Force with a swastika for domestic use, but an expurgated version for the international mail. The Speaker of the Parliament justified the swastika as "a symbol of happiness."

Lithuania: About 10,500, mostly in Vilnius. *Issues:* Nationalists accuse local Jews of treason in collaborating with the 1940-1941 and 1944-1990 Communist occupation, which is often presented as justification for the Baltic role in the murder of local Jewish communities. Thus SS veterans were granted official recognition and rehabilitation. The SWC has protested both rehabilitations and the government's reneging on its commitment to bring accused murderers to trial. Media in all the Baltic States have blamed the Jews for giving them a negative image in Western eyes and obstructing their integration into Europe. But in Lithuania where Jewish memorials and cemeteries have been most desecrated without condemnation by the authorities, nor apprehension of the vandals.

Luxembourg: Some 1,200 Jews

Macedonia: About 90 in Skopje

Malta: About 80, mainly in Valetta, of Libyan origin, reinforced by retirees from England.

Moldova: 17,000, mainly in Chisinau. *Issues:* Both Romanian and Ukrainian nationalist materials circulate as a mirror-image claiming Jewish manipulation of the interests of the other. Emigration is accelerating rapidly.

Monaco: About 500 in Monte Carlo.

Netherlands: About 30,000, of whom two-thirds in Amsterdam are the vestiges of a once-great Jewish cultural center. Over 10,000 perished in the Holocaust.

Norway: 1,000, mostly in Oslo, with a small community in Trondheim, including some recent arrivals from Poland and Russia.

Poland: The official community comprises some 6,000, mostly in Warsaw, with less than 100 respectively in Cracow, Lodz and Wroclaw. Several hundred closet ethnic Jews emerged in rapidly changing post-Communist conditions. Among the Solidarity movement, there were prominent figures of Jewish origin. The size of the community is almost irrelevant to the persistence of anti-Semitic expression, which is not mitigated by improving relations with Israel. As the greatest Jewish

cemetery in history or geography, the Holocaust of some 3,000,000 Polish Jews is both a point of contact through "pilgrimage" missions and, at times, an exacerbating factor.

Portugal: Some 700, mostly in Lisbon, with a small number in Oporto, not including larger communities of long-hidden Marranos, now emerging in the Belmonte region.

Romania: Approximately 6,000 Jews remain of the pre-War community of 800,000. Of these, 400,000 perished in Nazi deportation and around 370,000 survivors have made their way to Israel. Though most today live in Bucharest, small communities continue in Timisoara, Oradea, and Cluj in Hungarian-speaking Transylvania and some 150 comprise the last "steti" in the world in Dorohoi on the Moldovan border. The post-Ceausescu era will probably witness the virtual disappearance of Romanian Jewry, as the last will emigrate.

Russia: 510,000 in the Russian Federation, of which 190,000 in Moscow and 90,000 in St. Petersburg. Only 8,000 remain in Stalin's Jewish Autonomous Region of Birobidjan. *Issues:* Since the end of communism, Jews have reached positions in the government, economy and cultural life unprecedented since the 1920's. While the role of "enemy of the people" is now filled by those of Caucasian ethnic origin, Russian nationalist organizations (over one million votes in the 1995 Parliamentary elections) continue to foment anti-Semitism. The two main opposition parties, Zhirinovskiy's LDP and Zyuganov's Communist Party (the so-called "red-&-Brown alliance") express anti-Jewish positions. Eleven right wing organizations use the swastika, sport Nazi uniforms, celebrate racial supremacy and commemorate Hitler's birthday. The theory of a mortal struggle between the Slavs and the Jews appears in publications with a combined monthly distribution of over 700,000 copies, and is gaining support among intelligentsia and sectors of the Russian (so-called White) Orthodox Church. Pamyat, Russian National Unity and others who actively participated in the attempted 1993 putsch against Yeltsin, organize weapons training and paramilitary camps and are being financed by Western neo-Nazis, e.g., Canadian Holocaust denier, Ernst Zundel, has a radio station in Kaliningrad and Palestinian-born Shaaban Hafez Shaaban publishes the rabidly anti-Semitic Russian-language *Al-Kuds*. Synagogues, Jewish cultural centers and cemeteries have been destroyed all over Russia and neo-Nazi demonstrations are frequent. Despite the provisions of the Constitution and the Criminal Code prohibiting armed organizations and incitement propaganda, the Russian authorities have done little to fight anti-Semitism. No offending publication has been closed down and the two cases brought against neo-Nazi activists resulted in suspended sentences. The SWC acted as a consultant to a Moscow court trial that successfully led to the juridical banning of the Protocol of Zion, but this publication continues to be sold openly.

The current instability in Russia has the potential for severe upheavals and even the passing of power into the hands of the "patriotic opposition"—a dire scenario not just for the Jews but for the entire world.

San Marino: None.

Serbia: The rump of the ex-Yugoslavia numbers some 2,000 Jews in Belgrade. They have deeply felt the split from sister communities in other former-Yugoslav republics.

Slovakia: Some 4,000, almost all in Bratislava, have felt deeply the consequences of Slovakia's split from the Czech Republic. Due to geographical proximity, they have become a satellite of the Vienna community. *Issues:* Targeted in the immediate post-Communist nationalist euphoria by a reconstituted pre-war Slovak patriotic "Hlinka Guard movement," they are now the butt of several extreme right and neo-Communist ("red-brown") publications. The rehabilitation of Father Joseph Tiso, the Nazi puppet leader responsible for the deportation of Slovak Jewry, is symptomatic of nationalist anti-Semitic expression.

Slovenia: Some 70, almost all in Ljubljana. *Issues:* With independence from the former Yugoslavia, Slovenian nationalism was expressed through a rock music group. The newspaper *Politika* published *The Protocols of the Elders of Zion* as a series, despite Jewish protests.

Spain: The some 12,000 Jews, mostly of North African origin, reside principally in Madrid and Barcelona, with smaller communities in Malap and Marbelia. These do not include up to 10,000 South American Jewish intellectuals who fled the military regimes of Argentina, Chile, and Uruguay, but remain unaffiliated. *Issues:* The legacy of Francoism is expressed by nostalgic Falangist veterans and a new generation of right extremists with a flurry of broadly distributed Holocaust Denial publications. Pan-European paramilitary training camps for neo-Nazis have often been held in the Valencia and Barcelona regions. The SWC this summer met with Prime Minister Aznar, to discuss Nazi war criminals resident in Spain.

Sweden: The approximately 16,000 Jews, including recent arrivals from Poland and Russia, reside mainly in Stockholm, with small communities in Gothenburg and Malmo. *Issues:* Neo-Nazi activity has been increasing and the common interest in Holocaust Denial has led to joint activity with the fundamentalist and violently anti-Semitic Stockholm-based Radio Islam. Closed down after the SWC's protest, the radio station's director, Ahmed Rami, is now broadcasting on the Internet.

Switzerland: About 18,000, divided linguistically, mainly between German-speaking Zurich and Basel and French-speaking Geneva and Lausanne. *Issues:* Spared during the Holocaust due to Swiss neutrality, but now subject to an anti-Semitic media and nationalist backlash consequent to the search for Jewish assets in Holocaust-period bank accounts, insurance policies, etc. The investigation into Swiss policy to Jewish refugees from Nazism and in support of the German war machine have become the principal subjects of national debate.

Tajikistan: 2,000. *Issues:* Branches of Tatar movements in Russia, the Islamic Renaissance Party and the Moslem Alliance of Russia, are working to establish a new national/Moslem ideology, nourished by concepts formulated during WWH and containing overtly neo-Nazi components taken from Russian nationalism. These groups are becoming active in the six former Soviet Moslem republics and in the north Caucasus areas of Russia.

Turkey: 27,000, mostly in Istanbul. In 1992, they celebrated the 50th anniversary of their arrival from Spanish expulsion. *Issues:* The target of terrorist bombing, the community is preoccupied with the growth of Islamic fundamentalism.

Turkmenistan: 1,000, mainly Bukharian Jews. *Issues:* Though less acute, the same groups in Tajikistan are establishing themselves.

Ukraine: 340,000 of which 90,000 in Kiev. *Issues:* The authorities have refused to admit to Ukrainian participation in the mass murder of Jews during the Holocaust. Neo-Nazi organizations either justify Ukrainian anti-Semitism during the Nazi occupation, claiming that the Jews served as emissaries of the Soviet regime to destroy the Ukrainian elite, or deny the Holocaust, e.g., Babi Yar as a Jewish fabrication. Despite the extensive circulation of anti-Semitic publications and several cemetery desecrations, the authorities have not invoked the prohibitions of the Constitution and the Criminal Code. A Jewish public appeal to President Kuchma led to his radio response condemning anti-Semitism and xenophobia, but has had no discernible effect in practice.

Uzbekistan: 19,000, mainly Bukharian Jews.

Vatican: None. *Issues:* A reexamination of 2,000 years of Catholic-Jewish relations is to be launched by Pope John Paul II, "in order to start the new millennium afresh." The SWC has officially requested the Holy See to open the archives of the Pius XII pontificate to independent researchers on the Vatican during the Holocaust.

JEWISH DEMOGRAPHICS IN THE OSCE

Albania	20	Latvia	17,500
Andorra	0	Lithuania	10,500
Armenia	2,500	Luxembourg	1,200
Austria	12,000	Macedonia	90
Azerbaijan	34,500	Malta	80
Belarus	60,000	Moldova	17,000
Belgium	40,000	Monaco	500
Bosnia- Hercegovina	1,100	Netherlands	30,000
Bulgaria	6,000	Norway	1,000
Croatia	3,000	Poland	6,000
Cyprus	50	Portugal	700
Czech Republic	8,000	Romania	16,000
Denmark	8,000	Russia	510,000
Estonia	4,500	San Marino	0
Finland	1300	Serbia	2,000
France	700,000	Slovakia	4,000
Georgia	15,000	Slovenia	70-
Germany	90,000	Spain	12,000
Great Britain	330,000	Sweden	16,000
Greece	5,000	Switzerland	18,000
Hungary	100,000	Tajikistan	2,000
Iceland	12	Turkey	27,000
Ireland	1,500	Turkmenistan	1,000
Italy	35,000	Ukraine	340,000
Kazakhstan	22,000	Uzbekistan	19,000
Kyrgyzstan	4,000	Vatican	0

**WRITTEN STATEMENT OF DR. LAILA AL-MARAYATI,
PRESIDENT, MUSLIM WOMEN'S LEAGUE,
SUBMITTED FOR THE RECORD**

In Islam, the significance and valuation for human rights and dignity can be found throughout the Qur'an, the holy scripture for Muslims, and throughout other religious texts. In matters of faith, the language is explicit and unequivocal: "There is no compulsion in religion; Truth stands out clear from Error." (2:256). Thus, the rights of Muslims and non-Muslims alike in expressions of faith are guaranteed, not only in theory but in practice as the Qur'an states: "O you who believe! Be ever Steadfast in your devotion to God, bearing witness to the truth in all equity; and never let the hatred of others lead you into the sin of deviating from justice. Be just: This is the closest to being God-conscious. Remain conscious of God: verily, God is aware of all that you do." (5:8) Yet it is hatred and rage that is at the root of anti-Muslim sentiment and violence plaguing Europe today.

The status of Muslims in Europe is precarious, for they represent a group that is viewed as alien, unacknowledged, or threatening throughout the region. Racist tendencies fueled by paranoia regarding Islamic revivalism have rendered Europe hostile, unresponsive to, and in violation of the human rights of Muslims. While Western leaders support new-found religious freedom in places like the former Soviet republics which have allowed for Christian revivalism, the same leaders fear the resurgence of Islam in those countries, underscoring the bias of policy-making in Europe. In an interfaith meeting in Rome last summer with Father General Kastalneck of the Jesuit Order of the Catholic Church, it was made clear that "Europe has a problem with Islam." Indeed, the problem is the historical baggage carried by Europe with respect to the Middle East, dating back to the Crusades and the Inquisition. At that time, Muslims were uniformly stereotyped as infidels and violent barbarians. Unfortunately, time has not significantly altered these misperceptions.

The human rights violations suffered by Muslims in Europe range from police brutality and right-wing extremist attacks that often result in murder to confinement to the role of second-class citizen. When expedient, the card of fears of "Islamic fundamentalism" is used to justify persecution and discrimination as Europe and her allies do not question such a characterization. Indeed, since Muslims themselves are erroneously portrayed as intolerant and uncivilized, they do not deserve the rights of a free people. While other religious groups are measured by the mainstream and not the extremists, Muslims are defined by the most extreme elements in their midst. For a clearer and more constructive US policy in Europe, this double standard must end.

The hatred of Muslims throughout Europe is well summarized in an article highlighting the findings this year of the Runnymede Commission in the United Kingdom which examined the "growing phenomenon of Islamophobia-dread or hatred of Muslims-" While focusing on Great Britain, the findings can be applied anywhere anti-Muslim prejudice is expressed. The key features of Islamophobia include "the portrayal of Muslim cultures as monolithic, intolerant of pluralism and dispute, patriarchal and misogynistic, fundamentalist and potentially threatening to other cultures. A further, and particularly disturbing feature of Islamophobia is its apparent acceptability as "the expression of anti Muslim ideas and sentiments is increasingly respectable."

The acceptability and tolerance for anti-Muslim prejudice and hatred is allowing gross human rights violations to occur unchecked. Other groups who have been similarly suppressed in the past accept that Islam is largely a negative force and therefore condone, through their own silence, these atrocities.

Reports regarding the persecution of Muslims are mainly gathered from human rights groups such as Amnesty International, Human Rights Watch, the U.N. Commission on Human Rights and others. No broad based Muslim organizations exist which are dedicated to the documentation of persecution of and discrimination against Muslims. Because of the nature of the ethnic groups discussed below, many are unaware of the availability of human rights groups to advocate on their behalf and are unlikely to seek them out to report abuse. Similarly, in view of the facts that much of the suppression is carried out or ignored by the authorities, many Muslims have a lack of trust of any system that claims to protect them. As a result, we can only assume that the extent of the persecution of Muslims in Europe, and elsewhere, is not fully reflected in the reports currently available.

GENOCIDE, MASS KILLINGS, FORCED MIGRATION, TORTURE, RAPE

Clearly, the most significant tragedy in Europe since the Holocaust was the genocide in the former Yugoslavia where Bosnian Muslims were the victims of a widespread, government sponsored campaign of ethnic cleansing by Serbian armed forces and civilians. Neighboring European nations as well as the U.S. justified their inaction and lack of involvement by claiming that the conflict was motivated along ethnic lines: yet Serbian leaders such as Slobodan Milosevic and Radovan Karadzic used anti-Islamic rhetoric to fan the flames of hatred that allowed 200,000 Bosnian Muslims to be slaughtered, over 1 million to be expelled from their homes and communities, 20,000 women to be raped and countless more civilians, men, women and children to endure long-lasting physical and psychological trauma. At the time when the international community chose not to act, many felt that if the victims had been Christian or Jewish then intervention would not have been delayed. Current focus on the persecution of Christians, receiving support in Congress for severe response to similar crimes lends credence to this view of a double standard for the protection of some religious minorities to the exclusion of others. This hypocrisy is further manifested by the lack of will on the part of the global community to take definitive action in bringing the indicted war criminals to justice.

Further traumatization of Bosnian Muslims continues, particularly among refugees, who are being forcibly repatriated from countries like Germany even when conditions in Bosnia-Herzegovina are not favorable for resettlement.

In the war in Chechnya, while both sides committed atrocities, Russian troops carried out a disproportionate amount of violence against non-combatants including indiscriminate killings, extra-judicial executions of civilians, torture, rape and hostage-taking.

POLICE BRUTALITY

Reports of police brutality against Muslim minorities including assault, murder, harassment, intimidation, and other degrading treatment that qualifies as torture are clearly documented in Europe, par-

ticularly in Germany, France and the United Kingdom. The depth and severity of police brutality is only slightly outdone by the atrocities committed by right-wing extremists.

In Germany, the overwhelming majority of victims are Turks and Kurds, usually refugees or asylum seekers. A clear pattern has emerged of ill-treatment of foreigners and ethnic minorities. On some occasions, police officers have continued the assault on individuals who called for police assistance as they were being attacked by right-wing extremists. In other instances, the victims are not informed of the basis for their arrests; they are accused of being combative, meaning the officer only acted in self-defense; and they are not given due process once detained.

When police officers are prosecuted for the use of excessive force, the degree of punishment is inadequate according to the crimes committed. The victims' families do not receive compensation and there is good evidence that the problem of police brutality is ignored by the German authorities. The Minister of Internal Affairs last year denied that any anti-immigrant sentiment existed among German police officers. The participation of the police force in racist attacks has resulted in under-reporting of the extent of the problem and in seeing the perpetrators brought to justice. Victims keep silent in fear of repercussions and they are unable to call on law enforcement to protect them against hate crimes committed by neo-Nazis.

In France, similar reports of the use of excess force by police officers against Muslim minorities, particularly from Northern Africa (e.g. Algeria and Morocco) further exemplify racist tendencies. In addition to beatings, mass arrests of immigrants, and other forms of verbal and physical abuse, several detainees have been shot and killed while in police custody. (In two cases, the victims were shot in the back or the head while trying to escape.) In 1993, Rachid Ardjouni, a 17 year old Algerian immigrant, was shot in the back of the head when he was face down on the ground. The officer, who was drunk at the time of the killing, was given a reduced sentence by the Court of Appeal which also reduced the financial compensation to the victim's family. In addition, the court ruled that his conviction would not be entered on his criminal record, thus allowing him to continue to serve as a police officer and carry arms.

Similar reports of police brutality, deaths occurring while the victims were in custody and inadequate punishment of the perpetrators have emerged from Great Britain where the targets are primarily of Indo-Pakistani origin. Isolated incidents have also been documented against Swiss police officers.

Torture and ill-treatment by police is widespread in the Federal Republic of Yugoslavia, particularly in the province of Kosovo where the victims are Albanian Muslims. Acts of brutality include murder, torture, abductions and mass arrests. Chechens living in Moscow are also victims of police brutality. The Romani population (also known as Gypsies, many of whom have a Muslim background) is subject to widespread ill-treatment and torture throughout Eastern Europe, most severely by law-enforcement officials in Bulgaria.

In all of the cases mentioned above, medical care for injuries sustained while in custody was either delayed considerably or withheld altogether.

HATE CRIMES

The incidence of hate crimes against immigrants and ethnic minorities is reaching an alarming rate throughout Europe. These acts are mainly carried out by right-wing extremists, commonly referred to as skinheads. In some countries, official government response to the violence is inadequate allowing the problem to continue. Although racially motivated crimes are apparently on the decline in Germany, over 1000 incidents occurred in a 2-year period. As mentioned earlier, many victims of assault and abuse do not report the incidents because of fear of repercussions such as retaliation or deportation. Additionally, if the police force is also known to be participating in similar acts of brutality, the victims would not call on the authorities for assistance. Therefore the actual occurrence of hate crimes is under-reported and can be assumed to be more widespread.

Some of the most heinous acts in Germany include arson attacks on residences, some of which have resulted in the deaths of children and the elderly. Similarly, arson and vandalism have been reported against mosques, cultural centers and businesses owned by immigrants or ethnic minorities.

In France, over 500 hate crimes were reported in 1996. Similar incidents have been reported, although not as widespread, in the Netherlands, Switzerland, Austria, Italy, Sweden, Spain and the United Kingdom.

Severe and widespread violence against the Roma in the Czech Republic, Bulgaria and Romania is well-documented. Inaction on the part of the authorities allows the racially motivated crimes to continue unabated. Discrimination by government institutions against these minorities can be interpreted as a form of endorsement of popular sentiments of prejudice which are then expressed in a more extreme fashion.

DISCRIMINATION

CITIZENSHIP

In many countries throughout Europe, Muslims encounter difficulties in obtaining citizenship. This is especially problematic in Germany, the United Kingdom and for the Romani population in the Czech Republic.

EMPLOYMENT

In Greece, members of the Muslim minority from Thrace are commonly discriminated against as they are confined to low level, low paying jobs. They encounter difficulties obtaining licenses to operate businesses.

In the Federal Republic of Yugoslavia (Serbia and Montenegro), Muslims and ethnic Albanians are frequently fired from their jobs based on religion and ethnicity. Similar difficulties are encountered by Chechens and other Muslim minorities in Russia. Ethnic Turks continue to face job discrimination in Germany as to North African immigrants in France and Muslims in Bulgaria. Muslim women who wear a head-covering (hijab) are either not hired or are kept from advancing in their jobs.

MILITARY

In Bulgaria, Muslims are not allowed to participate in regular military units; rather, they are assigned to maintenance and construction. In Greece, Muslims are prevented from advancing in rank in the military.

EDUCATION

The education of ethnic Albanian children in Kosovo is inadequate due to insufficient materials and teaching staff, and lack of material in the dominant language spoken by the children. Discrimination against girls and women who wear the headscarf is well-established throughout Europe (see section below.)

REPRESSION DUE TO FEARS OF ISLAMIC RESURGENCE

In France, mass arrests and deportation of thousands of Northern African immigrants are justified by the government and the general population based on fears of terrorist attacks, similar to those which have already occurred in Paris over the past several years. The arbitrary arrests of these individuals who have not been charged with any crimes is a gross violation of their human rights. Mass hysteria and anti-immigrant sentiment allow the government to carry out these acts with impunity.

In the Czech Republic, a town council denied the permit for the building of a mosque, arguing that it would become a center for terrorism. Similarly, local authorities banned the building of a mosque in a village near Stanbolovo in Bulgaria.

In Uzbekistan, where the majority of inhabitants are Muslim, the government suppresses groups that oppose state-appointed religious authorities. Muslim leaders have been detained and harassed for acts perceived as insubordination. As a result of such allegations, three mosques have been closed and the "disappearance" of several Muslim leaders has been reported.

The Islamic Religious Association of Montenegro was attacked by the Yugoslavian Government which accuses it of extreme fundamentalism; the Governmental Commission for Religious Affairs has launched a media campaign against the organization.

Recent political events in Turkey highlight the conflict between popular support for the political involvement of Islamic political parties (namely Refah) and the military's fanatic commitment to maintaining the secular nature of the state. The government, in addition to having a known record of human rights violations against dissidents of all types, interferes with proselytizing and activism if there are political overtones. The crackdown on Islamic education in secondary schools further reflects government control over the ability of individuals to study their religion; the hope is that by reducing the amount of time students spend learning about Islam, they will decrease the popularity of and enthusiasm for religious activism.

The Ministry of Defense forced a Turkish judge into retirement due to his religious convictions, claiming that he demonstrated "unlawful fundamentalist opinions."

