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THE TREATMENT OF RELIGIOUS MINORITIES IN WESTERN EUROPE

HEARING

BEFORE THE

COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES

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THE TREATMENT OF RELIGIOUS MINORITIES IN WESTERN EUROPE

WEDNESDAY, JUNE 14, 2000

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to notice, at 10:30 a.m. in room 2172, Rayburn House Office Building, Hon. Benjamin A. Gilman (Chairman of the Committee) presiding.

Chairman GILMAN. The Committee will come to order.

The Committee on International Relations meets in open session today to take testimony on the topic of the treatment of religious minorities in Western Europe. We do so as part of the Full Committee's geographic responsibility for Europe.

Today's hearing allows us to turn our attention to a problem that has troubled many Americans who respect and value the nations of Western Europe, countries who are, without doubt, friends of the United States and places where, in general, freedom flourishes.

The "blind spot" that some of those countries seem to have is their attitude toward religious minorities. As Ambassador Felix Rohatyn has written with respect to France, "Recent actions by its government vis-a-vis sects raise questions about intolerance toward religious minorities and contravene France's human rights commitments, although it is a country with a long tradition of religious freedom and the rule of law." That was in an April 12, 1999, letter to Congressman Smith of New Jersey.

I would like to point out that the purpose of this hearing is not to support the religious doctrines or other activities of religious minorities active in Western Europe. However, we are called on not only to protect the rights of those we like, but of those with whom we may disagree as well.

I have put on the record repeatedly, for example, my concern about the use, over the years, of Nazi-era imagery by supporters of Scientology in their effort to make their points about German policy. But I am also here to say we must defend their human rights.

Of course, holding or expressing a religious belief or worshiping in public and private as one may please is not, as such, forbidden by law in Western Europe. In practice, however, expressing a minority religious belief often leads to discrimination—the loss of a job, of educational opportunities, of the right to gain custody of one's own child or to be a foster parent—which seriously burdens one's exercise of freedom of religion.

Some European governments discriminate among religions, giving some favors, such as financial aid or simply the right of clergy of that religion to visit sick parishioners, while withholding these privileges from others.

Moreover, religious discrimination by private parties is far from universally discouraged. It is encouraged in some cases, for example, by the compilation and publication by governments of lists of sects—although encouraging religious tolerance is an international human rights obligation.

Such problems are complained of especially frequently and vociferously with respect to Austria, Belgium, France and Germany. It is frankly difficult to understand how our friends in those countries can say they have freedom of religion, given the burdens on the free exercise of religion I have mentioned and which will be described a little later on today.

The Committee's attention has been drawn to this issue for several reasons: First, the practices to be discussed appear to be in contravention of internationally accepted human rights standards and seem to be leading to an atmosphere of religious intolerance.

Second, Americans abroad who wish to evangelize or merely to practice their religion or professions, or to engage in business, face discriminatory treatment on the basis of their religions.

Next, emerging democracies in Eastern Europe may copy the bad examples that are being set by some Western European countries—and China uses Western Europe to justify its brutal crackdown on the Falun Gong.

And last, the growth of political extremism on the left and on the right in some of the nations where religious discrimination appears to be on the rise to questions of whether there are links between such discrimination and those political trends.

Today, our Committee will first take testimony from our Ambassador-at-Large for Religious Freedom, Robert Seiple.

In the second panel, it will hear from an experienced writer and observer of religious freedom issues who has worked in government, Mr. Jeremy Gunn; from a Methodist minister in Queens, New York, who has been active in the Religious Liberty Committee of the National Council of Churches, the Reverend "Skip" L'Heureux, Jr.; and from members of religious minorities working in Europe or who are involved in helping coreligionists there, Philip Brumley, General Counsel of Jehovah's Witnesses, and the Reverend Robert A. Hunt of the English-speaking Methodist congregation in Vienna, Austria; from an American businessman, who is a Scientologist, who will testify that his business is being threatened by a religiously based boycott, Mr. Craig Jensen; and from an American actress, Ms. Catherine Bell, star of the television show JAG, also a Scientologist, who will discuss the special problems faced by members of her church in Europe, particularly in Germany.

I regret to announce that Mr. Chick Corea who was invited to testify is unable to be with us today due to prior engagements.