WOMEN AS SPECIFIC TARGETS

Muslim women who choose to wear a head-covering (referred to as hijab) in addition to overall modest attire are frequently subject to attacks, discrimination and other forms of abuse and harassment. They

become an easy target for right-wing extremists, government officials and even feminist groups. Hijab seems to provoke reactions in many people who feel it is symbolic of other issues. To the Muslim women, it is an expression of modesty and for some it reflects a particular devotion to the faith. To many non-Muslims, it represents oppression and foreignness. For others, it simply serves as a useful way to target the "other" and to use women as a means to carry out suppression, discrimination and violence against Muslims.

Lack of understanding regarding the purpose of hijab led the French Government to claim that the "ostentatious" wearing of the headscarf violated laws in place prohibiting proselytizing in schools. Due to negative public attention, the Administrative Court, in 1995, modified the law, instead prohibiting the wearing of "ostentatious political and religious symbols" in school, thus leaving the decision to the discretion of school officials. As a reaction to such hostility, families chose to keep their daughters home instead of subjecting them to harassment by school authorities.

Women who wear hijab in Turkey are prevented from obtaining post-graduate degrees and from advancing in the workplace. Similar forms of discrimination exist throughout Europe and are mainly reported anecdotally. On numerous occasions, Muslim women who cover are told that they cannot continue to work or go to school unless they discard the scarf. Frequently, Muslim women are singled out at airports as they are treated as suspects. Human rights groups have not focused specifically on the problems faced by Muslim women who, compared to their male counterparts, may be even less likely to report harassment, intimidation and discrimination.

The persecution of Muslims is the result of deep-seated hatred and prejudice that must be addressed. While it may be expressed most violently by extremist elements, the participation of governments to lesser degrees confirms that the racism permeates all levels of society. Recognition of this fact is the key to addressing the grievances and resolving conflict. Conflict that is generated elsewhere with repercussions on European soil, reinforce stereotyping and paranoia that is used to justify widespread acts of intolerance and repression. The "human rights" card against Asian and African countries has never been dealt in European affairs, not because of the lack of human rights violations, but because of our collective decision to ignore them.

The media also contributes negatively by perpetuating stereotypical portrayals of Islam and Muslims. This is clearly evident in the American entertainment industry which continues to produce movies, such as *Executive Decision*, *True Lies*, and *GI Jane* that are broadcast around the world, further solidifying the public's perception of Muslims and Middle Easterners as terrorist and uncivilized. No positive images are offered to counter the effect, thus adding to the public's general ignorance about Islam and intolerance for those who are different.

RECOMMENDATIONS

- Obtain commitment from member states of OSCE to uphold the principles expressed in the international human rights documents which they have signed.
- Discuss religious and ethnic discrimination with high-ranking officials to acknowledge the problem and develop a strategy for dealing with it on all levels.

- Focus on training of police and military units, eliminating officers who have a history of abuse, racist attitudes and membership in right-wing groups.
- Develop educational programs in the government, the military, law enforcement agencies, and local communities that encourage the participation of ethnic minorities to increase understanding and decrease the incidence of police brutality, hate crimes, and all forms of discrimination.
- Demonstrate commitment to bringing the perpetrators of violent crimes to justice, swiftly and fairly.
- Hold European nations accountable for human rights violations of all types, not only focusing on religious persecution, and ensure that Europe is not exempted from the Freedom from Religious Persecution Act (if passed) simply because of America's cultural identification with Eurocentrism.
- Train U.S. Government personnel stationed to better understand Islam and Muslims with a view to overcoming stereotypes and misconceptions perpetuated either in the media or by right wing political and social groups which exploit ignorance. Increase the reporting of the persecution of and discrimination against Muslims throughout Europe.
- Encourage the media to recognize its contribution to the problem and to take a more even-handed approach without relying on stereotypes to generate a profit or create alarm. The media should focus on accurate portrayals of Muslims and other minorities and develop programs of a positive nature that can help to combat racism.

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**WRITTEN SUBMISSION OF W. COLE DURHAM, JR.,
SCHOOL OF LAW, BRIGHAM YOUNG UNIVERSITY***

Professor of Law, J. Reuben Clark Law School, Brigham Young University, Provo, Utah, USA 84602. A.B., Harvard College (1972); J.D., Harvard Law School (1975). Member, Executive Committee, International Academy for Freedom of Religion and Belief. Professor Durham served as a public member of the U.S. Delegation to the OSCE Seminar on Religious Freedom held in Warsaw in April, 1996, and has since served as a participant in the two meetings of experts on religious liberty held as a follow-up to the seminar by the OSCE's Office for Democratic Institution and Human Rights (ODIHR) on April 25-27 and September 8-9, 1997. This testimony is submitted in Professor Durham's personal capacity, and does not necessarily represent the views of the institutions with which he is associated.

**PROBLEMS OF RELIGIOUS INTOLERANCE IN EUROPE: THE
CHALLENGE OF MAINTAINING MINIMUM STANDARDS**

As requested in the invitation to this hearing, I will focus in my testimony on government actions and policies inhibiting and restricting religious freedom in Europe, in violation of national commitments in the Helsinki Process and under other applicable international instruments. I want to stress, however, that in doing so I do not mean to convey the impression that I think we are without similar problems in the United States, nor do I mean to suggest that major strides are not being made.

To the contrary, it is clear to me that the commitment to religious freedom in Europe is strong. As a specialist in comparative constitutional law, it is fair to say that I spend as much if not more time studying European systems of religious liberty as I spend on our own constitutional system, and it is clear that we have much we can learn in implementing the ideals of religious freedom by paying attention to European developments. Article 9 of the European Convention of Human Rights contains one of the world's pre-eminent affirmations of the right to religious freedom, and the emerging jurisprudence of the European Court of Human Rights in Strasbourg on religious freedom matters is destined to provide some of the strongest protections of religious freedom in the contemporary world. Not surprisingly, the most acute problems continue to be in countries in transition from communism, though some disturbing patterns are emerging in Western European countries.

In my testimony today, I will focus on three countries: Russia, Ukraine, and Bulgaria, making more general comments where appropriate. I note a distressing trend in many of the former east-bloc countries--particularly where Orthodox culture has been historically dominant--toward new legislation narrowing the scope of religious freedom achieved earlier in this decade. The move toward narrower protection of religious human rights is often rationalized on the grounds that "American models" are inapposite, that the changes "simply bring their countries into line with European models" and that the changes are vital to protect the countries from "dangerous cults." I have no problem with the evolution of distinctive church-state models in Centralized Europe, so long as minimal human rights standards are retained. But the legis-

lation that is emerging clearly fails to meet European standards, universal standards, and the countries concrete commitments as participating states in the OSCE. Worse still, the adoption of such legislation sends a signal to lower level bureaucrats that they are free to engage in more restrictive and oppressive behavior, and I fear we have much to fear in that respect in the years ahead.

RUSSIA

I returned from Russia on Sunday, and had opportunities in the last half of last week to talk to a number of the key figures involved in the process of passage of the new Russian law. Since others speaking at this hearing will also be addressing the tragedy of the new law "On Freedom of Conscience and on Freedom of Religious Associations" likely to become law in a slightly modified "compromise" version as early as tomorrow, I will limit my remarks here to developments of the past few days. For further background and analysis, I am submitting as attachments to my testimony two documents prepared and approved by the Executive Committee of the International Academy for Freedom of Religion and Belief, a non-governmental organization that has been actively involved in law reform efforts in the religious liberty area for the past decade. The Academy's Board and Fellows consists of distinguished European, Latin American, and North American experts on religious liberty questions. The first is the Academy's July 9 "Analysis of July 4 Russian Federal Assembly Law on 'Freedom of Conscience and on Religious Associations'," issued five days after the Federal Assembly passed the law. The second is the Academy's "Analysis of the Russian Legislation 'On Freedom of Conscience and on Religious Associations' and Recommendations for Compromise" issued August 29, 1997. These two documents provide substantial background on the law, detailed analysis of its provisions and the array of human rights problems raised by the law, and recommendations for a compromise provision which, with relatively small number (but concededly significant changes) could have easily brought the existing draft into compliance with international standards. We are confident that the Academy document was received and studied by key officials, and in fact, by coincidence, an early version of Yeltsin's compromise proposals was fairly close to the Academy recommendations. The Russian version initially called for reducing the law's fifteen-year limitation on new religious organizations to five years. The Academy's version finds the time period limitations inconsistent both with the Russian Constitution and with regard to Russia's international commitments, including in particular the requirement of Principle 16(c) of the 1989 Vienna Concluding Document that Participating States make appropriate legal entities available for religious organizations through which they can carry out the full range of religious "worship, teaching, practice, and observance," to use a key phrase from Article 9 of the European Convention. Unfortunately, political pressures appear to be foreclosing this moderate option.

The latest word is that as of yesterday (September 17), the Russian Duma's committee on religion approved a slightly altered version of Yeltsin's September "compromise" legislation and that this will now be handled as a "third reading" matter, allowing virtually no opportunity for amendment or debate. Passage of the legislation could occur as early as tomorrow (Friday, September 19). Correspondent Lawrence Uzzell quotes a Duma source as indicating that there is now "very little chance"

of stopping the bill from becoming law, and that "[o]nly extremely vigorous efforts by both the European Union and North America would give any hope of blocking it at this point."* Among the substantive changes in what appears likely to be the final version of the law are the following: (I am indebted to Lawrence Uzzell (Keston News Service) for early information on this development.)

1. Changes that extended religious protections beyond citizens to embrace all Russia's inhabitants (essentially the only problem noted in Yeltsin's veto message about which positive action was taken in the compromise bill) have been narrowed so that only a group of adult Russian citizens may organize local religious entities.

2. Article 5(4) has been modified in a manner that suggests that contrary to the prior version, religious organizations that secure necessary approvals from the local organ of government may not teach children "directly."

3. Article 20(2) has been revised to make it clear that the right of religious organizations to invite foreign citizens to Russia for religious activity is to be governed by "federal laws."

A minor adjustment was also made in the preamble, and a few other minor technical changes have been made. Of the three changes that I noted, the first two seem to further constrict religious freedom. The third is a significant advance over the prior draft. One of the likely practical problems religious groups will face in the future is further proliferation of the local laws that have emerged in over twenty of the "subjects" of the Russian Federation; a limitation on the power of local governments to pass "anti-foreign" laws is positive.

In my view, the new Russian law continues to have serious drawbacks from a human rights perspective. It blatantly ignores Article 14 of the 1993 Russian Constitution, which proclaims that "Religious associations shall be equal before the law." It ignores Principle 16(c) of the Vienna Concluding Document. It is true that the new version confers entity status on "groups"--associations that under the Duma's law lacked entity status--but this turns out to be essentially a sham, because except for allowing groups to own property, enter into contracts, and so forth, entities for organizations that have not passed the 15-year threshold are deprived of many key rights of legal entities ("organizations"). Notably, they are not eligible to establish publishing houses for dissemination of religious information, and they are not authorized to invite foreign religious professionals into the country. These restrictions continue to hobble the "restricted" entities, so that they in fact are not granted the type of entity status made available to others in the country, and the scope of their entity rights is not sufficient to carry out religious groups under international standards. Beyond these most blatant problems, the law has numerous vague and overbroad provisions, which invite abuse in the process of enforcement. It continues to pose virtually all of the problems identified in President Yeltsin's eloquent and exhaustive veto message, and the various problems noted in the attached documents from the International Academy for Freedom of Religion and Belief. The law continues to be supported by many of the largest religious groups in Russia (the Orthodox, Muslims, Jews, Lutherans, and a number of others), as evidenced by a news conference held earlier this week. Significantly, however, during a press conference I attended last Thursday, most of the smaller religious groups (the Roman Catholics,

Baptists, Pentecostals, Adventists, and others) angrily withdrew their support--support which they claimed they had been given based on assurances that the final draft would include numerous changes that have not been made in the law. There are worries, based on the sharp inconsistencies between the veto message and the supposed "compromise" measure, that the right hand in Yeltsin's Administration has taken back what the left hand granted, and that Yeltsin himself may not have been fully advised about the extent to which the final version remains problematic.

I want to stress that the Russian legislation is clearly out of step with legislation in other parts of Europe. I have attached charts that display the landscape of church-state entities throughout the OSCE region. Essentially, one can think of this landscape as having three tiers. Most countries provide a base-level entity reasonably available to any religious movement. Many European countries also have "upper level" entities for more established or traditional religions, or for administration of various types of benefits that go beyond the minimum rights that all religious organizations share. And some provide for special agreements for certain churches. A significant point of these charts is that no European country of which I am aware imposes a fifteen-year limitation on access to base level entities, and none of the countries that I am aware has "restricted" or "crippled" entities of the type the Russian law proposes to make. It is this feature of the Russian law that has attracted so much justifiable foreign ire, because it is this aspect that clearly falls below international standards.

Against this rather gloomy background, there is some mollifying if not totally comforting news. Early last week, Senator Robert Bennett from Utah visited Russia and held several meetings with a number of high-level Russian officials, including many of those most influential in handling the new legislation. I have been informed by Senator Bennett's office that the Senator was assured by top-level officials that contrary to what is being claimed by opponents, the legislation will not adversely affect smaller religious groups such as the Mormons and many other similar groups. He was given this assurance in several different contexts, in discussions involving Senator Bennett, his Administrative Assistant, State Department Officials, and others. This would of course be true for religious groups that can establish that they were present in Russia more than 15 years ago. But Senator Bennett was assured that beyond this, centralized religious organizations are not subject to the 15-year limitation. In particular, Andrey Loginov, said to be the person on Yeltsin's staff serving as the chief draftsman of the legislation by Valentin Yumashev (Yeltsin's Chief of Staff), went into considerable detail in explaining that if an organization is registered as a centralized organization by 1999, it will be able to create local organizations (entities) simply by designating them as member entities in the centralized association, and these entities (i.e., the centralized entity and the designated local entities) will not be subject to the 15-year limitation. I had an opportunity during my stay to discuss this extensively with some of the same high level officials, and they advanced the same interpretation, and I was informed that key Ministry of Justice officials affirmed the same position. Indeed, I was told that if one followed the letter of the law, there is nothing on the face of the statute to require that the designating centralized organization be a Russian centralized organization.

If the foregoing interpretation is in fact implemented in practice, this would mean that the 15-year limitation might be significantly less oppressive in practice than experts here have tended to assume.

One needs to be cautious about this "ray of hope." While the interpretation does appear to fit with a careful interpretation of the text, it is clear that many of the supporters of the law expect that it will have a more exclusive influence. One of the more chilling statements from a session Senator Bennett's party had with Archbishop Kliment of the Russian Orthodox Church suggests what I mean. The Archbishop stated that if the Russian Orthodox Church could wait a thousand years to obtain religious freedom, the Mormon Church and other religions could wait 15 years. There are the obvious risks that interpreters come and go, and today's generous interpretation may give way to a much more restrictive one tomorrow. Interpreters who have every good intention of proceeding in a fair and equitable manner today may be subjected to strong political pressures tomorrow that undermine the good intentions. Moreover, even if the described interpretation is sustained and implemented, it does not cover all groups--most notably those which for ecclesiological or other reasons do not have centralized structures, or who for other reasons do not succeed in securing approvals from the various bodies established for this purpose under the new law. Thus, while I have no reason to doubt the sincerity or the validity of the interpretation communicated to Senator Bennett's party and myself, and I believe it is likely to ameliorate many of the problems that might otherwise arise under the law, I still have worries.

In light of the foregoing, I would urge those dealing with the Smith Amendment, which conditions future Russian foreign aid on non-passage of this legislation, to consider the following course. I think there are reasons to think that the grounds for cutting off aid could be softened, but that some residual check should be left in place. That is, I believe that Russia should not be penalized for passing a law which may be innocuous in practice, but I believe the possibility of imposing sanctions should be maintained, in case this promise does not become a reality. It may also be advisable to give the State Department discretion to disburse foreign aid in ways that channel it toward regions that respect religious freedom and away from those that do not. One potential problem lying ahead is that federal officials may have trouble commanding regional compliance, and some mechanism which could prioritize where aid is spent might be beneficial.

UKRAINE

One of the ironies of this summer's intense focus on the Russian legislation is that we tend to notice such legislation when it emerges in Russia, but we often overlook similar or even worse legislation in other countries in transition. In part, this is a natural consequence of Russia's position as a great power. But we need to at least note similar problems in some other countries. One of the major worries that attends passage of the Russian legislation is that similar measures will be adopted elsewhere. In fact, it is worse than that. Georgia is considering legislation that might impose a substantial time barrier on access to entity status, though in my meetings with pertinent officials, I was told this would be dropped. Ukraine does not have a 15-year period per se, but it has a number of other provisions which create difficulties for religious groups.

For purposes of brevity, I will simply mention two provisions. Under Article 24 of the Ukrainian law on religious associations, a foreign church member is free to carry out teaching and missionary functions only if invited to the particular jurisdiction by a registered local church and with the approval of local governmental officials. In certain circumstances, the combination of these provisions operates as an effective block to sending authorized teachers of a particular religion to new areas. This regulatory structure allows the state to intervene in a religious community's internal religious affairs, by blocking a church's selection of personnel it wishes to send to a particular area. It has the effect of putting a narrow compass on the area within which individuals can assert their rights to freedom of expression. It also confers inappropriate discretion on state officials over religious practices, in violation of the recent *Manoussakis* case decided by the European Court of Human Rights.^[Note: *Manoussakis v. Greece*, Judgment of 26 September 1996.] Some frictions in this area result from insufficient understanding of exactly how these provisions are to be construed, but there are serious questions about whether a state should be allowed to regulate religious life in this manner.

Yesterday I received word that an amendment to Article 14 of the Law of Ukraine "On Liberty of Conscience and Religious Organizations." This is the article that governs registration of religious organizations in Ukraine. I have not yet received a full copy of the proposal, and the translation I have received is rough. Discussions are at a preliminary stage, and expert reviews are just beginning. The proposal is aimed at avoiding the equation of religious organizations with civic organizations and at preventing repeated attempts to legalize "destructive totalitarian cults," commercial organization, and so forth, as religious organizations. The amendment will introduce a two stage review procedure. The first phase involves a comprehensive religious and legal analysis of the charter and other foundational documents of religious organizations identified by Article 14. Once this analysis is completed, review proceeds to an expanded meeting of the collegium of the State Committee for Religious Affairs with the participation of representatives of the Ministry of Justice of Ukraine. This expanded body then approves or denies applications. It is not clear whether an appeal to the judiciary is provided if a negative result is reached. If the religious organization is subordinated to a religious organization abroad, additional information must be provided and an extended review period is allowed. (This provision appears to be modeled on a provision in the new Russian law.) Moreover, there is some discussion of a new method for providing certificates for ministers of churches. The aim is stated to be to protect the public from "self-styled religious figures." However, this could result in further interventions in matters of personnel and selection of clergy.

BULGARIA

Due to time considerations, I will not focus on the legal structures in Bulgaria, though I have worries about emerging legislation there. Instead, in Bulgaria, I would simply like to recite the kinds of problems that some religious groups are experiencing. The catalogue that follows is obviously anecdotal. It is drawn from a list that has been submitted by the Mormon Mission President in Bulgaria to the U.S. Embassy in

Sofia. But it succeeds in giving some sense for the flavor of intolerance that is being experienced. I am told by those responsible for L.D.S. legal affairs that the situation seems to be improving, but incidents continue. All of the incidents I am citing involve Mormon missionaries. I will emphasize here those incidents which involved public officials, but there are also a steady flow of beating, knife attacks, burglaries, and so forth. The incidents cited are all from the past six months. The frequency is vastly in excess of what would be experienced by a typical L.D.S. Mission in Western Europe or the U.S

1. April 9. Two groups of missionaries arriving from Salt Lake City had their bags thoroughly searched, and all religious literature was taken, along with letters, textbooks, dictionaries, notebooks, personal diaries, name tags, and so forth. The materials were only returned after a lengthy appeal process (45 days). This conduct was all in violation of Bulgarian law. The customs officials knew that the individuals were to be missionaries of the Mormon Church and many of the materials were religious in nature. The police also confiscated some vitamin supplements at this time, available on an over-the-counter basis in the U.S., and charged one of the individuals in the group (the wrong one, by the way) with drug-related charges. While the proceedings on these trumped-up charges are continuing, it is anticipated they will be dropped in the near future.
2. May 21, Elder Leutwyler was slapped in the face by a police officer in Lyulin.
3. May 23, Elder Leutwyler and Elder Rawlinson were arrested while tracting, even though their actions were completely legal.
4. July 13, Elder Bee and Elder Conder were taken in by the police in Nfladost, Sofia. They were questioned and the police laughed and made fun of them.
5. July 20, Elder Bee and Elder Sears were taken in by police. The police confiscated their street display board and after making them sit around for nearly 2 hours, interviewed Elder Sears.
6. Aug. 19, A group of 8 missionaries were harassed as they tried to leave the border into Yugoslavia. Border Guard #01422 pulled the missionaries aside and spent nearly an hour searching them and harassing them about being in Bulgaria.
7. Aug. 27, President and Sister Stephens along with 5 other missionaries were harassed and told they couldn't leave Bulgaria as they tried to cross the Bulgarian-Yugoslavian border.
8. Aug. 28, Although L.D.S. missionaries are legally entitled to receive extended visas in the country, the Ministry of Internal Affairs in both Plovdiv and Sofia refuse to give them. An officer in Sofia's police department responsible for visas, Mr. Filkov, told President Stephens, "We choose not to extend good will to you."
9. Sept. 2. Upon trying to enter Bulgaria through the Yugoslavian border, border guards harassed 8 missionaries and forced them to go to Yugoslavia and get a stamp. The missionaries couldn't get the stamp because they are Americans. After standing around for an hour, they were finally allowed to re-enter Bulgaria.
10. Police come every couple of weeks to Sister Dillingham's and Sister Poulson's apartment at 6:30 a.m. to do what they call "routine checks."

11. Police regularly drop by Sister Also's and Sister Hough's apartment to do "routine passport checks" and to harass them about being in the country.
12. In Burgas, police have repeatedly attempted to expel us from the city, even though the L.D.S. Church is officially registered there. They harass us while we are walking down the streets, when we try to register individuals in the city, and whenever extended visas are sought.
13. Elder Felt, Elder Mosdeff and six other missionaries were harassed at the border. They were not allowed to leave through the Yugoslavian-Bulgarian border until they had waited approximately ten hours.
14. Police in Plovdiv refuse to register some of our missionaries even though they are legally obligated to do so. In some ways, many of these incidents are relatively minor, but taken together, they communicate hostility and intolerance that seem inappropriate for state officials. These events, numerous in themselves, are magnified by numerous acts of persecution coming from society at large. In addition to the sheer volume of such incidents, news of such events passes rapidly through the L.D.S. community, further magnifying the sense that the religious community as a whole is constantly threatened and under attack. One of the major aims of religious liberty is the securing of an environment in which such steady doses of petty tyranny disappear.

NEW RELIGIOUS MOVEMENTS

One of the striking phenomena in the current religious scene in Europe is mounting paranoia about "dangerous sects." I do not want to dispute the fact that there are some, but the number of such groups is small, and as a criminal law professor, I have yet to be persuaded that something beyond ordinary criminal law is necessary to address the dangers. Selective prosecution of religious groups qua religions has always seemed extremely suspect to me. The difficulty in Europe is that the reactions are out of all proportion to any demonstrable threat, and the result is growing intolerance of new religious groups that spills over and poisons the lives of countless legitimate, but less well-known groups.

The Russian legislation is, to my mind, a case in point. Controlling "pseudo-religions" and "totalitarian cults" is often cited as a vital objective of the legislation. Over the past year, I have heard proliferating references to "zombie-izing cults." Frighteningly, these terms float in a region of abstract human fears, for the most part totally disconnected to concrete groups. The few clear examples of dangerous, religion-engendered tragedies such as mass suicides or subway gassings are blown out of proportion by the press, feeding on abstract social terrors. Politicians and other molders of public opinion can then invoke these reservoirs of fear at will as support for less justifiable projects of regulating a broad range of religious groups that have not won their favor. This can be combined with ethnic and nationalist impulses as well. The result? Think about Russia's response. Over the past week, I have heard a surprising number of people who should know better indicate that it is somehow vital to have a fifteen-year rule to manage these problems (even though I can show them that no other country in the OSCE has such rules). In fact, the fifteen-year rule is an obviously overbroad reac-

tion and counterproductive reaction. It will drive genuinely dangerous groups underground and will unnecessarily burden legitimate groups for years to come.

One of the difficulties I am seeing as I move from one country to another is that not only are fears in this are being fanned by anti-cult groups (in pursuit of their free speech rights), but they are also being reinforced by a growing set of Government studies (often mobilized by anti-cult groups). Unreliable literature long discredited in the United States and in respectable scientific circles is translated and recycled as if it were hard science both in Western Europe, and with even more devastating effects, in Eastern Europe, where residual fears of things totalitarian are strong. The growing set of European reports on these issues are cited like an ever lengthening footnote, reinforcing stereotypes and fears, even though in many cases, the ultimate outcome of such studies was that no deviation from general minimum standards for protection of religious freedom is called for by such groups.

My point is not that such phenomena should not be studied and addressed. My only point is that such studies should be carried out with some sense of the potential impact on the deepening of intolerance such studies provide. Too often, they are used as a scientific patina on justifications of what would otherwise be recognized for what it is: vile intolerance. Again, I am not discounting the fact that there are real problems, but my experience is that it is far too easy for the "dangerous" label to be flung about loosely. Whenever one of these studies begins, I can never predict whether my particular group, or many other that I know, will end up on the list. But I can tell you that there are painful consequences for those thus labeled. The United States should be working to combat such sources of intolerance and hate-mongering.

CONCLUSIONS

1. Objectionable legislation is likely to pass in Russia. U. S. response should not be unduly harsh, since this would do more to polarize relations and exacerbate anti-foreign animosities than to strengthen tolerance and religious freedom. However, some meaningful sanctions should be retained during conference on the Smith Amendment that can be brought into play if, but only if, the new legislation is applied in ways inconsistent with assurances that have been provided to U. S. representatives. It may be valuable to give the State Department discretion to withhold foreign aid expenditures from regions with policies that inconsistent with religious human rights.

2. There is a trend toward narrowing and further complicating the rules governing access to legal entity status which has significant adverse impacts on the functioning of religious communities and organizations.

3. The proliferation of national "reports" and other publications on "sects" is often demeaning and unfair to the religious groups identified. Rather than advancing understanding, such reports often accept "anti-cult" literature uncritically and contribute to unfair stereotyping of minority religious groups. In addition to compromising the neutrality of the states that issue them, these are often exploited by anti-cult groups elsewhere to further compound misunderstanding and hatred of new religious movements.

4. It is important to help find mechanisms that make it easier for religious groups to seek redress for manifestations of intolerance without fear of reprisal and further persecution. Such fears are a major cause of under-reporting of violations of religious human rights.

5. It is vital for the United States to continue to give religious freedom a high profile in its foreign policy, both to defuse potential tensions before they grow and to contribute to long-range objectives of peace and justice.

**ANALYSIS OF JULY 4 RUSSIAN FEDERAL ASSEMBLY LAW--
 "ON FREEDOM OF CONSCIENCE AND ON
 RELIGIOUS ASSOCIATIONS"**

**INTERNATIONAL ACADEMY FOR FREEDOM OF RELI-
 GION AND BELIEF**

*Analysis approved by the International Academy's Executive
 Committee July 9, 1997*

EXECUTIVE SUMMARY

The International Academy for Freedom of Religion and Belief is an organization of leading scholars and governmental experts from Europe, Latin America, Asia, Africa, and North America, and from a wide range of religious denominations, who specialize in issues related to freedom of religion and belief around the globe. Over the past five years, the International Academy has had extensive contacts and experience with those working on revisions of the 1950 Russian Law on Freedom of Conscience, and has accordingly followed closely legislation passed earlier this summer by the Russian Federal Assembly that would substantially restrict religious freedom in Russia.

The analysis that follows is respectfully submitted with the hope that it will provide expert perspective that can help inform debate currently going on in Russia on issues of religious freedom. The outcome of this debate is vital not only to the inhabitants of Russia, but to people in other countries who in coming years may be affected by legislation modeled on Russia's.

The International Academy welcomed President Yeltsin's courageous action in vetoing the Law on Freedom of Conscience and on Religious Associations (the "1997 Law") in its present form, and the thoughtful and thorough analysis of constitutional defects in the law provided in his veto message. At the same time, the International Academy understands there is considerable latitude for different countries to structure their relationships to religious organizations in ways that are consistent both with national tradition and with international standards governing the protection of religious human rights.

As noted in the Academy's statement of July 9, 1997, "the International Academy believes that with a limited number of textual changes, the violations of the Russian Constitution and international religious freedom norms evident in the current version of the Law could be cured." Members of the Academy have accordingly reviewed the legislation paragraph by paragraph, with President Yeltsin's veto message in mind. In Section I (pp. 4-10), key principles that govern the sphere of religious freedom are identified, and then, in Section H (pp. 10-18), the specific provisions of the 1997 Law are analyzed to determine what changes are needed in order to assure compliance with the Russian Constitution and with applicable international standards.

Crucial Changes: A most vital change is the elimination of the 15-year limitation on the right to entity status. This provision changes what is otherwise reasonable legislation into a litany of human rights violations. A substantial percentage of the problems with the legislation can be solved by eliminating the offending language in Article 9(1) and Article 11(4)(5). Article 5(3), Articles 15 to 24, and Article 27 are all extremely problematic if the right to perform the activities described in

these Articles is limited only to "organizations" that can pass the 15-year test; so long as entity status as "organizations" is reasonably available to legitimate groups, these problems are solved.

STRONGLY RECOMMENDED CHANGES:

Preamble: Revise Second Paragraph of Preamble in a way that recognizes the distinctive role played by Orthodoxy and other major religious traditions, while respecting the role of other religions in contemporary Russia.

Article 2(2): Freedom of conscience and regulation of religious associations should be exclusively a matter of federal law.

Article 3(4) and throughout the Law, as appropriate: Replace "Citizen" with "everyone," or make it clear that references to "citizens" are intended to include all other persons in Russia as well.

Article 3(5): Prohibition on "attracting" minors is too vague and needs to be tightened. Every religious organization attracts at least some minors. Concerns could be adequately addressed by provisions that do not allow minors to join a church without parental consent, and that prohibit religious organizations from coercively interfering with lawful parental custody of minors.

Article 3(6): Nothing in this provision should be construed to mean that churches can regulate all speech in public squares located in proximity to churches.

Article 3(7): Clergy-penitent privilege. Expand notion of confession to include as well "or other religiously motivated confidential communications."

Article 5(3), First Sentence. Recommend deleting phrase suggesting that religion may be taught only to "followers." -This is not a crucial change, because the law merely states that believers and religious associations have a right to teach religion directly to their followers, and does not expressly rule out teaching others. But the risk is that this phrase would be construed to disallow teaching anyone else, which would violate rights to freedom of expression and religion.

Article 8(3). Delete "permanent" from requirement that those who set up local organizations must be "permanently residing in one locality." Individuals do not need to become "permanent" residents in order to have rights to worship in accordance with their conscience. Article 13(2) and (3). May need to improve language on "foreign representations" to meet needs of legitimate groups using such entities.

Article 14(2). The clause that allows dissolution for "forcing members and followers ... to alienate property ... for the sue of the religious association" is problematic because it might be construed to allow organizations to be dissolved for imposing mandatory tithes or other contributions. The provision, taken literally, would allow deregistration or banning of any church that requires contributions from its members. There are several vague and overbroad provisions in Article 14(2) that should be tightened to avoid possible abuse or misapplication: e.g., "igniting of social ... or religious dissension or hatred between people" and "inciting citizens to refuse to fulfill their civic obligations."

Article 16: Language about military should make it clear that the right to reasonable access to worship facilities and clergy of the believer's choice is to be protected.

Article 24: Provision should be added to clarify that volunteers do not come under normal labor regulations.

Article 27: Provisions should make it clear that where charter provisions are amended to bring them into compliance with the act, the date of recognition of the group relates back to the date when the initial charter was approved. In general, transition provisions should be structured to protect the rights of existing groups, and to avoid retroactive dissolution of legitimate, law-abiding religious groups.

No Change Needed: No change is needed in the majority of provisions of the Law—namely, in Article 1, 2(1), 2(3), 3(1)-(3), 3(8), 4, 5(1), 5(2), 5(4), 10, 11(1)-(3), 11(5)-(12), 12, 13(1), 13(4); 14(3)-(4); 25, 26. In addition, as noted above, once the 15-year limitation is eliminated, so significant change is needed in Articles 5(3), Articles 15 to 24, and most of Article 27. Thus, the overwhelming number of provisions can be left intact. A number of these provisions could be misconstrued, but if applied in good faith, should not be problematic.

Overall Result: The foregoing limited but vital corrections would bring the Law into full compliance with the Russian Constitution (assuming that the provisions are interpreted and applied fairly). It would give major religions the respect they deserve in Russian history, and it would allow adequate monitoring of smaller groups without violating their rights.

1. Constitutional and International Human Rights Principles Governing Adoption of Legislation Such as the 1997 Law

This is not the place for an exhaustive analysis of the array of constitutional and international human rights norms that determine the legitimacy and validity of legislation such as the 1997 Law. The aim here is merely to summarize the major principles and considerations that apply.

A. THE LAW IN ITS PRESENT FORM POSES SEVERE PROBLEMS FOR LEGITIMATE RELIGIOUS GROUPS.

The 1997 Law as enacted would authorize de-registration of thousands of religious entities, including Russian Orthodox congregations out of sympathy with the Moscow patriarchate and numerous other legitimate groups, many of which have been registered in the relatively recent past. This would have devastating impact for affected groups, since religious groups lacking legal personality under the 1997 Law would not be eligible to:

- Request military deferment for clergy (Art. 3(4))
- Obtain equal fiscal treatment (Art. 4(3))
- establish education institutions (Art. 4(3))
- Establish foreign representation (Art. 13(2))
- Establish and maintain religious buildings or other places or objects of worship (Art. 16(1))
- Produce, acquire, export, or import and distribute religious literature, video and audio material, and other articles of religious significance (Art. 17(1))
- Establish institutions to train indigenous clergy (Art. 19(1))
Maintain the full range of international links and contacts (Art. 20)

- Invite foreigners to come to Russia for preaching or other religious activity (Art. 20(2))
- Have benefits of entity ownership of land, buildings and other assets (Art. 2 1)
- Have entity status for purpose of hiring employees (Art 24)

The foregoing is only a partial list of the activities for which religious organizations need entity status. The fact that religious groups may conduct worship and a few other limited activities without registering, as permitted under Article 7 of the Law, is small consolation when the range of normal religious activities for which entity status is critical becomes evident.

B. CONTRARY TO REPRESENTATIONS MADE BY SUPPORTERS OF THE LEGISLATION, NO OTHER EUROPEAN COUNTRY IMPOSES A 15-YEAR BARRIER TO ACQUISITION OF LEGAL PERSONALITY

While it is true that many European countries afford different religious organizations differing levels of recognition, all those that comply with the European Convention and with OSCE Commitments make some form of legal entity available to religious organizations whereby they can carry out the full range of religious activities. Many supporters of the Russian Law cite a recent Lithuanian law as justification for the 15-year requirement in the Russian legislation. But the Lithuanian example shows precisely what is wrong with the current version of the Russian Law. While Article 6 of the Lithuanian law provides that religious associations may be recognized as traditional religious communities only after 25 years "from the date of their initial registration," it is clear both from Article 6 and from Article I I that "non-traditional" religious groups may attain legal personality in a relatively short time, not to exceed six months. With this status, they can carry on the full range of activities open to "traditional" religious communities. The problem with the Russian legislation is that it bars numerous religious groups from access to what elsewhere is routine access to legal entity status.

In Germany, constitutional provisions indicate that some measure of permanence is a prerequisite to acquiring "public corporation" status, but most smaller religious groups have now acquired this status, and even those who don't are free to organize as privately registered societies free to carry out their religious mission. Among the groups that have "public corporation" status in Germany (in addition to the larger religious denominations) are: Baptists, Christian Science, the Church of Jesus Christ of Latter-day Saints (Mormons), Evangelical Free Churches, Jehovah's Witnesses, Mennonites, Methodists, the New Apostolic Church, the Salvation Army, Seventh Day Adventists, and Unitarians. Many other groups are given legal personality as registered organizations under the civil code. A Federal Constitutional Court decision in 1991 made it clear that if structures provided by the Civil Code were inconsistent with the ecclesiastical polity of a religious organization (in the case: the Bahai religion), religious freedom concerns oblige public authorities to make exemptions to accommodate differences in religious belief. It is absolutely clear under German law that the civil law entities enjoy the same full measure of religious freedom that those with public corporation status enjoy. Many of the foregoing groups would be deprived of entity status under the Russian Law.

Examples could be multiplied, but the point is that all countries provide some kind of "base level" entity that is available to all religious groups willing to abide by the laws and constitutional order of the country involved. Professor Silvio Ferrari, a member of the Board of the International Academy and holder of the Chair in Ecclesiastical Law at the Faculty of Law of the University of Milan indicates he is aware of no country within the European Community that must prove 15 years of activity as a precondition to acquiring legal personality. All make available some form of legal entity so that religious groups can carry out the full range of their lawful religious activities.

In the contemporary world, for most religious associations, deprivation of entity status is a major encroachment on religious freedom. It is for this reason that Principle 16(c) of the Vienna Concluding Document (1989) commits participating states in the Helsinki Process, including Russia, "to grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of their states, recognition of the status provided for them in their respective countries." The wording of this commitment recognizes that the precise legal form of legal personality varies from legal system to legal system, but access to some form of legal entity, without waiting fifteen years, is vital to meeting OSCE commitments.

Failure to grant such status constitutes a limitation on manifestation of religion that violates Article 9 of the European Convention of Human Rights, since it can hardly be said that denial of entity status "is necessary in a democratic society." To the contrary, granting such status is a crucial feature of contemporary democratic society.

C. THE LAW IN ITS CURRENT FORM UNNECESSARILY VIOLATES SEVERAL MAJOR CONSTITUTIONAL AND INTERNATIONAL HUMAN RIGHTS NORMS

The law violates several provisions of the Russian Constitution and of Russia's international commitments. The international commitments represent "minimum requirements" for a the countries they bind. The Russian Constitution incorporates these international standards (Article 15) in some areas imposes even stronger requirements of its own (e.g., Article 14). The key provisions are noted in summary fashion here.

1. THE RUSSIAN CONSTITUTION

Supporters of the 1997 Law have frequently contended that it is consistent with church-state regimes in many other countries in Europe. Many European countries, for example, have established churches, and others have schemes of strong cooperation between church and state. Still others recognize the distinctive role that particular religions have played in the formation of national culture. As noted above, however, it is simply not the case that other European countries deprive religious organizations of entity status altogether for lengthy time periods (beyond what is reasonably necessary to register normal civil associations). More significantly, the question is not what is permitted by the constitutions of other countries, but what is allowed under the Russian Constitution, which in some respects imposes even higher standards than the requirements of applicable international treaties such as the European Convention of Human Rights. For example, none of the countries that grant privileged status to dominant religions have constitutional

provisions as strict as Article 14, which provides that "Religious associations ... shall be equal before the law." In analyzing the present law, it is not enough to rely on vague analogies to practices in other countries; it is vital to pay attention to Russian constitutional provisions.

The 1997 Law in its current form violates Article 14 in that it deprives any religious association that has not met the 15-year requirement of equal treatment. Recognition of the distinctive historical role of some of Russia's major traditional religions does not in and of itself violate the equality provision, so long as that does not result in practice in discrimination against other religious groups. As currently formulated, "all Russian" status may give some groups privileged status that cannot be reconciled with Article 14. It is significant to note that other countries with "endorsed Churches" have constitutional provisions that address this issue, and do not have the strong language of Article 14 requiring equal treatment of religious associations. Article 17(2) provides that the basic rights and liberties of the human being (including religious liberty) "shall belong to everyone from birth." Some of the provisions of Article 3 of the Law impose constraints on teaching religion to minors that may run contrary to minors' rights in certain contexts. The law should have some latitude to protect the rights of parents to "[c]are for children and their upbringing" under Article 38(2), but the rights of mature minors should be given appropriate respect. Article 28 enunciates the right to freedom of religion in very broad terms, stating that "Everyone shall be guaranteed the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion, or to profess no religion, to freely choose, possess and disseminate religious or other beliefs, and to act in conformity with them." Many of the provisions of the Law are inconsistent with this fundamental guarantee. To the extent the Law extends its protections only to citizens, it overlooks the rights of millions of foreigners, refugees, stateless persons, and so forth. Deprivation of entity status curtails the full freedom of both individual Russian believers and religious communities in a variety of ways. Constraints on a religious associations teaching religion to its "followers" violates the rights "to freely choose, possess and disseminate religious or other beliefs." Article 29 provides broad protections for freedom of expression, whether religious or otherwise. A number of provisions of the Law in its current form abridge freedom of expression rights. Article 30, concerning the right to association, is also threatened or curtailed in certain respects by the 1997 Law. Article 35, concerning the right to property, is likely to be violated by the dissolution provisions of the Law. Many religious organizations were created with the assumption that their property would stay perpetually in the ownership of an association that has been created since 1990. If that entity is dissolved as a result of the law, the religious community involved cannot create a new religious entity because of the 15-year constraint, deprivation of property rights is likely to occur. Article 15(4) provides that "[i]f an international treaty of the Russian Federation stipulates other rules than those stipulated by the law, the rules of the international treaty shall apply." Thus to the extent the current version of the Law violates Russia's international treaty obligations, it also is in conflict with Article 15(4)'s supremacy clause.

2. International Agreements

Because the Russian Constitution already has strong provisions protecting human rights, international religious freedom norms are in a sense redundant, but certain features of applicable international instruments are worth highlighting.

A. Religious Freedom Norms

The language of Article 28 of the Russian Constitution parallels language of Article 18 of the International Covenant on Civil and Political Rights and Article 9 of the European Convention. Significantly, it is not enough under international law for regulations and restrictions on religious freedom (such as those that accompany lack of entity status) to be justified on the grounds that they simply further public safety, health, welfare, morals, or order or protect the rights of third persons. To satisfy international law, such restrictions must be "necessary in a democratic society" and proportionate to the nature of the state interests involved. In general, an otherwise legitimate state objective may not override religious freedom rights if the state objective could be satisfactorily attained in a less intrusive manner. The problematic provisions of the current version of the Law all violate this fundamental constitutional and human rights constraint.

B. Freedom of Expression

To the extent that provisions of the Law violate Article 29 of the Russian Constitution, they also violate Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the European Convention.

C. Right to Entity Status

One of the key protections for religious freedom that has been recognized in the Helsinki process is the right of religious groups to acquire legal personality to carry out their affairs. This is perhaps most clearly articulated in Principle 16(c) of the Vienna Concluding Document (1989), which has been cited in full earlier. One of the most fundamental problems of the current version of the Law is that it clearly offends this right.

D. ANTI-DISCRIMINATION NORMS

International norms are replete with provisions proscribing discrimination on the basis of religion or belief. While the current version of the Law has excellent language endorsing anti-discrimination principles (e.g., Art. 3(3)), the denial of entity status to many religious groups will work a variety of direct and indirect forms of discrimination that are inconsistent with the spirit and letter of international norms.

3. NON-INTERFERENCE IN INTERNAL RELIGIOUS AFFAIRS

One of the most fundamental aspects of religious freedom is the right of religious organizations to non-interference in their internal affairs. That is, religious organizations have a right to self-determination and autonomy in selecting personnel and otherwise in structuring their respective organizations. This is one of the major objectives of the principle of "separation of church and state," protected by Article 14 of the Russian Constitution, and is clearly acknowledged in Article 4 of the 1997 Law. The difficulty is that other provisions conflict with the otherwise excellent provisions on religious autonomy in Article 4. This dimension of religious freedom is crucial because religious life is inher-

ently communal in nature, and if a religious community is not left free to structure its own affairs (within the limits of laws necessary in a democratic society), the life of the community ceases, to the extent of the intrusion, to be its own religious life; it loses its purity and authenticity, and in the last analysis, it loses its identity.

A broad range of issues vital to the life of religious community falls within the ambit of the right to religious autonomy and non-interference in internal religious affairs. The following is a partial list of the types of issues that fall in this category:

1. Formation of religious dogma
2. Beliefs about the nature of ecclesiastical polity
3. Establishment and maintenance places of worship
4. Administration of affairs of the religious organization, including
 - a. Financial matters
 - b. Territorial structure of the association (defining boundaries of church units)
 - c. Hierarchical structure
 - d. Determination of nature of organization
 - e. Selection and appointment of leaders, ministers, and all other church officials, including transfer of such individuals from one post to another
 - f. Administration and training
 - g. Communication with foreign co-religionists
5. Determining and carrying out charitable mission of the religious organization
6. Determining and carrying out training programs for present and future leaders and ministers
7. Structuring other educational programs for church members
8. Structuring outreach programs
9. Internal jurisdiction (canon law, disciplinary proceedings, etc.)
10. Right to some form of legal entity for acquiring property, worship facilities, bank accounts, labor contracts, etc.
11. Right to establish facilities for printing and producing materials for disseminating beliefs to members and others. (Applies to print and other forms of media.)
12. Right to make, acquire and use religious items
13. Right to undisturbed day of rest, religious holidays, and worship services
14. Right to freedom from indirect constraints on manifestation of religion, such as residency permit requirements clearly aimed at curtailing religious expression

Note that many of the foregoing are expressly protected by constitutional provisions and international commitments; others are implication of broader constitutional phrases such as "separation of church and state." Each reflects a different concrete aspect of the right to internal autonomy.