This is not a hearing about the merit or lack of merit of one or another religious group. It is about the practices of certain nations with respect to some of those groups. Accordingly, the Ambassadors of Austria, Germany and France have been invited to appear as

well. The German ambassador and the Austrian ambassador have each submitted a useful and interesting statement. I would ask that my colleagues pay close attention to those statements. I regret that the French embassy has chosen not to participate in this hearing in any manner.

Without objection, the submissions of the German and Austrian ambassadors, along with the prepared remarks of today's witnesses, as well as those of Mr. Corea and reasonable-length additional statements and background materials, at the discretion of the Chair, will be entered into the record.

I now call on our Ranking Minority Member, the gentleman from Connecticut, Mr. Gejdenson.

Mr. GEJDENSON. Thank you, Mr. Chairman.

One thing that comes to mind as I look at the years that we have had hearings on this issue is that maybe a solution would be if our European colleagues followed our model of separation of church and state. Because even if it is not explicitly discussed, there seems to be a strong undercurrent that the populace of these countries are uneasy about subsidizing, providing economic support and other benefits to religions that they are simply not accustomed to or that don't represent a large portion of their population; and that may be an important lesson for people in this country who have consistently tried to degrade and remove the separation of church and state, that we would find ourselves in a similar position.

Populations often find it difficult to accept new philosophies and new religions, and it becomes particularly problematic when the general taxpayers are then asked to subsidize these new religions by funding religious schools, by funding other activities, direct payments to these new religions. So maybe our European brethren could remove some of their problems with the various religions that they seem to have difficulty with if they looked to our model more of establishing a separation between the elected government and the beliefs that people choose.

I think it is important to make sure that we don't simply highlight newer religions and newer philosophies and thereby put them in a separate category. It should be the standards of behavior that we judge, not the newness of the religion; and obviously governments that take new religions or new beliefs and label them as sects and cults, I think undermine an attempt to have a society that respects varying beliefs.

I believe these countries ought to open up a more transparent dialogue. They need to announce and enunciate principles of tolerance for their society, and they could go a long way to do away with some of the problems in some of the finest democracies in the world and our closest allies.

For me, it is important to give every belief an opportunity to express itself and to make sure that a dominant religion doesn't in some way try to prevent other religions from competing for parishioners.

Thank you, Mr. Chairman.

Chairman GILMAN. Are any other Members seeking recognition? Thank you, Mr. Gejdenson.

Mr. Salmon.

Mr. SALMON. Thank you very much, Mr. Chairman. It is interesting, just a couple of weeks ago, we had a debate on the House floor about NTR for China, and numerous Members arose to denounce the practices in China of impingement on religious freedom, but yet a lot of the same Members expressed hesitance about denouncing the suppression of religious freedom in some of the allied countries that we have worked closely with since World War II. I find that quite interesting.

I have a different belief. I think that we ought to be able to be even more candid with those who are considered to be our allies, and I frankly am very, very concerned because I see a pattern.

I have been working on the Helsinki Commission for the last 6 years that I have been in Congress; and I have been able to go to those annual OSCE meetings, and every year these issues come up. And I find the response, particularly from the European Union, very, very troubling when we bring these issues up.

Last year, we brought up a resolution to denounce some of the practices in Europe toward religious minorities and the creation of these sect monitoring offices in several offices in Europe. We basically got poured in a bottle. I think that we need to be a little bit more vocal. I think that the Congress needs to take definitive action to declare that here in this country we value the right to be able to believe according to the dictates of one's own conscience. It is a problem.

It has been a problem in Russia. You might recall just a couple of years ago the Duma had a vote honoring and sustaining only certain religions.

I might remind everybody here on this Committee that every religion started out as a religious minority, even the Christian religion, to which I belong. You might recall that when they started out, they had their bumps in the road. A few of them got fed to the lions. They had problems, as well, and problems being understood by those who believed a different way.

But this religious intolerance in Europe is very, very troubling and some of the countries that are really the worst actors—Germany, France, Belgium, Austria—we need to take, I think, a definitive stand here in these halls to tell them that that is not acceptable, and that to have a good and solid relationship with the United States, they need to value the same things that we value, and that is the freedom of religious expression, the freedom of belief.

I would like to cite some examples because this isn't just a lot of empty rhetoric. The most recent international Helsinki Federation report mentions that religious minorities in Belgium have been subjected to various forms of harassment and other human rights violations such as slander, anonymous threats, loss of jobs, bomb threats and denial of room rental for religious ceremonies.