The important point for present purposes is that virtually all of the foregoing are adversely affected by the 1997 Law. One of the most critical blows to religious autonomy under the new Law is its potential to deregister numerous religious organizations and deprive them of entity status. As noted elsewhere, many of the most serious problems with the

new Law could be solved by eliminating the 15-year requirement in its current form. Even if the 15-year problems are solved, the law as drafted has additional problems. Many of the restrictive provisions regarding foreigners are clearly aimed at imposing direct or indirect constraints on individuals and organizations to make it more difficult for them to carry out their teaching missions. There are constraints that make it much more difficult to make appointments of religious officials or priests from abroad. Constraints may be placed on selecting personnel to fill various church positions from abroad. When the motivation appears to be to limit growth of smaller groups, such tactics constitute an impermissible interference with religious autonomy.

D. COMPROMISE LEGISLATION COULD ADDRESS RUSSIAN NEEDS WITHOUT VIOLATING THE RUSSIAN CONSTITUTION AND INTERNATIONAL NORMS

The tragedy of the Russian legislation in its current form is that but for a few egregious provisions, most of which were engrafted on otherwise respectable legislation in the final days before passage by the State Duma, the legislation would have been able to address perceived Russian needs without violating the Russian Constitution or international standards. The Law constitutes an overly broad reaction to worries about "dangerous" religious sects. It sacrifices the religious liberty of countless legitimate religious groups in an effort to deal with abuses that have occurred in a relatively small number of highly-publicized incidents. An anti-foreign animus running through the bill jeopardizes the religious freedom rights not only of foreigners in Russia, but of the countless Russian citizens who have chosen to exercise their religious freedom by affiliating with religious groups that have co-religionists abroad.

It is far from clear why deregistering numerous legitimate groups who have been recognized for less than fifteen years is necessary to deal with problems arising from a relatively small number of groups. Truly dangerous groups are unlikely to be effectively controlled by registration requirements; they will simply go underground. Restrictive registration provisions are thus peculiarly ineffective to achieve their objective: they unfairly burden legitimate groups while in fact making it less rather than more likely that state officials will have information about dangerous groups. By either eliminating the 15-year requirement for legal personality, or by providing an alternative form of entity eligible to carry out the full range of activities of legitimate religious groups, many of the most serious problems in the current version of the Law could be solved. Other problems could be cleaned up in the process of making this one major fix.

II. RECOMMENDATIONS FOR CHANGES IN THE RUSSIAN LAW ON FREEDOM OF CONSCIENCE AND ON RELIGIOUS ASSOCIATIONS

The following recommendations are intended as practical and politically viable approaches to reaching a compromise on the law "On Freedom of Conscience and on Religious Associations" (the "Law") passed by the Russian State Duma on June 23 and by the Federation Council on July 4, 1997. The law passed was based on drafts that had been considered by experts and religious communities in Russia. However, a number of last minute changes were introduced in June before the legislation was submitted to the State Duma for second reading and also in

the course of preparing the third reading version. The result is there are a number of provisions that are not consistent with the Russian Constitution, as has been eloquently and thoroughly pointed out in President Yeltsin's veto message. The aim is thus to identify provisions that need to be adjusted to bring the law into full compliance with the Russian Constitution, while respecting the basic structure of the legislation. In general, if compliance with the Russian Constitution is achieved, this will automatically bring the legislation into compliance with Russia's international commitments. It is clear that the Russian Constitution was adopted with the intention of complying with international human rights norms, including internationally recognized religious rights, and accordingly it is sometimes helpful to refer to the applicable international norms in explicating the meaning of various general provisions of the Russian Constitution.

Preamble. The only question posed by the Preamble is its second paragraph referring to traditional religions. Many constitutions of the world recognize the distinctive role played by particular religious traditions in a country's history and culture. There is nothing objectionable to this so long as it does not lead to discrimination against other groups. President Yeltsin's veto message notes that as currently phrased, the preamble "entrenches inequality of religions, since only Orthodoxy is recognized as an integral part of the common Russian historical, spiritual, and cultural heritage." This problem can be solved by a simple change that conveys appropriate respect for the Orthodox tradition without treating others unequally. A possible revision might read as follows (underscoring additions and striking out deletions):

"Respecting the profound role that Orthodoxy has had in the formation as an integral part of the all-Russian historical, spiritual, and cultural heritage, and equally that of Islam with its millions of members, and also that of Buddhism, Judaism, and other religions traditionally existing in the Russian Federation."

CHAPTER 1. GENERAL PROVISIONS

Article 1. No change needed.

Article 2. No change is needed in Clauses I and 3. A significant substantive change was added between second and third readings in the State Duma, and the final draft should be returned to the second reading version, as follows:

2. The rights of man and citizen to freedom of conscience and to freedom of creed are regulated exclusively by federal law. Federal laws and other normative legal acts enacted in the Russian Federation and affecting questions of freedom of conscience, freedom of creed and the activities of religious associations must be consistent with this federal law.

One of the ambiguities under prior law was whether this area should also be subject to coordinate regulation by the subjects of the Russian Federation. This has led to the proliferation of local laws that all too often are violative of human rights. The State Duma rightly decided that because of its sensitivity, this area should lie in the exclusive jurisdiction of the federation. The change made between the second and third readings was not a merely technical change, because it reverses the intended assertion of exclusive federal power in this area.

Article 3. No changes are required in Clauses 1-3. It should be noted that Article 3 Clause 3 was moved to its current location from the end of Article 4 Clause 1. This might give the impression that the right to be free from religious discrimination is primarily an individual - right. In fact, Article 14 Clause 2 of the Russian Constitution and Article 4 Clause 1 of the Law both proscribe discrimination against religious groups and associations regardless whether Article 3 Clause 3 appears at its new location or in its original position. Hence, no change is needed in this respect. The word "Citizen" at the beginning of Clause 4 should be replaced with "Everyone." As noted at length in President Yeltsin's veto, there are otherwise numerous resident aliens, stateless persons who are not assured equal protection under the Russian Constitution. Clause 5 is problematic in that forbids the "attraction of minors to religious associations and also the teaching of religion to them against their will or without the agreement of their parents or guardians." Different constitutional systems may balance the competing rights of parents, children, and religious associations differently. What is unacceptable about Clause 5 is that religious associations have the right to teach their beliefs, and there are many situations in which minors may be attracted to these teachings without any coercive activity on the part of the religious organization. Religious organizations cannot be required to have unattractive teachings. Moreover, mature minors may assert their own freedom of conscience in ways that do not necessarily coincide with the religious beliefs of parents. An approach that respects the rights of parents to raise their children as they see fit and the rights of religious groups to express their beliefs would be to change the last sentence of Clause 5 to read as follows:

Minors shall not be allowed to become members of a religious association without parental consent, and religious organizations shall not interfere with lawful parental custody of minors.

Clause 6 is acceptable provided that it is not abused to prevent legitimate religious speech in public squares. It is obviously inappropriate for individuals of one belief to harass or insult adherents of another belief, particularly in the immediate environs of a church or other object of veneration. However, the fact that a church is located near a public square should not give that church a monopoly on all religious expression in that public setting. Clause 7 is acceptable as is, but it may be wise to add the phrase "or other religiously motivated confidential communications," since confession practices differ.

Article 4. No changes are necessary as a matter of international law, provided that the material assistance to be provided pursuant to Clause 3 is made available on a reasonably equal basis (to the extent such aid is requested; many smaller groups would reject such aid as a matter of principle). Care should be taken in structuring such financing to avoid using tax dollars from non-believers or believers in other faiths to pay for purely religious education- finding such support to the secular aspects of education helps resolve this problem. The equality problem noted in the analysis of Clause 3 in President Yeltsin's veto message would be solved if the fifteen-year limitation of Article 9 is eliminated. Beyond the educational setting, support for the maintenance of religious buildings which are also monuments of Russian history and culture is permitted even in separationist France.

Article 5. No changes are needed in clauses 1, 2, and 4. Clause 3 is problematic for two reasons. First, only "organizations" are eligible to establish educational institutions. This problem would disappear if the 15-year limitation of Article 9 is eliminated. Otherwise, religious associations without entity status would be profoundly discriminated against, both in their right to establish schools for the children if they so desire, and in their ability to establish training institutions for their clergy. This violates equality principles, the right of religious communities to structure their internal affairs, and the rights of parents to be able to guide the education of their children. The second problem relates to the first sentence of Article 5 Clause 3. As originally worded, this Clause provided, "Religious organizations have the right in accordance with their own statutes, to directly teach religion and create educational establishments in accordance with legislation of the Russian Federation." Just prior to second reading, this was changed to read, "Religious associations have the right directly to teach religion to their followers." This is fine as far as it goes, but it appears to suggest that religious associations do not have the right to teach or express their beliefs to others. This is clearly inconsistent with Articles 18 and 19 of the International Covenant on Civil and Political Rights, Articles 9 and 10 of the European Convention, and Articles 28 and 29 of the Russian Constitution. To avoid any ambiguity on this point, the phrase "to their followers" should be deleted. Of course, even if this change is not made, the law does not in fact negate the right to teach others; it merely affirms the right to teach followers. In general, it is important that it should be clear that the Law does not constitute an exhaustive enumeration of religious freedom rights.

CHAPTER II. RELIGIOUS ASSOCIATIONS

Articles 6-9. These articles need to be discussed as a unit. These provisions were added for the most part at the second reading stage, and contain some of the most problematic features of the new law. Most problematic of all is Article 9 Clause 1, which prevents the formation and recognition of local religious organizations unless they "have confirmation from the organs of the local government that it has existed for no less than 15 years on the said territory." This single provision transforms the rest of the law, with its extensive list of the rights of "organizations," into a rather comprehensive list of all the rights that will be denied to groups not eligible for entity status. While a number of European countries provide some forms of more favored status for more established religious organizations, none flatly deny entity status necessary for carrying out normal religious affairs for any substantial period. Lithuania's 25-year requirement for "traditional church" status—often cited as authority for the 15-year provision—is measured from the time of initial registration of a church as an entity. "Non-traditional" churches are not

discriminated against in their rights to operate within the limits of the law, and clearly have entity status. The 15-year requirement flagrantly violates Russia's obligations under the Helsinki Process (most notably, Principle 16(c) of the Vienna Concluding Document), and it transmutes the rest of the law into a vast engine of inequality. As President Yeltsin's Veto Message makes abundantly clear, this provision creates numerous violations of the Russian Constitution, and clearly must be eliminated.

Once the 15-year limitation is dropped, most of the rest of the organizational provisions are acceptable. Article 6, so long as it is construed with some flexibility, recognizing the broad diversity among different types of religion in the world, provides a reasonable starting point for determining what kinds of associations qualify as "religious." Article 7 (on "Religious Groups") constitutes an inadequate form of legal organization from the perspective of most religious organizations, because acquisition of legal personality is regarded by most groups as an essential prerequisite for normal operations. Still, so long as it is not merely a category of "second class" status for religious organizations, it is an important category, because there are some religious organizations that have conscientious objections to seeking entity status from the state, and some starting point for new religious organizations (or older religious associations that are new to a particular locale) is necessary.

Article 8 provides a fairly flexible framework that most religious organizations, regardless of their distinctive ecclesiastical polity, can use for purposes of organizing their affairs. Clause 2 provides that religious organizations may be either local or centralized organizations, and that centralized organizations may be either "regional or all-Russian." Clause 3 provides that a group of "ten or more members or followers who are at least 18 years old and who are permanently residing in one locality" may be recognized as a "local religious organization." The permanent residence requirement is vague, and may discriminate against foreigners living in a certain area for a relatively short period. That problem could be solved simply by eliminating the word "permanent." Clause 4 provides that three or more local congregations may be recognized as a regional religious organization." Clause 5 provides that centralized religious organizations that have been functioning for 50 years in no fewer than half of the subjects of the Russian Federation (or in no fewer than three subjects as "ethnic-cultural formations"). Much attention has been paid to this provision in the press, because it seems to create the basis for discrimination in favor of larger churches with extensive presence in Russia. In fact, however, all that seems to ride on "All-Russian" status is the right under Clause 6 to use the words "Russia," "Russian" and derivatives of these" in their names. This may be a matter of some consequence to some long-standing religious groups in Russia, and if it is religiously important to a group to claim that it is Russian, it is not clear why this claim should be denied. In any event, so long as the "All-Russian" designation does not operate to confer special privileges vis-a-vis smaller regional organizations, whether in the Law or in other legislation, this category does not appear to be objectionable. Otherwise, the "All-Russian" designation simply recognizes the undisputed fact that some religious organizations are larger than others. Clause 7 allows centralized organizations (whether "AR-Russian" or "regional" to create other entities, including presumably affiliated entities in new localities and other types of institutions such as coordinating organs or institutions of professional religious education. Clause 8 is rather indeterminate. If it is used to give "AR-Russian" organizations privileges denied to "regional" organizations, this would be impermissibly discriminatory; if it is merely a recognition that differences in size do in fact make some practical differences, this should be unproblematic.

In short, without the limitations of the 15-year-requirement in Article 9, Articles 6-9 create a flexible system for allowing a broad range of religious organizations to acquire legal personality. The entities available are sufficiently flexible to meet the needs of most groups. Some religious associations are congregational in their structure; others are hierarchical; still others have some intermediate structure. Some may prefer to use local organizations; some centralized. But so long as officials do not attempt to use the legal structures of Articles 6-9 to force religious associations to choose structures inconsistent with their religious beliefs about ecclesiastical polity, the structures made available by the law will work for most groups. Stripped of the 15-year-requirement, construed to assure that the "All-Russian" classification is not used as a basis of discrimination, and with the deletion of the word "permanently" from Article 8 Clause 3, Articles 6-9 constitute an excellent approach to the challenge of making legal entities available to the religious sector which are sufficiently flexible to accommodate the diverse needs of varying religious groups.

President Yeltsin's veto message (Para. 13) suggests that the provision of Article 9 Clause I providing that a local organization can be formed on the basis of a "confirmation from a centralized religious organization of the same creed that it forms part of its structure" is a violation of the separation of church and state. This statement is made at the end of a paragraph pointing out that there is in an impermissible delegation of governmental power to Churches in Article 13 Clause 2, since it makes foreign representations dependent on the decision of Russian religious organizations. The two situations are quite different. One church should not be dependent on determinations of another church in order to establish itself, if a domestic church can block establishment of a foreign church, it has in effect exercised state power inappropriately. The situation in Article 9 is quite different. There an existing church in effect tells the state that in exercising its rights to self-determination in its own internal affairs, it has created a sub-entity. The state's recognition of the sub-entity is part of its protection of the religious freedom of the already-recognized entity. In any event, it is significant that the sub-entity is not formally registered until the application made by the centralized organization is approved by a state registering organ (Article I 1, paragraph 7).

Article 10 states a reasonable set of requirements for inclusion in the charter of a religious organization. Provided that those administering these requirements do not require excessive information or detail (for example, the Catholic Church should not be required to recite its entire history, world-wide sources of finance, etc.) and do not use requests for additional information to delay recognition or otherwise abuse discretion, Article 10 is acceptable.

Article 11 addresses the process of registration. Clause 1 remains somewhat vague, because legislation that will govern the registration process (and the parallel processes for other types of charitable and non-profit organizations) has not yet been passed. Assuming that the legislation ultimately passed in that area is constitutional, it should add no further problems. It is not a problem now. Clauses 2 and 3 provide reasonable direction on where organizations should be registered. Clause 4 is acceptable, except that subparagraph 5 (requiring confirmation that the 15-year test has been met) must be deleted for the same reasons as the 15-year requirement itself. Clause 5 is acceptable subject to two

caveats. First, the fact that a Russian religious group has co-religionists elsewhere should not require that group to affirm an official linkage with the other body. For example, a Baptist organization with local congregations may have theological reasons why it does not want to treat another Baptist group elsewhere as a "governing center." Second, this requirement should not be pushed beyond the limits of feasibility. For example, what would count as the "founding document" of the Roman Catholic Church? There are literally thousands of legal entities affiliated with the Roman Catholic Church and its many orders around the world. Other churches may have similar problems that have to do with the history of their organizations. Clause 6 is also reasonable, provided that this is not transformed into an overly detailed request for information. It is not unreasonable to request that a centralized organization submit information about the sub-entities it include. Clause 7, with its provision for some additional study time to assess the bona fides of new applicants seems reasonable. Rejection of an application pursuant to Clause 8 for failure to complete formalities of the application is acceptable, so long as the formalities are not transformed into unreasonable obstacles to registration. Clauses 9-12 are all reasonable and require no change.

Article 12 needs no changes.

Article 13. Clause 1 needs no changes. Clause 2 is problematic in that it impermissibly delegates governmental power to Russian Churches to determine whether foreign churches should be able to establish a foreign representation. Clause 3 leaves to other legislation the determination of the procedure for the registration, opening and shutting of foreign representations. Thus, one cannot tell from this legislation whether particular problems may eventuate for some foreign groups. Clause 4 is fine.

Article 14. The provisions on liquidation of religious organizations seem reasonable. That is, Clause I respects the right to voluntary dissolution, and provides that involuntary dissolution can only occur on the basis of a judicial order which must find "frequent and gross infringement of the Constitution of the Russian Federation, or infringement of this federal law and other federal laws, or in the case of systematic activities by a religious organization which contradict the goals for which it was created." Clause 2 then further specifies grounds for judicial dissolution. Some of the factors listed are vague and subject to abuse. For example, some might argue that merely asserting one set of beliefs, even if done in a reasonable way, "ignites ... religious dissension or hatred," but such activity should clearly be protected by rights to freedom of religion and freedom of expression. If an adult member of a family exercises his or her right under the Russian Constitution and all applicable international covenants to "change her religion or belief," with the result that a family unit dissolves, does this justify dissolution of an organization? Much depends on how the term "forcing" is construed; the fact that a voluntary conversion occurs should not count as a religious organization's "forcing a family to disintegrate." The subparagraph allowing dissolution for "encouraging ... the refusal on religious grounds of medical help to persons in life-endangering or health-endangering conditions" is obviously problematic for Christian Scientists and Jehovah's Witnesses." Most democratic societies have come to terms with these groups, whose histories date back to the 19th century. Most believe that if adults in these religious communities wish to decline

modern scientific medical help, it should be their right to do so. Jurisdictions are more divided on how cases of denial of medical assistance to minors should be handled. In general, deregistration of the religious association seems rather pointless: it will not affect the conduct of believers. If the threat of loss of life or health or loss of a loved child is not sufficient to deter these individuals from abstaining from medical care, deregistration is unlikely to have much effect. It makes more sense to maintain registration, and then deal with individual cases on a case-by-case basis. The insistence on an alternative to secular education should not in itself constitute "hindering the receiving of compulsory education." The subparagraph on alienation of property is also problematic. Presumably, the authors of the legislation were concerned about cases where cult groups have required their members to donate all or most of their property to the religious organization. As written, however, the law would allow deregistration of any church that requests donations (however large or small) from their members. That is, it would allow dissolution of all known religious organizations. Different religious groups have differing beliefs about property. Early Christians believed in having all things in common. Many religious groups practice tithing. Many ask even greater sacrifices. The widow in the New Testament story of the "widow's mite" was praised by Jesus for having given all that she had. So long as donations are voluntarily made and not induced by fraud or coercion, it is difficult to say that such matters should be grounds for dissolution of the organization. As a practical matter, it makes more sense for the organization to remain recognized so that if there has been wrongdoing, the entity can be compelled to disgorge unjustly acquired donations. Clauses 3 and 4 are fine.

CHAPTER III. RIGHTS AND CONDITIONS FOR THE ACTIVITY OF RELIGIOUS ORGANIZATIONS

Most of the Articles in this chapter (15-23) are for the most part not objectionable, provided that they are equally available to all religious associations. Thus, they are essentially unproblematic if the 15-year limitation is eliminated, but they violate numerous constitutional and international norms if that limitation is retained.

Article 15 needs no change (provided that the 15-year limitation on acquiring legal personality is dropped). It respects the established principle that religious freedom includes the right of religious organizations to self-determination and autonomy in their internal affairs.

Article 16 needs no change. Implementing regulations should make it clear that those in command of military units should do their best to accommodate the religious requirements of believers of all faith traditions.

Article 17 needs no change.

Article 18 needs no change.

Article 19 needs no change.

Article 20 is extremely problematic for numerous religious groups if the 15-year limitation prevents them from qualifying as "organizations." If that limitation is removed, and provided that the rights of religious organizations to invite foreign co-religionists, as may be required in furtherance of their right to structure their internal affairs and in organizing their religious activities, Article 20 is acceptable. The Yeltsin

Veto Message (19) explicitly mentions Article 20 Clause 2 in a list of provisions that impermissibly discriminate against non-citizen believers.

Article 21 is not objectionable. Note that while the intent of Clause 5 is to protect churches from judgments against their property, it may have the effect of making it impossible for religious organizations to borrow funds, since lenders cannot have any meaningful security interest in church property.

Article 22 needs no change.

Article 23 needs no change. Of course, tax rules may require taxation of profits from such enterprises to the extent they are not devoted to religious purposes.

Article 24 contains reasonable provisions for protection of employees of religious organizations. It is important to be clear, however, that many of those performing services for religious organizations may be volunteers, and not employees. If churches were forced to pay salaries, pension payments, and other such benefits for volunteers, they would be forced to decline volunteer assistance that would otherwise benefit not only the religious organization, but also society at large.

CHAPTER IV. THE SUPERVISION AND MONITORING OF THE IMPLEMENTATION OF THE LAW ON FREEDOM OF CON- SCIENCE AND ON RELIGIOUS ASSOCIATIONS

Article 25. No change needed.

Article 26. No change needed. Of course, it is not exactly clear from this provision which "criminal, administrative and other liability" may be involved.

Article 27. As mentioned at several points in Yeltsin's veto message, this provision creates grave problems if the 15-year limitation remains; otherwise, it is a fairly standard implementation provision. If the 15-year limitation were to remain in effect, it is not clear what percentage of existing religious organizations would become ineligible for re-registration, and of those organizations dissolved for ineligibility, it is not clear how many of those have provisions in their charters that make it clear where their property should go. Thus, a legal morass of indeterminate scope would be created.

INTRODUCTION AND BACKGROUND

On June 23, 1997, the Russian State Duma passed a new federal law "On Freedom of Conscience and Religious Associations." Ignoring recommendations from two of its committees to the effect that the legislation should be rejected or at least studied more deeply before action, the Federation Council passed the legislation on July 4, 1997. Because of a few particularly problematic provisions inserted into the legislation in the last few days before its passage by the State Duma, the legislation in its present form will violate the religious freedom rights of numerous religious groups, including Orthodox believers, Roman Catholics, Anglicans, Baptists, Pentecostals, Adventists, Mormons, Christian Scientists, and countless others.

As explained below, the International Academy believes that with a limited number of textual changes, the violations of the Russian Constitution and international religious freedom norms evident in the current version of the Law could be cured. The International Academy

accordingly urges President Yeltsin to reject the law pending revisions that would comply with the Russian Constitution and applicable international standards.

ADVERSE REACTION TO THE LEGISLATION

The legislation has evoked strong international reaction from both religious groups and from high-level government officials. U.S. State Department officials report that President Clinton has discussed the legislation directly with President Yeltsin, urging him to reject it. Other sources indicate that former President Carter has also appealed directly to President Yeltsin for intervention. Eighteen members of the Senate Appropriations Committee that supervises Russian aid have joined in a letter to President Clinton, supporting his efforts to urge a Yeltsin veto. Senator Lugar has sent a letter signed by 26 members of Congress to President Yeltsin, and is circulating a second letter opposing the legislation which is expected to attract extensive support throughout Congress.

Similar concerns are being voiced in other countries. Both Canada and the Vatican have filed interventions critical of the legislation before the Permanent Council of the Organization for Security and Cooperation in Europe, as has the United States, and further interventions can be expected there now that both chambers of the Russian Federal Assembly have adopted the legislation. Non-governmental organizations have also voiced opposition to the legislation. The Fourth World Congress of the International Religious Liberty Association, whose participants Analysis approved by the International Academy's Executive Committee included religious leaders, government representatives and academic religious liberty experts from numerous denominations and over thirty countries, adopted a resolution urging the rejection of the legislation.

Within Russia, a joint letter was sent to the State Duma by heads of the Baptists, Pentecostals, and Adventists opposing the legislation. Most religious groups in Russia (albeit not the groups representing the largest number of Russians) oppose the legislation. The Russian Helsinki Committee held a news conference addressing human rights violations associated with the Law today. Another press conference addressing problems with the law was held by two Moscow-based organizations, the Christian Legal Center and the Institute of Religion and Law.

ADVERSE IMPACT OF THE LEGISLATION

Among other things, the Law if approved by Yeltsin would authorize de-registration of thousands of religious entities, including Russian Orthodox congregations out of sympathy with the Moscow Patriarchate and numerous legitimate groups. This would have devastating impact for affected groups, since religious groups lacking legal personality under the Law (see Art. 7) would not be eligible to:

- Request military deferment for clergy (Art. 3(4))
- Obtain equal fiscal treatment (Art. 4(3))
- Establish education institutions (Art. 4(3))
- Establish foreign representation (Art. 13(2))
- Establish and maintain religious buildings or other places or objects of worship (Art. 16(l))

- Produce, acquire, export, or import and distribute religious literature, video and audio material, and other articles of religious significance (Art. 17(l))
- Establish institutions to train indigenous clergy (Art. 19(l))
- Maintain the full range of international links and contacts (Art. 20)
- Invite foreign citizens to come to Russia for preaching or other religious activity (Art. 20(2))
- Have benefits of entity ownership of land, buildings and other assets (Art. 21)
- Have entity status for purpose of hiring employees (Art 24)

The foregoing is only a partial list of the activities for which religious organizations need entity status. The fact that religious groups may conduct worship and a few other limited activities without registering, as permitted under Article 7 of the Law, is small consolation when the range of normal religious activities for which entity status is critical becomes evident.

In addition to the numerous infractions of religious liberty associated with denial of entity status, there are a small number of additional problems that need to be addressed. For example, the Law authorizes religious groups to teach only their own "followers" (Art. 5(3)), in violation of both religious freedom and freedom of expression norms. The Law also threatens to violate a variety of other religious freedom rights of individuals and groups, including rights to autonomy in the internal affairs of religious organizations, freedom of expression rights, equality rights, children's rights, and property rights, all as articulated in the Russian Constitution and in applicable international human rights norms. The International Academy believes, however, that the problematic provisions could be revised fairly easily so that legislation that is substantially similar to the current version (with a few extremely problematic provisions revised or removed) could be approved in the near future.

CONTRARY TO REPRESENTATIONS MADE BY SUPPORTERS OF THE LEGISLATION, NO OTHER EUROPEAN COUNTRY IMPOSES A 15-YEAR BARRIER TO ACQUISITION OF LEGAL PERSONALITY

While it is true that many European countries afford different religious organizations differing levels of recognition, all those that comply with the European Convention and with OSCE Commitments make some form of legal entity available to religious organizations whereby they can carry out the full range of religious activities. Many supporters of the Russian Law cite a recent Lithuanian law as justification for the 15-year requirement in the Russian legislation. But the Lithuanian example shows precisely what is wrong with the current version of the Russian Law. While Article 6 of the Lithuanian law provides that religious associations may be recognized as traditional religious communities only after 25 years "from the date of their initial registration," it is clear both from Article 6 and from Article II that "non-traditional" religious groups may attain legal personality in a relatively short time, not to exceed six months. With this status, they can carry on the full

range of activities open to "traditional" religious communities. The problem with the Russian legislation is that it bars numerous religious groups from access to what elsewhere is routine access to legal entity status.

In Germany, constitutional provisions indicate that some measure of permanence is a prerequisite to acquiring "public corporation" status, but most smaller religious groups have now acquired this status, and even those who don't are free to organize as privately registered societies free to carry out their religious mission. Among the groups that have "public corporation" status in Germany (in addition to the larger religious denominations) are: Baptists, Christian Science, the Church of Jesus Christ of Latter-day Saints (Mormons), Evangelical Free Churches, Jehovah's Witnesses, Mennonites, Methodists, the New Apostolic Church, the Salvation Army, Seventh Day Adventists, and Unitarians. Many other groups are given legal personality as registered organizations under the civil code. A Federal Constitutional Court decision in 1991 made it clear that if structures provided by the Civil Code were inconsistent with the ecclesiastical polity of a religious organization (in the case: the Bahai religion), religious freedom concerns oblige public authorities to make exemptions to accommodate differences in religious belief. It is absolutely clear under German law that the civil law entities enjoy the same full measure of religious freedom that those with public corporation status enjoy. Many of the foregoing groups would be deprived of entity status under the Russian Law.

Examples could be multiplied, but the point is that all countries provide some kind of "base level" entity that is available to all religious groups willing to abide by the laws and constitutional order of the country involved. Professor Silvio Ferrari, a member of the Board of the International Academy and holder of the Chair in Ecclesiastical Law at the Faculty of Law of the University of Milan indicates he is aware of no country within the European Community that must prove 15 years of activity as a precondition to acquiring legal personality. AU make available some form of legal entity so that religious groups can carry out the full range of their lawful religious activities.

In the contemporary world, for most religious associations, deprivation of entity status is a major encroachment on religious freedom. It is for this reason that Principle 16(c) of the Vienna Concluding Document (1989) commits participating states in the Helsinki Process, including Russia, "to grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of their states, recognition of the status provided for them in their respective countries." The wording of this commitment recognizes that the precise legal form of legal personality varies from legal system to legal system, but access to some form of legal entity, without waiting fifteen years, is vital to meeting OSCE commitments. Failure to grant such status constitutes a limitation on manifestation of religion that violates Article 9 of the European Convention of Human Rights, since it can hardly be said that denial of entity status "is necessary in a democratic society." To the contrary, granting such status is a "crucial feature of contemporary democratic society."

**THE LAW IN ITS CURRENT FORM-UNNECESSARILY VIOLATES
SEVERAL MAJOR CONSTITUTIONAL AND INTERNATIONAL
HUMAN RIGHTS NORMS**

The law violates several provisions of the Russian Constitution and of Russia's international commitments. The key provisions are noted in summary fashion here.

THE RUSSIAN CONSTITUTION

Article 14 provides that "Religious associations ... shall be equal before the law." The Law in its current form deprives any religious association that has not met the 15-year requirement of equal treatment. Recognition of the distinctive historical role of some of Russia's major traditional religions does not in and of itself violate the equality provision, so long as that does not result in practice in discrimination against other religious groups. As currently formulated, "all Russian" status may give some groups privileged status that cannot be reconciled with Article 14. It is significant to note that other countries with "endorsed Churches" have constitutional provisions that address this issue, and do not have the strong language of Article 14 requiring equal treatment of religious associations.

Article 17(2) provides that the basic rights and liberties of the human being (including religious liberty) "shall belong to everyone from birth." Some of the provisions of Article 3 of the Law impose constraints on teaching religion to minors that may run contrary to minors' rights in certain contexts. The law should have some latitude to protect the rights of parents to "[c]are for children and their upbringing" under Article 38(2), but the rights of mature minors should be given appropriate respect.

Article 28 enunciates the right to freedom of religion in very broad terms, stating that "Everyone shall be guaranteed the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion, or to profess no religion, to freely choose, possess and disseminate religious or other beliefs, and to act in conformity with them." Many of the provisions of the Law are inconsistent with this fundamental guarantee. To the extent the Law extends its protections only to citizens, it overlooks the rights of millions of foreigners, refugees, stateless persons, and so forth. Deprivation of entity status curtails the full freedom of both individual Russian believers and religious communities in a variety of ways. Constraints on a religious association's teaching religion to its "followers" violates the rights "to freely choose, possess and disseminate religious or other beliefs."

Article 29 provides broad protections for freedom of expression, whether religious or otherwise. A number of provisions of the Law in its current form abridge freedom of expression rights.

Article 35, concerning the right to property, is likely to be violated by the dissolution provisions of the Law. Many religious organizations were created with the assumption that their property would stay perpetually in the ownership of an association that has been created since 1990. If that entity is dissolved as a result of the law, the religious community involved cannot create a new religious entity because of the 15-year constraint, deprivation of property rights is likely to occur.

Article 15(4) provides that "[if an international treaty of the Russian Federation stipulates other rules than those stipulated by the law, the rules of the international treaty shall apply." Thus to the extent the current version of the Law violates Russia's international treaty obligations, it also is in conflict with Article 15(4)'s supremacy clause.

INTERNATIONAL AGREEMENTS

Because the Russian Constitution already has strong provisions protecting human rights, international religious freedom norms are in a sense redundant, but certain features of applicable international instruments are worth highlighting.

RELIGIOUS FREEDOM NORMS

The language of Article 28 of the Russian Constitution parallels language of Article 18 of the International Covenant on Civil and Political Rights and Article 9 of the European Convention. Significantly, it is not enough under international law for regulations and restrictions on religious freedom (such as those that accompany lack of entity status) to be justified on the grounds that they simply further public safety, health, welfare, morals, or order or protect the rights of third persons. To satisfy international law, such restrictions must be "necessary in a democratic society" and proportionate to the nature of the state interests involved. In general, an otherwise legitimate state objective may not override religious freedom rights if the state objective could be satisfactorily attained in a less intrusive manner. The problematic provisions of the current version of the Law all violate this fundamental constitutional and human rights constraint.

FREEDOM OF EXPRESSION

To the extent that provisions of the Law violate Article 29 of the Russian Constitution, they also violate Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the European Convention.

RIGHT TO ENTITY STATUS

One of the key protections for religious freedom that has been recognized in the Helsinki process is the right of religious groups to acquire legal personality to carry out their affairs. This is perhaps most clearly articulated in Principle 16(c) of the Vienna Concluding Document (1989), which has been cited in full earlier. One of the most fundamental problems of the current version of the Law is that it clearly offends this right.

ANTI-DISCRIMINATION NORMS

International norms are replete with provisions proscribing discrimination on the basis of religion or belief. While the current version of the Law has excellent language endorsing anti-discrimination principles

(e.g., Art. 3(3)), the denial of entity status to many religious groups will work a variety of direct and indirect forms of discrimination that are inconsistent with the spirit and letter of international norms.

**COMPROMISE LEGISLATION COULD ADDRESS RUSSIAN
NEEDS WITHOUT VIOLATING THE RUSSIAN CONSTITUTION
AND INTERNATIONAL NORMS**

The tragedy of the Russian legislation in its current form is that but for a few egregious provisions, most of which were engrafted on otherwise respectable legislation in the final days before passage by the State Duma, the legislation would have been able to address perceived Russian needs without violating the Russian Constitution or International Standards.

The Law constitutes an overly broad reaction to worries about "dangerous" religious sects. It sacrifices the religious liberty of countless legitimate religious groups in an effort to deal with abuses that have occurred in a relatively small number of highly-publicized incidents. An anti-foreign animus running through the bill jeopardizes the religious freedom rights not only of foreigners in Russia, but of the countless Russian citizens who have chosen to exercise their religious freedom by affiliating with religious groups that have co-religionists abroad.

It is far from clear why deregistering numerous legitimate groups who have been recognized for less than fifteen years is necessary to deal with problems arising from a relatively small number of groups. By either eliminating the 15-year requirement for legal personality, or by providing an alternative form of entity eligible to carry out the full range of activities of legitimate religious groups, many of the most serious problems in the current version of the Law could be solved. Other problems could be cleaned up in the process of making this one major fix.

CONCLUSION AND RECOMMENDATION

"i.e., the legislation contains many laudable provisions, its blatant discrimination against religious groups with shorter histories in Russia, its determination to strip untold religious organizations of legal personality, and a variety of other defects make the law in its present form unacceptable as a matter of Russian constitutional law, international religious liberty law, and sound democratic practice in respecting the rights of individuals and groups to freedom of religion or belief. These defects could easily be cured by removing or revising a relatively small number of problematic provisions. The International Academy would welcome the opportunity to consult with Russian experts working on these issues as it has done in the past. In any event, the International Academy strongly recommends that the legislation be rejected in its present form, with the understanding that a revised version eliminating key infractions of religious freedom could be passed in the near future.

Registration of Religions and Religious Organizations -- Western Europe

Country	Registration of Religion Required	Reports from Unregistered Religions Required	Basic Registered Organization Provided	Time a Prerequisite for Registration?	Organization that Qualifies for State Benefits Provided	Time a Prerequisite for Qualification	Agreements between Church and State Provided	Time a Prerequisite for a Treaty?
Austria	No	No	Yes	No	Yes	Not as such	Yes ⁹	N/A
Belgium	No	No	Yes	No	Yes	No	No	N/A
Denmark	No	No	Yes	No	Yes	No	No	Yes
Finland	No	No	Yes	No	No	No	N/A	
France	No	No	Yes	No	Yes	No	No	N/A
Germany	No	No	Yes	No	Yes ^{13\}	Not as such	Yes	Not as such
Greece	No	No	Yes	No	Yes ^{5\}	No	No	N/A
Italy	No	No	Yes	No	Yes	No	Yes	Not as such
Lux.	No	No	Yes	No	Yes ^{16\}	No	Yes	N/A
Neth.	No	No	Yes	No	Yes	No	No	N/A
Norway	No	No	Yes	No	Yes	No		
Portugal	No	No	Yes	No	Yes	No	No ^{N/A}	
Spain	No	No	Yes	No	Yes	No	Yes	Not as such
Sweden	No	No	Yes	No	Yes ^{17\}	No		
Switzerland.	No	No	Yes	No	No ^{N/A}	No ^{N/A}		
Turkey								

Sources: Gerhard Robbers, ed. *State and Church in the European Union*. (Hereinafter cited as "Robbers").

European Consortium for Church-State Research, *The Legal Status of Religious Minorities in the Countries of the European Union*. (Hereinafter cited as "Religious Minorities").

1. Does the law require unregistered religious associations to report their activities or give notice of their activities to the State?

2. A basic registered organization in the sense referred to here has sufficient power to carry out all the normal activities of a religious association, including power to conduct the usual activities of a legal entity, such as own property, sign contracts, own or rent places of worship, carry out religious ministry, etc., but does not enjoy direct tax and other financial benefits that may be granted by the State (though, depending on the tax laws, indirect financial benefits such as tax exempt status may be available)..

3. Does the law establish an express time period as a prerequisite to qualify as a basic registered organization?

4. In addition to possessing the powers of a legal entity, registered qualified organizations enjoy tax, financial and other benefits granted by the State. The religious organizations that qualify for this status vary from country to country, but this is generally a somewhat more restricted group of organizations than the basic entity. Because of the commitment not to discriminate on the basis of religion, the number of organizations recognized in these categories is expanding over time.

5. Does the law set an express time period as a prerequisite to register as a qualified organization?

6. The State may enter into a treaty or agreement with an organization and grant specific benefits.

7. Does the law set an express time as a prerequisite for a religious organization to qualify to sign a treaty with the State?

8. A religious organization may be legally recognized by a special statute, provided that its religious doctrine, forms of worship, constitution and name contain nothing illegal or immoral, and its continued existence assures that the requirements of the law on recognition of churches will be met. The following religious communities have been recognized: the Old Catholic Church (RGBI Nr. 99/1877), the Methodist Church (BGBl NR 74/195 1), the Church of Jesus Christ of Latter Day Saints (Mormons) (BGBl Nr 229/1955), the Armenian-Apostolic Church (BGBl Nr 5/1973), the New Apostolic Church in Austria (Bbl Nr 524/1975), the Austrian Buddhist Religious Community (BGBl Nr. 72/1983), the Syrian-Orthodox Church (BGBl Nr 129/1988).

9. Institutions of the Catholic Church that have legal personality according to canon law have public corporation status as soon as notice of foundation is lodged with the responsible ministry, in accordance with Article II and X of the Concordat with the Vatican. Robbers, p. 240.

10. The concept of "recognized denomination" was introduced into Danish legislation by article 82 of the Constitution of 1849 (article 68 of the present text). As of 1992, recognized denominations in Denmark were the following: Apostolic Church in Denmark, Bahais, Buddhist Centre, The Danish Pentecostals, The Finnish Church in Denmark, The New Apostolic Church in Denmark, Danish Reformed, Baptist, the Danish Evangelistic Movement, French Reformed, German Reformed, Jewish, Russian Orthodox, Roman Catholic, The Salvation Army, Icelandic Church in Copenhagen, Jehovah's Witnesses, The Latter-day Saints, Norwegian King Haakon Church, Methodist, St. Alban's English Church, Swedish Gustav Church, Seventh Day Adventists, and The International Church. Robbers, pp. 42-43.

11. Robbers, p. 286.

12. Lutheran and Orthodox Churches have de facto established church position.

13. Under the Basic Law, incorporating article 137 of the Weimar Constitution, provides that religious organizations may be public corporations (Korperschaften des Offentlichen Rechts) if they "offer an assurance of their permanence." The organizations that have now been granted this status are listed at pages 160-164 of Religious Minorities.

14. Non-orthodox congregations are generally organized as civil law associations. Robbers, p. 85.

15. Orthodox Church in fact has a privileged position. Robbers, pp. 83-85.

16. The Catholic Church, two Protestant communities, and the Jewish community have the legal status of public corporations. Other groups are free to take advantage of all legal rights under private law. Robbers, p. 197.

17. Sweden is in the process of disestablishing its long-established Lutheran Church.

Registration of Religions and Religious Organizations--Eastern Europe

Country	Registration of Religion Required	Reports from Unregistered Religion Required	Basic Registered Organization Provided	Time a Prerequisite for Registration	Organization that Qualifies for State Benefits Provided	Time a Prerequisite for Qualifications	Agreements between Church and State Provided	Time a Prerequisite for a Agreement
Belarus	Yes*	--	Yes	No	No	Yes	No	
Bulgaria	Yes*	--	Yes	No	Orthodox Church	No	No	
Croatia	Yes	--	Yes	No	Yes	No	No	
Czech Republic	Yes*	--	Yes--if sufficient members	No	No	No		
Estonia	Yes*	--	Yes	No	No	No		
Hungary	Yes*	--	Yes	No	Yes	No	No	
Latvia	Yes*	--	Yes	No	No	Yes	No	
Lithuania	Yes*	--	Yes	No	No	No		
Poland	No	No	Yes	No	No	Yes	No	
Russia	No	No	Yes	15 years	No	No	No	No

**WRITTEN STATEMENT BY DR. TERRY JONES, SENIOR PASTOR
OF CHRISTLICHE GEMEINDE KLN, COLOGNE, GERMANY
SUBMITTED FOR THE RECORD**

INTRODUCTION.

Chairman D'Amato, distinguished guests, ladies and gentlemen. Please allow me first of all to introduce myself. I am Dr. Terry D. Jones, senior pastor of the Evangelical Christian Church, a Charismatic church I founded in 1983, and located in Cologne, Germany.

THE ISSUE.

Today you will be hearing of a number of unjust things that have happened to us in Germany. Most of these attacks, which include bomb threats, vandalism to our building, hate mail, obscene phone calls as well as threats to be expelled from school, burn our building down, etc., have come against us as a direct result of a type of witchhunt campaign by the German media.

The basis for these attacks were laid by the Media a number of years ago as they began bringing untrue and very exaggerated reports about us, for example, calling us a bunch of psycho terrorists, on local and National Television, Radio and in the Newspapers. Certain German agencies were then alerted, amongst them the tax authorities who immediately began proceedings to remove our charitable status based upon the following statement, and I quote: *"The organization, Christliche Gemeinde Koln is no longer a charitable organization, because of its non-involvement in any activity that benefits the spiritual, cultural or material good of society"*

This statement is totally untrue, we as church have either the largest or one of the largest works involving drug and alcohol addicted people in Germany. *"It is also no longer recognizable, that the organization and its purposes would find acceptance under a large section of the population."* I believe that during the time of the reformation this could also have been said of Martin Luther, and in America during the time of the civil rights movement this statement could also have applied to Martin Luther King. *"As well, as the social ethical foundation of the organization no longer complies with that of a charity."*

Our pastoral staff has suffered a tremendous amount of mental pressure during the last 8 years. I personally believe that this pressure was also a contributing factor to the early death of my wife Lisa Jones.

I have been living in Germany now for the past 17 years. During this time I have developed a tremendous respect for this nation and its people. I believe that the German constitution is a demonstration of the greatness of this country. (Article 4 of the German Constitution guarantees us that (1) "The freedom of beliefs, of conscience, and the freedom of religious and World views are untouchable, and that (2) The undisturbed practicing of ones religion is guaranteed."