Patrick Belton, a businessman in France, runs a company that offers training and management advice. When government officials learned that he was a Scientologist, they accused him of transmitting client files to his church. Consequently, he lost several contracts with an estimated loss of several million French francs.

In 1999, the U.S. Department of State annual report on international religious freedom stated that the conservative Austrian

People's Party formally accepted the decision that party membership is incompatible with membership in a sect, and they decide what is a sect and what is a religion. This policy led to the resignation of a local party official.

I really believe that this hearing is timely. I thank the Chairman for inviting the various people to testify before us, but after all is said and done and we hear the testimony, what are we prepared to do? Are we going to just sit and listen or are we going to stand up and be counted?

I think we have an opportunity to make a difference and to stand for the most basic value that we hold dear in America and, really, the fundamental that began this country over 200 years ago, and that is the right to believe according to the dictates of one's conscience without interference from government.

Thank you very much. I yield back the balance of my time.

Chairman GILMAN. Thank you.

I would like to note to the audience that we don't permit demonstrations during the hearing.

Thank you, Mr. Salmon.

Judge Hastings.

Mr. HASTINGS. Thank you very much, Mr. Chairman. Mr. Chairman, thank you for holding this hearing and my apologies to you, colleagues, and to the witnesses for the fact that I, as one Member, as I am sure others do, have very serious conflicts and will not be able to stay for the entirety of the proceedings.

Toward that end, Mr. Chairman, I would like to associate myself with your remarks, the remarks of Mr. Gejdenson and my dear friend and colleague, whom I will miss when he leaves Congress and goes back to his religious freedom in Arizona, Mr. Salmon. Mr. Salmon serves on the Helsinki Commission and he and I, along with other Members, have traveled to Europe frequently; and I, Mr. Chairman, am an officer in the Organization for Security and Cooperation in Europe.

My point is, what Matt just got through saying I think is a proper segue for me, at this point, to suggest to the Committee that today's hearing particularly be placed in a manner whereby it can be spread widely among our European colleagues; and I will take it upon myself to take these proceedings to the Organization for Security and Cooperation in Europe at its July meeting, and Mr. Salmon and I can attest to the fact that the subject of religious freedom arises frequently.

I will end by saying, Mr. Chairman, there is a spiritual that says, "A charge to keep have I." All of us come from different faiths in this great country of ours. To promote religious freedom is a charge that all of us should keep, and the sooner our European allies recognize this, the more likely we are to be able to influence others in the world.

Thank you, Mr. Chairman.

Chairman GILMAN. Thank you, Judge Hastings.

Are any other Members seeking recognition?

Mr. Sherman.

Mr. SHERMAN. Just briefly, Mr. Chairman. I know that we have had testimony in prior hearings about the treatment of those who practice Scientology in Germany. I would hope that Germany

would show respect for that religious minority and others, and it was with great regret that I noticed Germany pressing for a World Bank loan to the Government of Iran at a time when that country has 13 Jews being charged on trumped-up charges.

And so respect for religious minorities includes not only religious minorities within a country's borders, but also respect for importance of human rights for religious minorities in foreign policy decisions. And I know that there was one German citizen who was released from Iranian jails, and I appreciate that decision, but I would have been far more impressed if the German Government had respected the importance of religious liberty in Iran.

Chairman GILMAN. Thank you, Mr. Sherman.

Are any other Members seeking recognition? If not, we will proceed with our first witness, who is Ambassador Robert Seiple. Ambassador Seiple's position as Ambassador-at-Large for International Religious Freedom was created by the International Religious Freedom Act of 1998, which originated in our Committee. Ambassador Seiple is a highly decorated veteran of the Marine Corps, having flown 300 combat missions in Vietnam. He has served in administrative and development positions at his alma mater, Brown, as President of Eastern College and Eastern Baptist Theological Seminary and as President of World Vision. He took up his present position in May 1999. We welcome Ambassador Seiple.

Your statement has been made part of the record. You may summarize as you see fit. Please proceed.

STATEMENT OF THE HONORABLE ROBERT A. SEIPLE, AMBASSADOR-AT-LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, U.S. DEPARTMENT OF STATE

Mr. SEIPLE. Thank you very much, Mr. Chairman and Members of the Committee. I am honored to appear before you today to testify on the treatment of religious minorities in Western Europe. Let me begin by thanking the Chairman and the Committee for their strong and continuing contributions toward our goal of promoting religious freedom.