It is my conviction, that a great deal of our problem is caused by a lack of understanding of what a Cult or sekt really is. I am convinced that if the German and American Government work together, the German Government will see that we do not fit into this category, and that

it is very important to protect the right of the individual to practice his or her beliefs without fear of reprisal, as guaranteed by article 4 of the German constitution.

This concludes my testimony. Thank you.

**WRITTEN STATEMENT OF JOHN TRAVOLTA
SUBMITTED FOR THE RECORD**

**RECENT INCIDENTS IN GERMANY OF THE BLACKLISTING AND
BOYCOTTING OF SCIENTOLOGISTS**

Scientologists in Germany continue to be the targets of systematic discrimination in every stratum of society as part of an insidious exclusionary policy initiated, encouraged and sanctioned by the government to stigmatize and ostracize Scientologists.

As documented in human rights reports issued by the United Nations, the State Department, and human rights groups, federal and state government officials have urged the public to blacklist and boycott Scientologists from every aspect of German life. In January 1996, Federal Minister of Family Affairs Claudia Nolte held a press conference to declare "war" on Scientology. In November 1995, Federal Minister of Labor Bluem, in an interview on Scientology with *Der Spiegel*, called for a ban of all Scientologists from occupations which "intersect with society," including schools, the government and business companies; in August 1996, Mr. Bluem called on Christian Churches to join government efforts to "fight" Scientology. The Ministers and Senators of Interior of the States (in December 1995) and the Minister Presidents (in March 1996) also recommended a series of measures to "oppose" Scientology, including a recommendation that government offices in the area of fiscal affairs place a declaration clause in contracts with companies doing business with the government to ensure that no business is done with Scientologists.

The declarations initiated and recommended by the government require individuals and companies to affirm that they do not use L. Ron Hubbard's technology, that the individual or company personnel are not trained or participating in courses or seminars where such technology is applied, and that the individual or company rejects the application of such technology. Such declaration forms are deliberately designed to require an individual to: (1) either declare his religious beliefs and be punished for them by being blacklisted or boycotted; or (2) publicly denounce his beliefs under threat of economic sanctions. This policy is manifestly illegal and contrary to fundamental human rights.

The use of such declaration forms, chillingly referred to as "sect filters," has become a commonplace requirement in Germany under the government's encouragement, example and leadership. Individuals and businesses are routinely required to sign a declaration swearing that they are not Scientologists, do not (and will not in the future) sympathize with Scientology and reject its teachings in order to: be hired or maintain a job in a company; join or remain in a political party, trade union, social group, profession, or athletic club; sign a business or service contract; and open a bank account or receive a bank loan. Government entities throughout Germany such as the Hamburg government's "Working Group Scientology" office publicly promote and disseminate these "filters."

Since November 1996, all persons seeking employment in the public sector in Bavaria must fill out a questionnaire regarding their association with Scientology and attest that they dissociate themselves from Scientology. A company intending to do business with the state of Bavaria or any other government entity in Bavaria must execute a similar declaration or the contract offer with the state will not be consid-

ered. The cities of Augsburg and Regensburg in Bavaria have adopted similar measures and declarations for employees and business contractors to sign.

The Christian Democratic Union, the ruling party in Germany, ratified oppressive and illegal measures against Scientologists at the CDU Party Congress in October 1996. These measures included the following: a demand that the federal government prohibit Scientology in Germany; creation of laws banning Scientologists from the civil service; a recommendation that the Bundestag and all State Parliaments encourage politicians to declare in writing that they are not Scientologists; creation of laws banning Scientologists from performing or displaying their art at all state supported concerts and other artistic and cultural events; identification of Scientology artists so that no contracts are signed with them in the first place; and prohibiting companies and persons from working with or doing business with the government unless they affirmatively state that they have no connection to Scientology.

Such pronouncements convey a powerful political message to the German public by officially sanctioning an illegal exclusionary policy toward Scientologists which amounts to a government approved policy of religious apartheid. Recent examples of this campaign against Scientologists follow.

In July 1997, the Christian Democratic Employees Association Germany (CDA) published a book on Scientology entitled "Scientology a Danger for Our Society." The introduction of the book is written by Federal Minister for Labour Bluem. The book notes that the CDU/CSU political "sect" spokesmen for all state parliaments adopted a catalogue of measures to "fight" Scientology, including endorsing the use of "sect filters" to screen applicants for public service employment and contractors with the government.

In July 1997, the Superior Court of Bonn upheld the expulsion of three Scientologists from the Christian Democratic Union on the grounds that a political party may exclude individuals if the party believes that such individuals do not identify with the party's aims. In July 1997, performing artist Isaac Hayes requested that the National Association for the Advancement of Colored People (NAACP) investigate discrimination against Scientology artists in Germany.

In June 1997, the city counsel of Iserlohn demanded that the owners of private bookstores in Iserlohn sign a written declaration agreeing not to sell Scientology literature in their bookstores. The city counsel stated that future book orders by the city would be contingent upon execution of these declarations.

In June 1997, the Board of the Federal Chamber for Dentists published anti-Scientology measures adopted on 30 April 1997. These measures include: prohibiting Scientologists from being dental trainees; prohibiting further education and training for dentists who are Scientologists; refusing dentists who are Scientologists the right to lecture at Chamber training events; and the adoption of "sect filter" declarations. The Chamber of Dentists of Nordrhein withdrew the permission for education to a trainer supposedly connected to Scientology. The Chamber of Dentists in Saarland noted that it intends to refuse permission for further training to a dentist who is a Scientologist.

In June 1997, media articles were published accusing a company in Rhineland Palatinate, Link Electronics GmbH, of being "infiltrated" by Scientologists because the owners of the company had failed to provide "sect filter" statements disavowing any connection to Scientology. CDU MP Kramer demanded an investigation of the company by the Minister of Interior. Mr. Kramer issued a statement to the press in which he announced that "The time for playing down the activities of Scientology in Rhineland-Palatinate is finally over." An official from the Kandel Labor Office informed the company that former employees of the company had provided declarations to the Labor Office claiming the company was affiliated with Scientology. The Labor Office official also notified Link Electronics that Labor Office files on the company were designated with an "S" for Scientology. The Labor Office provided a "sect filter" declaration for Mr. Link to sign, informing him that the "S" designation would only be removed if he signed the declaration.

In June 1997, Secretary General Gerhard Aigner of UEFA, European football's ruling body headquartered in Baden-Baden Germany, announced that Italian Club Inter Milan would be fined for allowing the placement of a pitch perimeter ad regarding Mr. Hubbard's book Dianetics in its stadium during UEFA Cup match broadcast throughout Europe. Aigner informed the press that "we cannot allow soccer games to be used as a platform for such actions."

In May 1997 the SPD organized an event against Scientology in the city of Dachau. A Scientologist who is a media journalist and lives in Dachau, Hans Bschorr, was identified as a Scientologist and vilified due to his association with Scientology. The Deputy Mayor of Dachau, Katherine Ernst, called on the public to "help to keep Dachau free of Scientology." In 1996, Mr. Bschorr no longer was used as a journalist for Bavarian Radio when his association with Scientology was discovered.

In May 1997, Maria Krueger, a Scientologist who runs a preventive health business in Prutting in Upper Bavaria, filed suit against the city of Hamburg to prohibit the city from distributing "sect-filter" declarations to companies to sign disavowing any connection to Scientology. Ms. Krueger brought the action after she was requested to sign a "sect filter" declaration by a vitamin wholesaler. The declaration was provided to the wholesaler by the Chief of the Hamburg government's "Working Group Scientology," Ursula Caberta, who has distributed thousands of these "filters" to companies and associations throughout Germany. The Administrative Court of Hamburg dismissed her application for a preliminary injunction on the grounds that there is no legal duty for anyone to enter into a contract.

In April 1997, the Chief of the Hamburg government's "Working Group Scientology," Ursula Caberta, spoke at an anti-Scientology event in Wiesbaden and called upon the attendees to "protect themselves from Scientology" through use of "sect filters" in contracts of companies stating that the applicant doesn't support the technology of L. Ron Hubbard. In April 1997, the CDU in Bonn demanded that contractors, applicants and employees of the Construction and Location Commission and the Personnel Commission execute "sect filter" questionnaires to screen and exclude any individuals or companies connected to Scientology. In April 1997, the newspaper Saar Wirtschaft promoted the use of "sect-filter" declarations to identify and exclude Scientologists and stated that information regarding these filters may be obtained from the Ministry

for Women, Labour, Health and Social Affaires in Saarbrucken. In April 1997, the Federal Minister for Youth, Claudia Nolte, made statements to the press that applicants for civil service employment should be screened for connections to Scientology.

In March 1997, the Church received a copy of the "sect filter" form used by the Berlin Administrative Office. The form requires contractors to disavow any connection to Scientology in order to exclude Scientologists from contracting with the Berlin Government.

In February 1997, Stuttgart issued an order that all applicants for civil service employment would be required to state any affiliation with Scientology. The measure is intended to exclude members of the Church of Scientology from working in the public sector. The order also prohibited members of the Church and any organizations affiliated with the Church from entering into public contracts regarding management, personnel or training services, that no public halls are rented to the Church, and that no supports are given to companies associated with Scientologists.

In March 1997, shortly after the Minister of Foreign Affairs issued a statement in response to the United States State Department Report denying that there was any discrimination against Scientologists in Germany, a shocking secret order of the Federal Labor Office was exposed requiring all labor offices to mark businesses which were suspected to be owned by Scientologists with an "S" in computer files to identify the religious affiliation of individuals who own such businesses in order to blacklist them for their religious beliefs.

In April 1997, a planned exhibition by the artist Gottfried Helnwein by the Art Association of Ingolstadt was canceled on the grounds that the Government of Bavaria has urged all Bavarian communities not to subsidize events involving Scientology artists. The Secretary of State of Interior, Hermann Regensburger, who is also on Ingolstadt's town council, identified Mr. Helnwein as "an internationally known Scientologist" and therefore "it would not be acceptable" if the town "supports this artist with exhibition rooms and offers a platform with the use of tax moneys." Likewise in April 1997, the Mayor of Berg canceled an exhibit of paintings by Bia Wunderer in the city hall the day before the exhibition was scheduled solely because the artist is a Scientologist.

In March 1997, the Chamber of Commerce Goppingen undertook a program of actions against Scientology, including examining companies affiliated with the Chamber to determine if they apply Scientology methods and disseminating "checklists" to the public designed to determine if a company "applies Scientology's methods."

In February 1997, the company Siemens distributed a sect-filter declaration entitled "Disassociation Declaration Regarding Scientology" to its employees and its German offices to affirmatively attest that no employees of the office are connected with Scientology. The company noted that it frequently demanded such declarations from business partners in order to prevent business relationships with any company connected to Scientology. The company also noted that business partners have demanded that Siemens provide sect filter declarations as well. Therefore, Siemens provides such declarations disavowing any connection with Scientology to business partners on request.

In February 1997, a booklet entitled "Scientology in the Area of the River Rhine/Main" is published by a private corporation and distributed to city halls. The booklet contains an introduction by the head of the

"Working Group Scientology" of the Hamburg Government, identifies four companies supposedly owned by Scientologists, and promotes the use of "sect filters" to boycott and blacklist Scientologists. In February 1997, the company Hans-Gunter Berner sent a circular to all their employees accompanied by a "sect filter" which all employees were required to sign, attesting that they had nothing to do with Scientology or the teachings of Mr. Hubbard. The circular noted that the company took this action in consultation with the city of Hamburg in order to protect its reputation and that any employee not signing the declaration would be dismissed.

In February 1997, the League of the Free Welfare Work District Committee Stuttgart decided to use a "sect filter" declaration in contracts with business partners to ensure that they do not cooperate with organizations or individuals associated with Scientology.

In February 1997, the paper *Erdinger Neueste Nachrichten* reported that many local communities in the area around Munich have determined to implement the decree from Bavarian Minister President Stoiber excluding Scientologists from the civil service. The communities of Feldkirchen, Ismaning and Aschheim have determined to implement this exclusionary policy.

In February 1997, Georg Stoffel, a Church of Scientology staff member in Munich who also runs an advertising agency, lost his contract with the Tourist Traffic Association of Munich after a number of newspapers published articles identifying Mr. Stoffel as a Scientologist and noting that the Association contracted for services with Mr. Stoffel's agency since 1995. A CSU MP, a Lutheran Sect Commissioner and the Deputy Minister of the Bavarian Ministry of Interior demanded that the contract be dissolved. The Chairman of the Association then announced that the Association Board decided to immediately cancel Mr. Stoffel's contract.

In February 1997, the community council in Vaterstetten, a village in Bavaria, determined that all civil service applications and contracts with the village would include a "sect declaration" filter in order to exclude Scientologists. The community council agreed to implement these requirements prior to employing any administrative personnel. In January 1997, the Bavarian and Baden-Wrttemberg Governments proposed a motion to the Upper House of the German Parliament calling for a concerted campaign against the Church of Scientology, including taking up Scientology at European Conference of Ministers meetings and in other international fora, initiating proceedings to deregister Scientology corporations, passing regulations to restrict the Church's activities, excluding companies owned by or employing Scientologists from entering into public contracts, and implementing federal discriminatory measures already approved at the state level.

In January 1997, during a freezing winter in which many homeless people died of the cold weather, the Church of Scientology launched a project to help them. Volunteers provided homeless people with warm clothes, hot tea, soup and shelter. On 29 January, the Office for Public Order in Stuttgart issued a decree, delivered to the Church the same day, forbidding the Church to distribute tea, food and clothes or to provide any shelter to the homeless. Violations were to be penalized with a fine of 1.000 DM. The Church was charged 100 DM for the administrative cost to the city of issuing the decree. This decree was later canceled and then revised after a public protest.

In January 1997, the newspaper "Erdinger Neues Nachrichten" reported that the Wasserversorgung Zornedinger Group, a water company, announced that it will only do business with companies not employing Scientologists. The company stated it will implement a "filter" for new employees to determine if they are members of the Church and to obtain their views on Scientology. These decisions were made in response to similar restrictive measures implemented by the Bavarian Government.

In January 1997, the Storman CDU resolved at their party convention to require that every applicant for public service and every contractor with the government execute "sect filter" declarations.

In December 1996, Germany's federal and regional governments resolved to exclude Scientologists from entering into public service contracts requiring "a special degree of trust" such as education and counseling services.

In December 1996, the city administration of Illertissen in Bavaria voted to issue public contracts only to companies that give written confirmation that they are not affiliated in any way with Scientology or Scientologists.

In December 1996, the SPD in Baden-Wrttemberg, issued a report calling for a nationwide ban on Scientology and restrictive government measures to halt its growth in Germany.

In December 1996, a Scientologist who is an artist, Waki Zoellner, received a commission to create a fairytale sculpture to be placed at the entrance of the Pius Kindergarten. The Mayor of the community, Gmund Tegernsee, notified Mr. Zoellner that the commission was canceled at the insistence of the district council on the grounds that the city and the kindergarten did not approve of the artist's association with the Church of Scientology.

In November 1996, the Dresdner Bank informed the Church of Scientology Munich that its accounts with the bank were being canceled.

In November 1996, the Federal Minister of Labour Norbert Bluem called for the exclusion of Scientologists from public service.

In November 1996, Manfred Gahr was dismissed from his employment at the "Fraunhofer Gesellschaft" because of his affiliation with the Scientology religion.

In October 1996, the Minister-Presidents of all German states announced that they would continue to "combat" the Church of Scientology; requested the federal government to name a central office to coordinate activities against Scientology; demanded that Scientology be placed under surveillance; demanded that the federal government investigate the Church under association laws; and demanded that the government exclude companies owned or operated by Scientologists from public contracts. Subsequently, in December 1996, the Minister-Presidents and Chancellor Kohl determined to set up a "Permanent Working Group on Scientology" at the federal level under the direction of the Federal Ministry of Women, Youth, Family and Seniors with other federal ministries taking part to form a coordinating body for all actions taken to "combat" Scientology at the federal level.

In October 1996, the Lister Copy Shop refused to copy information for the Church of Scientology Hannover following an executive meeting in which the company decided it would accept no jobs from the Church of Scientology on the grounds that it would "damage its reputation."

In October 1996, a propaganda event against Scientology occurred in Ottobeuren. The spokesperson for the event identified companies and individuals who she claimed were associated with Scientology and urged the audience to adopt "sect filters" in all companies to exclude Scientologists.

In October 1996, a Scientologist received promotion materials from a trade association named AGA. The Association's membership application contains a "sect filter" in which the applicant must state that he does not use Scientology principles and has no connections to Scientology.

In September 1996, a Scientologist employed in a Catholic nursery since 1983 was dismissed when she refused to sign a declaration attesting that she neither is a Scientologist nor sympathizes with Scientology.

In September 1996, Gunter Zuhlke, a Scientologist from the area of Dusseldorf, brought an action against the city of Wirges regarding the cancellation of a contract due to his religious beliefs. Mr. Zuhlke was in the process of contracting with the city to buy a house owned by the city. The city council initially agreed to enter into the contract but canceled the contract after the media reported about Mr. Zuhlke's association with the Scientology religion.

In September 1996, the city of Mechernich determined that all persons, companies and offices which provide the city with services of 1000DM per year must sign a "sect filter" declaration disavowing any connection to Scientology.

In September 1996, CDU Rhineland Palatinate Chairman Heinz Herman Schnabel, demanded that cities and communities in Rhineland Palatinate pass a decree prohibiting Scientologists from public proselytizing.

In September 1996, the German Postbank--which is owned by the German Government--canceled Scientology organization banking accounts on the grounds that the Postbank's business would suffer from boycotts by other businesses if such accounts were not canceled.

In September 1996, the magazine of the German Police Union, "German Police," published an article informing readers how to "expose" Scientologists by forcing potential business partners to sign a declaration attesting that they are not associated with Scientology.

The ostracization of Scientologists remains so serious that many businesses not associated with Scientology are forced to publish announcements in newspapers denying that they support or "sympathize" with Scientology and warning that anyone who makes such claims will be sued for defamation. These announcements are necessitated because the economic blacklisting and boycotting of Scientologists urged by the Government in every stratum of society results in financial ruin for businesses suspected of hiring or doing business with Scientologists. Indeed, in August 1996, the magazine *Die Woche* ran a story entitled "Do Not Buy from Scientology," a chilling reminder of similar slogans during the dark days of German history.

In May 1997, Warsteiner Brewery published an advertisement in the Hamburg *Abendblatt* entitled: "10.000,-DM reward. We fight back. Warsteiner Fights Against Slanderer." In the advertisement, the company disavows any connection to Scientology, notes that its business has been damaged through rumors to the contrary, states that all employees have signed affidavits attesting to no connection to Scientology,

and puts the public on notice that it will prosecute anyone claiming that the company is "connected" to Scientology. Also in May 1997, two other companies, UPT Hans Schuster and Partner and Landmark Education, publicly disavowed any connection to Scientology and provided clients with attestations from anti-Scientology organizations confirming that there was no connection.

Likewise, a March 1997 announcement from VFB Association Stuttgart disavowing any connection to Scientology and warning that anyone claiming such a connection would be prosecuted, and a January 1997 press release from the "Hofbrauhaus Freising" Brewery stating that "it has nothing to do with Scientology," are illustrative of the climate of intolerance in Germany and the dire economic consequences that occur if one is "accused" of being a Scientologist.

In January 1997, the newspaper "Munchner Wochenblatt" reported that an individual, Walter Jurgen-Haabe, who ran a successful non-profit nursing association named "Salus" was incorrectly identified as a Scientologist, resulting in the boycotting of his company and his receipt of anonymous, threatening phone calls due to his supposed connection to Scientology.

One of the cardinal principles of the Organization on Security and Cooperation in Europe (OSCE), as set forth in "Basket Three" of the Helsinki Final Act which the Conference adopted in 1975, is the promotion of respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion, and belief. A logical corollary of this principle is the prohibition against arbitrary and discriminatory government practices directed toward minority religious practice and belief.

Exclusionary laws designed to punish members of a religion for their beliefs are manifestly illegal and are universally condemned as a repugnant violation of the most fundamental human rights principles. Yet, in Germany, the blacklisting and boycotting of individuals simply because they choose Scientology as their religion is the officially approved order of the day.

**WRITTEN STATEMENT OF ISAAC HAYES,
SUBMITTED FOR THE RECORD**

1. ARTISTIC DISCRIMINATION IN GERMANY

The freedom to create and communicate an artist's vision free from state interference is the most cherished of all freedoms and the most fundamental of human rights. Yet, the German Government continues its policy to blacklist artists who happen to be Scientologists in violation of these rights.

In August 1996, the CDU Young Union launched a national boycott campaign against the film *Mission Impossible* simply because the star of the film, Tom Cruise, is a Scientologist. Likewise, in August and September 1996, CDU and SPD officials called for a ban of the film *Phenomenon* because the star of the film, John Travolta, is a Scientologist. The SPD spokesperson on these matters, Renate Rennebach, urged the government to declare that the Church was "anticonstitutional" so that the film could also be banned. The CDU's media spokesperson also urged the German cinema's self regulating committee to ban the film. It was also announced that the German Ministry for Family Affairs would closely "scrutinize" the film for references to Scientology--references which do not exist as noted by the film's screenwriter, Gerald DiPego, who has no connection to Scientology and wrote the screenplay before Mr. Travolta was cast in the film.

In April 1996, German officials in Bavaria took steps to prohibit Chick Corea from performing any future concerts subsidized by the Bavarian Government simply due to his private beliefs and association. Mr. Corea accepted an invitation to perform as the star attraction at the 27th Annual Jazz Week Festival in March 1996 in Burghausen, Bavaria. The Burghausen Jazz Festival is an internationally renowned festival and the most prestigious jazz event in Bavaria. Prior to Mr. Corea's performance on March 21, 1996, the "sect expert" for the CSU, Markus Sackmann, publicly called for a boycott of Mr. Corea's performance and protested the Bavarian Ministry of Culture's financial support of the festival due to Mr. Corea's religious association with Scientology. Mr. Sackmann also demanded that the festival organizer cancel Mr. Corea's concert.

The organizer refused to cancel the concert and the Minister of Culture, Hans Zehetmair, responded that Bavaria does "not need a cultural police." The Minister also stated that "Chick Corea does not perform as a preacher but a musician. Should we demand from each musician a written declaration that he only belongs to a renowned religion?" Due to the position of the Ministry and the organizer, and despite the efforts to cancel the performance, Mr. Corea's performance successfully went forward without further incident before a full house.