Each of us here today shares a commitment to protecting the dignity of all human beings. We hold in common the belief that at the heart of human dignity lies the right to pursue the truth about the mystery of faith, the truth about our place in the universe, about how we ought to order our lives. Together, we seek to speed the day when every human being is free to pursue that truth as he or she sees fit, not only unhindered by others, but protected by the state itself.

Freedom of religion and conscience is also foundational for democracy as recognized in the international covenants. The government which fails to honor religious freedom and freedom of conscience is a government which does not recognize the priority of the individual over the state and that the state exists to serve society, not vice versa. By the same token, the government which nurtures religious freedom may be more likely to honor other fundamental human rights.

So, Mr. Chairman, the promotion of religious freedom and freedom of conscience makes sense from the standpoint of freedom in

general, but also from the standpoint of all human rights and from the standpoint of promoting healthy, vibrant democracies.

Against that background, Mr. Chairman, let me turn to our subject this morning, the treatment of religious minorities in Western Europe. Overall, it must be said that religious minorities are treated better there than in most other regions of the world. Indeed, in relative terms, the citizens of Western Europe enjoy a measure of freedom that is the envy of aspiring democracies around the globe. Persecution on the basis of religion in the form of brutal activities by governments, such as prolonged detentions without charge, torture and slavery, simply does not exist there as it so tragically does elsewhere in the world.

But it also must be said that discrimination on the basis of religion does exist in the four countries on which we are focusing this morning—Germany, France, Austria and Belgium. Let me give you a brief overview of the problems that we see in each. Before I do, however, I want to emphasize that the standard applied to these countries by the United States is a standard that they have accepted. All of them embrace the international instruments that protect freedom of religion and conscience, including the Universal Declaration of Human Rights, the European Convention on Human Rights and the International Covenant on Civil and Political Rights. In applying these standards, we see ourselves as citizens of the world community, putting our national shoulder to the international wheel.

But our willingness to speak of discrimination elsewhere should not be taken to imply that we are free of it ourselves. When it comes to religious minorities, the United States falls far short of a perfect record. One need only recall discrimination against the Catholic minority or the Mormons in the 19th century. However, we believe that one sign of a mature democracy is the willingness to accept criticism so long as it is based on international standards of human rights.

Let me begin with Germany, where our primary disagreement involves the treatment of the country's roughly 8,000 Scientologists. The nub of the problem is that many in the German Government believe that Scientology is more a money-making scheme than a religion. This view is shared by officials in certain states where responsibility for religious questions are usually handled.

At the same time, German officials say they are concerned that Scientology has, "antidemocratic tendencies." The offices for the protection of the constitution at both the state and Federal level have been monitoring Scientology since 1997 for evidence of activities that would constitute a threat against the state. Although initial reports concluded that it did not, the monitoring continues to this day.

In 1998, a commission on so-called "sects and psycho groups" presented a report to the parliament that criticized Scientology for, "misinformation and intimidation," of its critics, accusing it of being a political extremist group with, "totalitarian tendencies." Following this, the states of Bavaria, Hamburg and Schleswig-Holstein published brochures warning the public of the purported dangers Scientology poses.

For their part, many of the country's Scientologists have reported both governmental and societal discrimination in their daily lives. Some employers, for example, use the so-called "sect filter," screening applicants for Scientology membership. The Federal Government also screens companies bidding on some consulting and training contracts for Scientologists, as do some state governments. That these and other forms of discrimination are occurring was documented in a 1998 U.N. Report, although it rejected the outrageous claim that Scientologists' treatment was similar to that suffered by the Jews during the Nazi era.

Scientologists continue to take their grievances to the German court system. Some, who have charged their employers with unfair dismissal, for example, have won out-of-court settlements.

Mr. Chairman, we have discussed these issues at some length with German officials, both in Germany and the United States. We have stressed, in particular, the risks associated with governments deciding what does and does not constitute a religion. We have made clear our concern with sect filters. To prevent an individual from practicing a profession solely on account of his or her religious belief is an abuse of religious freedom, as well as discriminatory business practice. We have expressed our concern that the continued official observation of Scientology by the German Government, without any legal action being initiated as a result, creates an environment that encourages discrimination. We have urged our German colleagues to begin a dialogue with the Scientologists, and we have raised our concerns multilaterally at meetings of the Organization of Security and Cooperation in Europe.