Subsequent to the concert, State Minister President Edmund Stoiber intervened in support of CSU "sect expert" Sackmann. As a result, Mr. Zehetmair was forced to reverse his position regarding Mr. Corea. In April 1996, the Ministry of Culture issued a statement to the festival organizer blacklisting Mr. Corea from ever again performing at state subsidized events in Bavaria. Mr. Zehetmair was severely criticized in the Landtag for initially defending Mr. Corea's right to perform and counteracting the Minister President's efforts "to make life hard for Scientologists in Bavaria." This policy to deny grants and financial sup-

port for events where Scientologists take part was also confirmed through statements by Bavarian Cabinet members and an article written by Minister of Interior Beckstein in August 1996.

Likewise, the head of the CDU in Rhineland-Palatinate demanded that the state prohibit government funding for cultural and artistic events if Scientologists such as Mr. Corea will perform.

This policy strips away Mr. Corea's fundamental artistic and human rights. Chick Corea is effectively deprived of his right to perform his art at the Burghausen Jazz Festival and any state sponsored concert in Bavaria. United States Members of Congress and Congressional Caucuses, including the Chairmen of the Human Rights Caucus, Black Caucus, Hispanic Caucus, and the Congressional Human Rights Caucus, have expressed their concern to the highest levels of the German Government regarding this incident which "appears to be part of a disturbing pattern of artistic and religious discrimination" against Scientologists in Germany.

This is not the only time Mr. Corea has faced artistic discrimination in Germany. In June 1996, the Chairman of the CDU in the Rhineland-Pfalz Parliament demanded that the state government prohibit all government funding for any future cultural and artistic events if artists who are Scientologists such as Mr. Corea are invited to perform.

In 1993, Baden-Württemberg canceled a state funded concert performance at the World Championship of Athletics in Stuttgart which they had offered to Mr. Corea and refused to allow Mr. Corea to perform his music simply because Mr. Corea happens to be a parishioner of the Church of Scientology. In 1994, the State Government of Hesse publicly intervened to attempt to cancel a concert by Mr. Corea in the State Theatre of Kassel. As a contract had already been signed for this performance, the government instead forced the concert promoter to agree to a clause in the performance contract forbidding, under penalty of 50,000 marks and legal action, the "promotion" of Scientology by Mr. Corea "before, during and after" the concert. These actions took place even though Mr. Corea's personal religious beliefs are his private affair which he never "promotes" in concert.

The German government's recent action in Bavaria, along with similar government actions in Baden-Württemberg and Hesse, raises the ominous specter that an American citizen will be deprived of his right to perform his art in Germany.

Unfortunately, the discrimination experienced by Mr. Corea is not an isolated incident, but instead is part of a disturbing escalation of official intolerance against artists in Germany who are believed to be associated with Scientology in violation of these individuals' fundamental, artistic and religious rights. Indeed, this is the third 1996 incident involving the blacklisting of Scientology artists in Germany.

As reported by the German media on March 13, 1996, a concert by the American Band Golden Bough which was scheduled to take place in April in Kettenschwang was canceled on March 12 by the organizers when they received information from the "sect" expert of the diocese in Augsburg that Golden Bough is "connected" to Scientology. Golden Bough is a music group from Pacifica, California specializing in traditional and original acoustic music. Over the past 2 decades, Golden Bough has enjoyed popularity in Europe, performing at festivals and concert halls, as well as on radio and television. All three members of the group--Paul Espinoza, Margie Butler, and Florie Brown--are American citizens.

Although Golden Bough has sold out concerts in the area, the chairman of the cabaret association in Ketterschwang informed the press that the band would be refused future engagements because its members are Scientologists. The concert was canceled even though the promoter stated to the press that it was a pity as Golden Bough plays extraordinary music and even though Golden Bough does not proselytize, promote or even refer to Scientology in its concerts.

In May 1996, an exhibition of the paintings of German artist Carl Rohrig which was scheduled to run through July was terminated by the Park Hotel in Ahrensburg because of pressure put on the hotel by a politician who demanded that the hotel publicly "disassociate" from Mr. Rohrig due to his association with the Scientology religion.

In April 1997, a planned exhibition by the artist Gottfried Helnwein by the Art Association of Ingolstadt was canceled on the grounds that the Government of Bavaria has urged all Bavarian communities not to subsidize events involving Scientology artists. The Secretary of State of Interior, Hermann Regensburger, who is also on Ingolstadt's town council, identified Mr. Helnwein as "an internationally known Scientologist" and therefore "it would not be acceptable" if the town "supports this artist with exhibition rooms and offers a platform with the use of tax moneys."

Likewise in April 1997, the Mayor of Berg canceled an exhibit of paintings by Bia Wunderer in the city hall the day before the exhibition was scheduled solely because the artist is a Scientologist.

In December 1996, a Scientologist who is an artist, Waki Zoellner, received a commission to create a fairytale sculpture to be placed at the entrance of the Pius Kindergarten. The Mayor of the community, Gmund Tegernsee, notified Mr. Zoellner that the commission was canceled at the insistence of the district council on the grounds that the city and the kindergarten did not approve of the artist's association with the Church of Scientology.

These latest actions to stifle artistic expression violate fundamental principles of human rights which Germany has agreed to adhere to in internationally binding human rights instruments. Germany is the only country in the world to censure Scientology artists because of their religion.

Under these circumstances, international assistance is necessary so that other artists do not suffer similar suppression due to their ideological affiliation.

2. RECENT INCIDENTS OF VIOLENCE, HARASSMENT, INTIMIDATION AND THREATS AGAINST SCIENTOLOGISTS WHICH INFRINGE UPON FUNDAMENTAL FREEDOMS

Since 1993, the Church of Scientology's reports to the United Nations and the State Department have included reports on incidents of violence, hostility, harassment and intimidation directed at Scientology Churches and Scientology parishioners and their families. Unfortunately, the number of these crimes directed at Scientology Churches and parishioners continue to increase.

Government fueled hysteria has inspired hatred of Scientologists as inhuman and evil creatures, leading to criminal actions of harassment and intimidation by the darker elements in German society. Unsupported accusations by government officials depicting Scientologists as "criminals," and government sponsored "enlightenment" campaigns

denigrating and dehumanizing Scientologists as insects to be killed by the CDU Young Union, or as spiders, vampires, devils, drooling monsters, poisonous skeletons, brainwashed zombies, sect addicts, robots, fascists and members of the mafia clearly constitute "incitement to discrimination, hostility or violence" in contravention of Article 20 of the International Covenant on Civil and Political Rights. A shocking example of such incitement is the CDU Young Union's dissemination of black condoms which contain sinister slogans such as "death to Dianetics and Scientology" and "90 percent effective in preventing future generations of Scientologists."

The government's campaign to demonize Scientologists continues to engender bomb threats, death threats, and kindle other acts of hate directed at German Scientologists simply because of their personal religious beliefs. A few examples of recent incidents of harassment and intimidation follow.

- In June 1997, the Church of Scientology Hamburg received an anonymous letter depicting a person designated as "Scientology" hanging at the gallows with the caption "The last judgment." The letter states "Your organization is a product of the devil . . . you are doomed."
- In June 1997, a manager of an event office which allowed the Scientology Mission of Ulm to set up a stand at events was threatened with physical assault as well as a boycott of his events unless the Scientology stand was removed.
- In May 1997, the Church of Scientology Hamburg received a series of anonymous phone calls from an individual threatening to bomb Scientology Churches and organizations.
- In February 1997, the Church of Scientology Hamburg received an anonymous letter threatening to bomb the Church and threatening a Church parishioner with physical violence.
- In February 1997, the Church of Scientology of Hamburg received an anonymous letter stating that "the hand grenades are prepared."
- In February 1997, the Church of Scientology Hamburg received an anonymous letter of a drawing which shows a gibbet with "Scientology" on it and which states "Prepare your funeral Scientology & Co."
- An anonymous letter was received by the Church of Scientology of Frankfurt in October 1996 which states: "Jews were gassed--Why shouldn't the same happen to Scientologists?"
- In January 1997, the Church of Scientology Berlin received an anonymous letter containing a picture of a rope and stating: "Leave Germany--otherwise you will be hanged."
- In June 1997, Wolfgang Bethke, a Scientologist, was threatened in Augsburg while distributing Scientology religious literature by an individual who stated that "we will set your house on fire." In addition, in January 1997, the day after Mr. Bethke identified himself as a Scientologist at an anti-Scientology event in Augsburg, Mr. Bethke's son received an anonymous call from someone threatening his father and labeling him a "soul murderer."

- In May 1997, two Scientologists who were distributing tea to the homeless at the Hamburg main train station were attacked by a man who cursed at them for being Scientologists and who then fired a gun containing blanks at one of the Scientologists.
- In May 1997, a Scientologist who was setting up an anti-drug exhibit at the Hamburg main train station was physically attacked and the table he was setting up was destroyed; he requested assistance from a policeman who stated that Scientologists "are not welcome here" and that he would do nothing.
- In March 1997 a Scientologist was spit at and slandered due to his religious beliefs in Hamburg when he distributed Scientology literature.
- In December 1997, the Scientology Mission of Bremen received an anonymous letter stating that Scientology should be "eradicated" and that "creatures" like Mr. Hubbard "belong on the funeral pile."
- In November 1996, a newspaper published a letter of a Scientologist regarding religious discrimination; the Scientologist's address was included in the published letter. Shortly after, he received an anonymous postcard stating "...we remember your reader's letter well and will remind you of it at an appropriate time. Maybe you are one of those who were forgotten before 1945."
- In November 1996, the Church of Scientology Munich received an anonymous letter urging all Scientologists to commit suicide and stating that his dream would be the establishment of "madhouses" where Scientologists would be kept "for security reasons."
- In August 1996, the Church of Scientology Munich received an anonymous phone call threatening to bomb the Church.
- In April and May 1996, Scientology organizations in Hamburg received three bomb threats. In addition, anonymous threats of violence were received by Scientology organizations in Hamburg and Berlin by what appears to be Neo-Nazi groups. One such letter, replete with swastikas and a reference to the SS, threatened eradication, arson, death and torture. Another letter from the "Citizens Initiative Against Sects" contains a "warning" repeatedly stating that Scientologists should be beaten. A third letter threatened Scientologists with a "gruesome death."
- In June 1996, officials of the Hamburg Church received a letter which threatened acts of arson and torture; a letter received by a Scientology organization in March 1996 warned that the organization "will burn" and that all should "clear out"; and the mailbox of a Scientology organization in Eppendorf was vandalized numerous times and set on fire in June 1996.

These recent incidents continue to be greatly outnumbered by small-scale instances of harassment and intimidation of Scientologists which routinely occur and largely go unreported to authorities. A general atmosphere of fear, intimidation and harassment exists for parishioners of minority religions in Germany today.

Germany has obligations under international human rights law, as well as under German law to protect all individuals within its territory from violence. Article 4 of the Declaration requires Germany to take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise, and enjoyment of hu-

man rights and fundamental freedoms. Article 20 of the Covenant states that any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

In addition, Germany pledged to uphold the principles articulated by OSCE countries "to commit themselves to take appropriate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic, or religious identity ..." (Paragraph 40.2 *Document of the Copenhagen Meeting on the Conference of the Human Dimension of the CSCE 1990*). Yet, inflammatory pronouncements by Federal and State government officials demonizing Scientologists do not prevent but instead incite hate speech and hate crimes against Scientologists in violation of their fundamental rights.

Unfortunately, the use of hate speech directed at Scientologists by prominent German politicians provides the impression to extremist elements in German society that violent acts against Scientologists and Scientology Churches are the order of the day. As long as this atmosphere of hate against minority religious movements continues in Germany, Scientologists and members of other minority groups remain at serious risk.

WRITTEN STATEMENT OF CHICK COREA

RECENT EDUCATIONAL "ENLIGHTENMENT CAMPAIGNS" IN GERMANY WHICH INFRINGE ON FUNDAMENTAL FREEDOMS OF RELIGIOUS MINORITIES

As the U.N. Special Rapporteur on Religious Intolerance noted in the 30 December 1996 Report (E/CN.4/1997/91) submitted to the Commission on Human Rights regarding the Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, education is crucial to developing a culture of tolerance--the school system must be sheltered from any political and ideological interference so that it may serve as the prime means of combatting discrimination and intolerance. The United Nations Human Rights Commission recently incorporated this concept into a Resolution (Resolution 1997/18 of 11 April 1997) which urges States:

"To promote and encourage through the educational system and by other means understanding, tolerance and respect in matters relating to freedom of religion or belief."

These cherished principles of tolerance and non-discrimination in education have been turned on their head in Germany. The federal government and state governments have initiated or endorsed "enlightenment" programs for teachers, parents, students, police officers, judges, state attorneys, prison officials, health professionals, civil service employees, businesses and chambers of trade and industry in order to indoctrinate and agitate German citizens about the "dangers" of Scientology and other minority religions.

The United Nations Human Rights Committee expressed concern about such "enlightenment" programs, recommending that Germany "discontinue the holding of "sensitizing" sessions for judges against the practice of certain designated sects". Yet, many German states and localities continue to initiate "enlightenment campaigns" as part of an official government propaganda effort in educational institutions to "educate" children of all ages about the "dangers" of Scientology and other targeted minority religions. In addition, the Federal Minister of Family Policy, Claudia Nolte, published inaccurate and inflammatory "enlightenment" materials on Scientology and other minority religions and announced that she would "oppose" Scientology "with all the means at my disposal." As detailed below, these campaigns continue to operate and have intensified. Schools should be the prime means to fight intolerance, yet in Germany they serve as training grounds for it.

This propaganda campaign has severely infringed upon the rights of Scientologists by creating a climate of prejudice toward members of minority religions and by fostering negative stereotypes which are based on uninformed and unscholarly generalizations or anecdotes. This campaign is especially injurious to the rights of children of Scientologists who are pupils in these schools as well as their parents by denigrating their beliefs and by refusing to respect their right to freedom of religion and belief. Children of Scientologists are frequently subject to physical and verbal harassment and shunned as a result of these coercive practices.

In 1996, Bavarian schools were ordered to inform pupils of all ages about "the goals, strategies and operating procedures" of Scientology and to also inform parents through an event about the Scientology "prob-

lem." Headmasters were required to report to the Ministry of Culture regarding the measures taken to implement this campaign. The Bavarian Ministry of Culture provided the information on Scientology to be used to "enlighten" students, teachers and parents in the April 1996 issue of "Schulreport," a magazine published by the Ministry of Culture. More than 90,000 copies of this report, which forms the center piece of the ongoing "enlightenment" campaign in Bavaria, have been disseminated.

A review of this report evidences that no attempt has been made to convey information in an objective, scientific and scholarly manner as required in a democratic society. Instead, the information is replete with false and derogatory information on the religion designed to foster prejudice and intolerance against Scientologists. Activities which are lauded if accomplished by established religions "such as rehabilitation of drug addicts" are denounced as attempts at "infiltration" if done by the Church of Scientology.

The stereotypes fostered in the report are repugnant. Scientologists are depicted as victims of mind control and indoctrination and as mentally inferior human beings and their religious beliefs are derided. The report includes inaccurate, absurd and chilling stereotypes such as "advising" that one may identify a Scientologist by such characteristics as sudden weight change, loss of strength or altered beard growth.

The report is illustrated by "comic strip" pictures drawn by children who already have been "enlightened" about the "dangers" of Scientology. Typical is the picture series entitled "Scientology No!" It depicts a half naked person chained on a rack. The top of his skull is removed with a chainsaw. The brain is washed in a Bosch washing machine and then returned to the person's head. No attempt is made in the report to provide information in a factual and objective manner. Instead, the program is designed to agitate and indoctrinate the children of Bavaria against a minority religion. Rather than fostering a culture of tolerance, it is designed to teach fear and loathing of Scientology and anyone associated with the religion through the dissemination of uniformly derogatory misinformation demonizing Scientologists. This program continues to this day.

The effect of "enlightenment" programs on children of Scientologists in Bavaria, Baden-Württemberg and throughout Germany vividly convey the reality of the extreme hostility to Scientologists taught in German schools at the direction of the state.

Children of Scientologists in German schools are frequently the targets of harassment and intimidation by their classmates. They are routinely insulted as "sect swine" and shunned by other children. Teachers warn classmates that Scientologists are "criminals" and "brainwashed automatons" bent on "enslaving" them. As a result, harassment, estrangement and intimidation have become an everyday occurrence for children who have parents known to be Scientologists. Typical is the campaign of intimidation at the Merz school in Stuttgart directed at a few children of Scientologists who attend the school, where a classmate informed one Scientology child in July 1997 that "one should bury all Scientologists while they are living."

Intolerance in all its manifestations has at its root beliefs about the superiority of the prejudiced and the inferiority of the targets of intolerance. The government's intensive and ongoing campaign throughout Germany to "enlighten" the public by providing inaccurate, unscien-

tific, and uniformly derogatory information on the Scientology religion and its parishioners amounts to a program of indoctrination fostering a culture of intolerance. A few recent examples of this campaign follow.

These "enlightenment" campaigns have a devastating effect on Scientology families. For example, the Keller family has been denounced by name in their village in Bavaria as Scientologists in "enlightenment evenings" by "citizens initiatives" against Scientology. Their house is referred to in local press as a "lair" of Scientologists. The local association for the creation of an adventure playground for children bars Scientologists from its members, requiring a "sect filter" declaration from members swearing they are not Scientologists. The Keller children are insulted as "sect pigs" in their neighborhood. Their classmates have been warned by teachers that Scientologists are brainwashed, incapable of thinking for themselves and bent on ensnaring others. The family has been isolated and ostracized under the authority of the state due to their religious beliefs and association. The plight of the Kellers is not unique but typical. This is the treatment accorded Scientology children and families in Bavaria.

In July 1997, the Merz school, a private school in Stuttgart, sent a circular to all parents of students urging the parents to sign a "sect filter" declaration dissociating themselves from the teachings of L. Ron Hubbard. Two hundred parents signed the declaration. Children of parents who did not sign the declaration may no longer attend the school. The school announced that it coordinated this action with the Association of German Private Schools and with the "Protection of Association Robin Direkt Inc." Speakers of the Merz School stated that such action was taken to defend against the school against the rumor that it is "infiltrated" by Scientologists. In order to justify these actions, students in the school were "enlightened" about the dangers of Scientology. Children from one Scientology family who attended the school were forced out of the school when their parents refused to sign the declaration.

In April 1997, an anti-Scientology "enlightenment" event occurred in Wiesbaden organized by local institutions, including the city library and the citizens high school. Speakers included the Hamburg Working Group Scientology Chief and a member of parliament, Karin Wolff.

In February 1997, the Lutheran Church in Rheinland published a biased 84 page booklet entitled: "Scientology as an Issue in Religious Lessons at School." The cover page contains the drawing of an octopus with the Scientology cross on its forehead. This booklet is designed for use in schools to "enlighten" the pupils about Scientology and provides instructions to teachers. The author identifies himself as a priest of the Lutheran Church in Rheinland, who writes anonymously. The booklet encourages teachers to invite speakers to provide information regarding the "dangers" of Scientology but "urgently recommends" not to invite Scientologists to speak about Scientology.

In February 1997, the paper *Erdinger Neueste Nachrichten* reported that the Parent's Council from Erding invited an anti-Scientology spokesperson to an event in the sport-hall of the basic school Klettham against Scientology. Many parents and teachers attended this event.

In February 1997, the paper *Badische Neueste Nachrichten* reported that the deputy head of the police in Karlsruhe, Dieter Behnle, held an "event" about Scientology entitled "Scientology a Criminal Organization Infiltrates Economy and Society" in the Durchach Margraf High School.

In January 1997, the magazine "Leben und Weg" published an article calling upon the Ministers of culture in each state to establish a network of "sect-contact" teachers to work closely on enlightenment campaigns with "sect-commissioners."

In January 1997, the newspaper *Mnchner Merkur* reported that Ingrid Hein, head of the kindergarten at the city hall in Germering claims she is the "victim of a witch-hunt" due to rumors that she is a Scientologist despite the fact that she declared in front of the city that she is not a Scientologist. In order to prove that she has no connection to Scientology, she invited the public to an event attended by 200 parents of school children where speakers "enlightened" the public on the dangers of Scientology.

In May 1997, a demonstration against Scientology was organized by the Initiative of the Montessori Parents and promoted by the Ministry of Culture of Bavaria. Posters for the Anti-Scientology event and flyers rife with false and derogatory information on Scientology were prominently placed in Bavarian schools and pupils were encouraged to attend. These posters and leaflets claimed that Scientologists wanted to rule the world through manipulation and called for an end to "undue intolerance" toward Scientology in Germany. The Headmaster of one school attended by Scientology children encouraged the distribution of these posters and flyers and the promotion of this event. The event was attended by a large number of school pupils, younger children and their parents and a few teachers. Some of the demonstrators carried small signs stating "Bavaria in the hands of the Scientologists--no thank you" and Scientology: "men despising cartel of suppression." Participants were provided black balloons with the message "Scientology ugly--Dianetics poison." A sticker stating: "Warning -- danger -- Scientology may endanger your personality" was also circulated. A speaker for the Montessori Parent Initiative thanked the police union for financing the placards for the event. Some teachers discussed the "dangers" of Scientology in their classrooms prior to the event, and one teacher even showed an anti-Scientology video to students before the event. Children of Scientologists who attended the school were ostracized and vilified as a result of these actions.

In November 1996, the regional Government of Bondenseekreis in Baden-Wrttemberg issued copies of an inaccurate and exceptionally inflammatory booklet on Scientology to all kindergartens in its region.

In April 1997, the paper *Seehaupter Dorfzeitung* reported that the parent's council of the basic school plans an "enlightenment event" about "sects."

In November 1996 the child of a Scientologist was insulted by his classmates as a "sect pig" after his teacher briefed his class that the child's mother is a Scientologist and that Scientology is a criminal association.

The oppressive atmosphere in German schools and the desire to allow their children to be educated in an environment of tolerance has led some Scientologists to establish a private boarding school across the border in Denmark. In October 1996, in order to assure that children of

Scientologists do not attend German language schools in Denmark, the German language newspaper in Denmark, *Nordschleswiger* reported that the German School and Language-Association for *Nordschleswig (DSSV) in Apenrade* (Denmark) determined that no children of Scientologists may be accepted in its institutions. This exclusionary ruling occurred after the head of the "Working Group Scientology" in Hamburg, Ursula Caberta, criticized the attendance of Scientology children in the Denmark school and after the Hamburg school authority threatened to penalize parents unless their children were returned to schools in Germany.

In September 1996, the paper *Ratinger Wochenblatt* reported under the headline: "Enlightenment about Scientology" that the Board of the city of Ratingen decided to initiate an "enlightenment program" about Scientology targeting teachers and pupils from Ratingen. The program will consist of information provided by "sect experts" about the "dangers and methods of this criminal association."

In June 1997, the Youth Office for the Landkreis located in Tolz-Wolfratshausen distributed a circular to all kindergartens and day nurseries in the Landkreis. This circular was also distributed to the public by "Montessori Parents" in Munich. The circular included "warnings" about the "dangers" of Scientology provided by the Bavarian State Ministry for Labour, Social Affairs, Women and Health. The circular falsely implied that the religion attempted to convert children by offering solutions to educational problems. The kindergartens were asked to alert their staff about the danger of Scientology.

The ongoing "enlightenment" campaign against Scientology and other targeted minority religions amounts to the pursuit of an indoctrination program which does not respect parents' religious and philosophical convictions. This campaign is extremely injurious to the rights of children of Scientologists who are pupils in these schools as well as their parents by denigrating their beliefs and by refusing to respect their right to freedom of religion and belief.

An educational program which does not convey information in a neutral, objective, scholarly and pluralistic manner has no proper place in a democracy. Education should be the essential means of combatting discrimination and intolerance; it should not be turned into a training ground for it.

The "enlightenment" programs throughout Germany represent a flagrant violation of the right to freedom from discrimination in education articulated in Article 5 of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief (Declaration). Article 5 (1) provides that parents "have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up"; Article 5 (3) provides that the "child shall be protected from any form of discrimination on the ground of religion or belief" and that he "shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, [and] respect for freedom of religion or belief of others . . ." It is absolutely crucial to the effective exercise of the rights articulated in Article 5 of the Declaration that any school programs provide factual and objective information which conveys tolerance and respect for minority beliefs.

Article 18 of the International Covenant on Civil and Political Rights also protects the right of parents freely to ensure the religious and moral education of their children in conformity with their own conviction. Moreover, these programs directly contravene the principles of non-discrimination in education explicitly articulated in UNESCO's Convention Against Discrimination in Education and the requirement articulated in Article 14 of the U.N. Convention on the Rights of the Child that States respect the right of children to freedom of thought, conscience and religion.

Finally, in OSCE meetings of the Conference On The Human Dimension, participating states have reaffirmed their commitment to protecting minority human rights "as an essential factor for peace, justice, stability and democracy" and have condemned "all manifestations of xenophobia and discrimination against anyone, as well as persecution on religious and ideological grounds." (Copenhagen Document, Para. 3040.7).

These instruments establish the right of an individual to have a religion or belief of personal choice and the right, in community with others, to manifest this religion or belief in worship or practice--a right to which all persons, including religious minorities, have a moral claim. Yet, the German Government is flagrantly violating these cherished principles of non-discrimination in education, directly infringing upon the fundamental human rights of children of Scientologists and their parents throughout Germany.

**THE AMBASSADOR OF
THE FEDERAL REPUBLIC OF GERMANY**

Ref Pol 65 1. 00
Washington, September 16, 1997

Senator Alfonse D'Amato,
Chairman, Commission on Security and Cooperation in Europe
234 Ford House Office Building
Washington, DC 20515-6460

Dear Senator D'Amato:

Thank you very much for your letter dated August 25, inviting a representative of the Federal Republic of Germany to testify at the public hearing "Emerging Intolerance in the Federal Republic of Germany," to be held by the Commission on Security and Cooperation in Europe on September 18. I am also aware that my deputy, Mr. Thomas Matussek, has received a letter, dated September 9, from Mr. Hathaway, Chief of Staff of the Commission on Security and Cooperation in Europe, explaining that the scope of the hearing has now been changed.

Please understand that an official representative of Germany cannot, on principle, testify before the Commission. As you may know, I have proposed on several occasions to meet individually with various Members of Congress to explain Germany's approach to the Scientology organization. While none of your colleagues expressed an interest in an exchange of views, I would be glad to renew my offer.

In the meantime, I enclose a background paper outlining the German position on the Scientology organization. The Commission staff has already been supplied with a copy.

Sincerely,
Jürgen Chrobog

BACKGROUND PAPER: SCIENTOLOGY AND GERMANY

Since October 1996 the Church of Scientology has waged an aggressive campaign against Germany. Using full-page ads in the New York Times and the Washington Post, the Scientology organization has compared the treatment of Scientologists in present-day Germany with that of the Jews under the Nazi regime. This is not only a distortion of the facts, but also an insult to the victims of the Holocaust. Officials in Germany and the U.S. have repeatedly spoken out against this blatant misuse of the Holocaust. Ignatz Bubis, Germany's top Jewish leader, denounced the comparison as "false" and most recently, State Department spokesman Nicholas Burns at a press briefing on June 6, 1997 said:

"Germany needs to be protected, the German Government and the German leadership need to be protected from this wild charge made by the Church of Scientology in the U.S. that somehow the treatment of Scientologists in Germany can or should be compared to the treatment of Jews who had to live, and who ultimately perished, under Nazi rule in the 1930s. This wildly inaccurate comparison is most unfair to Chancellor Kohl and to his government and to regional governments and city governments throughout Germany. It has been made consistently by supporters of Scientology here in the United States, and by Scientologists themselves. I do want to disassociate the U.S. Government from this campaign. We reject this campaign. It is most unfair to Germany and to Germans in general."

After having conducted thorough studies on the Scientology organization, the Federal Government has come to the conclusion that the organization's pseudo-scientific courses can seriously jeopardize individuals' mental and physical health and that it exploits its members. Expert testimony and credible reports have confirmed that membership can lead to psychological and physical dependency, to financial ruin and even to suicide.

In addition, there are indications that Scientology poses a threat to Germany's basic political principles.

Because of its experiences during the Nazi regime, Germany feels a special responsibility to monitor the development of any extreme group within its borders. German society is particularly alert towards radicalism of any kind and has set stiff standards for itself when dealing with aggressive, extreme groups--even when the groups are small in number.

Every citizen in Germany has the right to challenge the legality of government decisions which affect him or her, in an independent court. The Scientology organization has made ample use of its right to go to court in Germany and will continue to do so. Up until now, no court has found that the basic and human rights of Scientology members have been violated.

IS SCIENTOLOGY A THREAT?

According to a decision of March 22, 1995, by the Federal Labor Court, Scientology utilizes "inhuman and totalitarian practices." Often members are separated from their families and friends. The organization is structured so as to make the individual psychologically and financially dependent on a Scientology system. There are cases of the Scientology organization using this system of control and assertion of absolute au-

thority to exercise undue influence in certain economic sectors--particularly in personnel and management training--causing serious harm to some individuals.

In response to the growing number of letters from concerned parents and family members, particularly from those with relatives in Scientology, the German Parliament (Bundestag) established an investigative commission which will present a report on the activities of "sects and psycho-cults" in the course of the year 1997.

In the United States, two legal cases involving Scientology support the German Federal Government's concerns about the organization. In the early 1980s, 11 top Scientologists were convicted in the United States for plotting to plant spies in federal agencies, break into government offices and bug at least one IRS meeting. Referring to Scientology's battle with the IRS for tax-exempt status, The New York Times in a front-page article published March 9, 1997 "found that the (tax) exemption followed a series of unusual internal IRS actions that came after an extraordinary campaign orchestrated by Scientology against the agency and people who work there. Among the findings ... were these: Scientology's lawyers hired private investigators to dig into the private lives of IRS officials and to conduct surveillance operations to uncover potential vulnerabilities." In 1994, the U.S. Supreme Court upheld a California court's finding of substantial evidence that Scientology practices took place in a coercive environment and rejected Scientology's claims that the practices were protected under religious freedom guarantees.

In other countries, too, the Scientology organization is increasingly seen with great concern. In France, a government commission led by Prime Minister Juppé, and charged with monitoring the activities of sects, convened its first meeting in mid-November 1996. On November 22, 1996, in Lyon, several leading Scientologists were found guilty of involuntary manslaughter and fraud in a case where methods taught by Scientology were found to have driven a person to suicide.

In Italy during December 1996, an Italian court ordered jail terms for 29 Scientologists found guilty of "criminal association."

In Greece, a judge declared in January 1997 that an Athens Scientology group was illegal after ruling that the group had used false pretenses to obtain an operating license.

Some of the German states have taken steps to protect their citizens against Scientology:

As of November 1, 1996, all applicants for admission to Bavarian public service and Bavarian public service employees must indicate whether they belong to the Scientology organization. Membership in Scientology alone does not automatically exclude individuals from public service.

THE SCIENTOLOGY PUBLIC RELATIONS CAMPAIGN AGAINST GERMANY

The Scientology organization has financed several highly visible public relations campaigns directed against the Federal Republic of Germany in American publications. Among the papers that have carried full-page ads in the last couple of years are the *New York Times*, the *Washington Post* and the *International Herald Tribune*. In addition, the *International Herald Tribune* published a controversial open letter to German Chancellor Helmut Kohl.

The Scientology organization has also distributed pamphlets such as "The Rise of Hatred and Violence in Germany," reiterating its allegations.

The open letter to Chancellor Kohl, written by a Hollywood lawyer with famous Scientology clients, appeared in early 1997 in the *International Herald Tribune*. The letter repeated Scientology organization assertions against Germany and was signed by 34 American celebrities. "Disgraceful and irresponsible" is how Michel Friedman, a member of the Central Council of Jews in Germany, described the letter. He added: "It's totally off the mark. Today, we have a democracy and a state based on the rule of law."

Following the letter, the U.S. State Department again criticized the Scientologists' public relations campaign, saying, "we have advised the Scientology community not to run those ads because the German government is a democratic government and it governs a free people. And it is simply outrageous to compare the current German leadership to the Nazi-era leadership. We've told the Scientologists this, and in this sense we share the outrage of many Germans to see their government compared to the Nazis."

ARE THE CASES IN THE ADS TRUE?

The Scientologists' repeated allegations that artists belonging to Scientology are being discriminated against in Germany are false. Freedom of artistic expression is guaranteed in Article 5 (3) of the German Basic Law (Germany's Constitution), thus artists are free to perform or exhibit in Germany anywhere they please.

Jazz pianist Chick Corea performed in Germany as recently as March 24, 1996, during the 27th International Jazz Week held in Burghausen, an event which received approximately \$1 0,000 in funding from the Bavarian Ministry of Culture.

"Mission Impossible," starring Tom Cruise, was a hit in Germany, grossing \$23.6 million.

Likewise, the Scientologists' claim that a teacher who taught near the city of Hanover was fired for her beliefs is untrue. The woman was not fired, though she repeatedly violated school regulations by using the classroom to recruit students and their parents to Scientology. After multiple warnings, the woman was transferred from classroom to administrative duties to prevent further violations.

Contrary to allegations that Scientologists' children have been prevented from attending school, all children in Germany, including Scientologists', are legally required to attend school. If a Scientologist's child is not enrolled in a German school, it can only be that the parent has pulled the child out.

**LETTER FROM THE OFFICE OF THE BISHOP
ROMANIAN CATHOLIC DIOCESE OF CANTON**

Dear Senator D'Amato and Representative Smith,

Thank you, Senator, and members of the Commission for Security and Cooperation in Europe, for this opportunity to present to you items of information which I am sure you will find of interest in your investigation of the phenomenon of current religious intolerance in Europe.

I recall, as a youth, attending a seminar at the University of Pittsburgh some twenty years ago. The seminar was about the history, language, and culture of Romania, and it was intended for young Romanian-Americans who were in college or graduate school at the time. One thing that impressed me most forcefully was said by a representative from the State Department who addressed our gathering, and that was that the U.S. Government heard about Romania from every ethnic and religious group imaginable, except Romanian-Americans. He did not know why, he said, but Romanian-Americans seemed reluctant to get involved in policy discussions involving that country.

I related this anecdote to Mr. Jeremy Rosner, Special Adviser to the President and Secretary of State for NATO Enlargement Ratification at a meeting I had with him in the spring regarding Romania's entry into NATO. He advised me that the situation was improved since that time, but only somewhat. Still more input was needed. This letter is meant, in part, to respond to that invitation.

I had hoped to be able to testify personally before the OSCE regarding the tragic and ongoing persecution of the Romanian Byzantine-Rite Catholic Church in Romania (Romanian Greek-Catholic Church). Inasmuch as this was impossible, I submit the enclosed as the basis for the testimony I would have offered.

The subject of the restitution of over 2,000 churches, schools, convents, and other ecclesiastical properties which were forcibly taken from the Romanian Greek-Catholic Church in 1948 and subsequently can only be approached from the point of view of religious intolerance. There is simply no other explanation for the fact that nearly eight years after the end of the Ceausescu regime, less than one-half of one percent of this confiscated property has been returned to its rightful owners. The same spirit which motivated the recent ill-conceived legislation in Russia regarding religious "freedom" is at work in the present controversy in Romania as well.

It is my personal belief that the government of Prime Minister Victor Ciorbea would if it could, settle this situation once and for all, for peace among Romanians. However, it faces a daunting political challenge in order to do so. Issues of minority rights make for slim political capital, especially in a country whose fledgling democratic institutions are subject to the kind of intense pressure that the transition to an open and free-market society entails.

Not without reason, then, many leaders of this Church turn to the west for moral as well as practical support, as now I turn to the members of the Commission for Security and Cooperation in Europe. It is all

too easy for the parties to this conflict themselves to be caught up in complexities. Only those of us who are able to observe it from without can see the problem for what it is: a matter of simple justice.

The communist era in Romania was, without a doubt, arduous for all people of faith, regardless of confession. Yet fifty years of constant, lethal persecution did not succeed in sweeping the Romanian Greek-Catholic Church "under the rug," as it were, and the fact that its reappearance on the historic and social horizon of Romania might be a cause of inconvenience and Disgruntlement to the major majority is no excuse for the Romanian governments failure to do the right thing, viz., return the properties illegally confiscated in the course of its antecedent government's attempt to extinguish this religious minority. The enclosed books, *Witnesses of the Persecution of the Romanian Greek-Catholic Church United with Rome from 1990 to 1995*, and *A Grave Wound to the Romanian People: The Calumny Against the Romanian Greek-Catholic Church United with Rome*, are the fruit of much painstaking work on the part of their author, Father Anton Moisin. I had occasion to visit Father Moisin prior to their publication, when he showed me two rooms filled, floor to ceiling, with documentation of human rights abuses that had taken place in connection with the members of our Church since 1990 and the fall of the Ceausescu regime. The first text is a compilation of this documentary evidence, and the second is a more popularized exposition of the history and background behind the present campaign of defamation and violence. The texts, which unfortunately do not yet appear in English, are important for understanding the gravity of the situation our Church faces in Romania.

Alongside these books, I am also submitting a letter, dated August 15 of this year, written by Father Moisin to the President. The letter was translated by his brother, Father Michael Moisin, a priest of this diocese in the United States. The letter refers to a bill submitted to the Romanian parliament by their brother, a member of the Romanian Senate, which calls for the full restitution of Greek-Catholic Church properties. Opposition is expected to be severe (one leader of the religious majority is reputed to have said, "We will make another Bosnia"). The letter, indeed, speaks very eloquently for itself, so I will spare you my own commentary. It is worthwhile, however, to be aware of some of the letter's personal background.

These three Moisin brothers grew up in our underground Church, where they had the opportunity to observe and assist their father, the Reverend Octavian Moisin, who was working clandestinely as a priest in this Church that had been declared "not to exist" on December 1, 1948. They lived in the city of Victoria, built and named by the Communists to be a model community, showcasing the "victory" of socialism in Romania. Naturally, there was no church building at all in this city.

It was a sign of the demise of socialism, then, when the Romanian Orthodox Church was able to build and consecrate the first church in the city, after the revolution. I, for one, rejoice with them at this accomplishment. Yet I am at a loss to understand why, when Father Octavian Moisin began a program of building a Greek-Catholic church in the same city, he was approached by a delegation of civic leaders (I am told the mayor at the time was himself a part of the delegation) and informed that, were such a project begun, he should not be surprised to

find it burned down before it was completed. This case is not about the restitution of property at all; it is, however, manifestly a case of religious intolerance.

Perhaps the most poignant precis of the issue can be found in the lapidary, good-humored comments of the late Bishop Vasile Hossu of Oradea. When I first met this Fine, gentle soW in Romania, he was delighted to show me around the city which was the historic capital of his diocese. Entering the center of town, he pointed out a large and impressive edifice. "There is my episcopal palace," he remarked, "although I don't have the key."

On another occasion, he and I were standing outside his third-floor walk-up flat which was adjacent to the Cathedral--or what had been the Cathedral--of the Diocese of Oradea (it is now in the possession of the Romanian Orthodox Church). There, a group of men was examining some renovations which were underway at the time. Bishop Hossu pointed to them and observed, "the city made them come to me to get permission to paint the building, since we [i.e., the Greek-Catholic Diocese of Oradea] are still listed as the owners. Too bad they won't let me see the paint job."

Bishop Hossu passed away in June of this year. He never received the key to his home, nor could he see the renovations to his Cathedral and, in the end, he was refuse burial alongside his predecessors in the Cathedral cemetery. He was laid to rest instead in another place--a fitting, I suppose, if tragic end for the disinherited leader of a disinherited Church.

I have written this testimony with somewhat mixed emotions, aware, as I am, that Jesus Christ Himself observed, "Foxes have holes, and birds of the air have nests; but the Son of Man has nowhere to lay his head" (Matthew 8:20 NRSV). The Kingdom of God is certainly not a matter of real estate. Yet I have come to understand, in four years of diocesan leadership, that this controversy is, likewise, not fundamentally a matter of real estate. It is about domination and freedom, about social control and liberty of conscience. It is about the values which we Americans consider essential elements of any society that desires to call itself free.

I yearn for the freedom of Romania, as I do for all peoples, as I am sure you do as well. It is, then, for the advancement of this freedom, and for redress where it has been and is being abridged, that I am no longer able to maintain the silence which once characterized this segment of the Romanian-American community, and must call this particular struggle to your attention. I am grateful to you for the chance to do so.

Respectfully,
 (Most Reverend) John Michael Botean
 Bishop, Romanian Catholic Diocese of Canton

**LETTER TO PRESIDENT WILLIAM CLINTON, PRESIDENT, THE
UNITED STATES OF AMERICA**

**FROM REV. PROF. ANTON MOISIN, PH.D
DATE: AUG. 15, 1997**

Dear Mr. President,

In the name of the "New Memorandist Movement" of the persecuted Romanians from Transylvania, which gathered over 50,000 signatures from its members and is supported in its demands by about 1.5 million members, I would like to bring to your attention the situation of the Romanian Catholic Church (Byzantine Rite) which is persecuted and unjustly treated even today.

This Romanian National Church was outlawed on December 1, 1948, by the Romanian Communist regime under Moscow's control, because it opposed the same regime and the subordination of Romania to the power of the Soviets.

All the bishops of this Church died in communist prisons as martyrs, neither denying their faith nor the national ideals. More than 600 priests were arrested, many of them killed, the exact number never being established because the archives of the Securitate, the Political Police Force of the communist regime, have been inaccessible. About 2 million faithful believers have been persecuted and hundreds of thousands were forced to join the Romanian Orthodox Church, which was oriented towards the Slavic World by a hierarchy favorable to Moscow and to the Communist regime.

The Romanian Catholic Church was deprived of all rights and properties in 1948. For example, more than 2,000 parish churches and almost as many parish houses, many school, seminaries, libraries, diocesan buildings were confiscated, many of which have not been returned even today, with the exception of a small fraction that were returned after great difficulties.

We, the representatives of the Romanian Catholic Church, are requesting the return of over 2,000 churches and all other Church properties.

Twenty-two times we have petitioned the Romanian Government, the Romanian Parliament, and the Romanian President. Twenty-one petitions were made to the former Romanian President, Ion Iliescu, and one to the present Romanian President, Emil Constantinescu, but with no results or feedback from anyone.

The persecution and wrongdoing continue-unchanged.

I have published two books about the present ongoing persecution, with more than 500 documented cases: violent abuses, aggravated beatings followed by death, calumny, arson, etc., all religiously motivated. Many other cases have not been documented, simply because of a lack of financial resources.

In July 1997, a Romanian Senator, the Honorable Ioan Moisin, introduced a law regarding the complete restitution (*restitutio in integrum*) of all goods belonging to the Romanian Catholic Church. This law will be debated in Parliament in October of this year. If rejected, we will have the proof needed that even the present regime, in power since November 1996, is no more just toward the Romanian Catholic Church

than the pseudo-communist regime of the former Romanian President Ion Iliescu, which continued, in another form, the communist persecution of Nicolae Ceausescu and Gheorghe Gheorghie-Dej.

We possess signed documents that prove the ongoing persecution against our Church even today under the present government of Romanian President Emil Constantinescu.

The Romanian Catholic Church has been persecuted for half a century because it was and is and is the main spiritual bulwark of resistance against the expansion of communism, neocommunism, panslavism and the domination of Moscow in Romania and Eastern Europe. It is a Latin bastion of the Latin Romanian people, the only nation of Eastern Europe bound to Rome and to the West by its very birth and language.

If you indeed desire to support the Romanian people and the spiritual influence of the West in Eastern Europe, support the martyred Romanian Catholic Church, bound, as it is, to Rome.

Thank you.

With esteem,

/s/ Rev. Prof. Anton Moisin, PH.D.

Coordinator of the New Memorandist Movement of the Persecuted Romanians of Transylvania

¹Pope John Paul II, "World Day of Peace Message," January 1, 1988, *Origins* 17:28 (December 24, 1987): 493.

²See the Second Vatican Council's *Declaration on Religious Freedom (Dignitatis Humanae)* (1965); *National Conference of Catholic Bishops, A Word of Solidarity, A Call for Justice: A Statement on Religious Freedom in Eastern Europe and the Soviet Union* (Washington, D.C.: U.S. Catholic Conference, 1988): 69.

³The four models used here are adapted from Paul Mojzes, "Religious Human Rights in Post-Communist Balkan Countries." Paper presented at the Conference on Religious Human Rights in the World Today, Emory University, Atlanta, GA, October 69, 1994.

⁴Archbishop Paul Tabet, Address to U.N. Human Rights Commission, Geneva, Feb. 14, 1994.

⁵For example, in opposing a proposed constitutional provision that would declare the state "neutral" toward religion, the Catholic Bishops' Conference of Poland argued: "The state's neutrality of world view, like the notion of church-state separation, has associations with our post-war experience when non-believers received favors and the religious dimension was excluded from public life. The constitution should ensure the permanence of moral values rooted in the history and tradition of our nation, which is mostly composed of believers and which has lived with the Gospel for ten centuries. Its preamble should refer to God as the supreme authority and final protector of all human rights." Statement of March 18, 1995, quoted in *Catholic News Service*, March 29, 1995.

⁶L. Weil, "Pope Prays for Success of European Ecumenical Meeting," *Catholic News Service*, June 23, 1997.