Let me now turn to France. There have been recent reports by the National Assembly which cast Scientology in a negative light, expressing concern that they may use excessive or dishonest means to obtain donations. However, the government has taken no action against them. Indeed, Interior Minister Chevenement and others, including Foreign Minister Vedrine, have assumed a very positive and public posture in support of freedom of conscience and religion, a fact which has helped diffuse tensions considerably.

But it is also true that France has been on the vanguard of the troubling practice of creating so-called "sect lists." These lists are created by government agencies—in France the list was part of a parliamentary report—and typically contain the names of scores of religious groups which may not be recognized by the government. Some of the groups are clearly dangerous, such as the Solar Temple, which led to suicides in France and Switzerland, but others are merely unfamiliar or unpopular. By grouping them together under the negative word "sect," governments encourage societal discrimination.

Some groups that appear on France's list continue to report acts of discrimination. One of them is the Institute of Theology in Nimes, a private Bible college founded in 1989 by Louis Demeo, who is head pastor at an associated church there. Others have been subjected to long audits of their finances. For example, tax claims against the Church of Scientology forced several churches into bankruptcy in the mid-1990's.

The Jehovah's Witnesses have also been heavily audited. According to the International Helsinki Federation, this audit, which

began in January 1996 and continues to this day, has been done in a manner which suggests harassment.

In France, too, the United States has been engaged actively in promoting a dialogue with French authorities. U.S. embassy representatives have met several times with the interministerial mission to battle against sects. President Clinton, Secretary of State Albright, Assistant Secretary of State Harold Koh and myself have each raised these issues of religious discrimination with French officials during the past year, and we will continue to do so. Our goal is to develop a common understanding with the French Government on what actions are and are not in accord with international agreements on religious freedom.

Mr. Chairman, the pattern in Austria is not unlike that in France. The government has long waged an information campaign against religious groups that it considers harmful to the interests of individuals and society. A brochure issued last September by the Ministry for Social Security and Generations described several nonrecognized religious groups, including the Jehovah's Witnesses, in decidedly negative terms that many found offensive.

With the recent appointment of a new minister from Jorg Haider's Freedom Party there are fears that the government may intensify its campaign against religions that lack official recognition. We have raised these issues with the Austrian Government and will continue to press our view that such practices contravene Austria's commitments to religious freedom.

Let me conclude with Belgium. In 1998, the Belgian parliament adopted several recommendations from the Commission Report on Government Policy toward sects, including the creation of a Center for Information and Advice on Harmful Sectarian Organizations. The Commission had also appended a list of sects in Belgium divided into those considered harmful and all others ,and recommended a special police unit to deal with the harmful groups. The government has not yet taken any action on this proposal.

Our concern here, Mr. Chairman, is not with the government's attempts to deal with illegal activities on the part of any religious group, whether recognized or unrecognized, new or old. Our fear is that Belgium, like France and Austria, is painting with too broad a brush. In its very use of the pejorative term "sect" to characterize unrecognized religious groups, it casts aspersions on those groups creating, even if inadvertently, the suspicion that there is something wrong with them. But every religion began as something new and unpopular.

We have discussed these issues with Belgian officials and we will continue to urge all our European friends to recognize that the religious quest must be nurtured, not discouraged, for true religious freedom to exist.

Before concluding, I want to note that Muslims continue to experience some discrimination in Western Europe, even though Islam is the second largest religion in France and Belgium and the third in Austria and Germany. In some cases, this discrimination has more to do with race, culture and immigrant status than religious beliefs. Indeed, Muslims are free to worship and form cultural organizations in each of these countries. Islam is recognized as an es-

tablished, organized religion, thus enabling it to claim certain tax exemptions and receive some subsidies from the state.

The most persistent and controversial religious issue facing Muslims in Western Europe is the question of head scarves and whether girls should be permitted to wear them in public schools. The question has caused considerable debate, some of it quite charged with overtones of intolerance, but civil society is well-established in these countries and many organizations have defended the rights of Muslims. If some jurisdictions remain opposed to students wearing religious clothing, others are becoming more accepting of the practice.

Our view is that the international covenants are quite clear. Freedom of religion includes the right to manifest religious belief; surely democracies can find the flexibility to tolerate such an expression of piety as the religious head scarf.

Let me conclude where I began, Mr. Chairman. We share a great deal in common with our allies and friends in Europe, including common religious traditions. Together, we have done much to make the world a safer, more human place, a place where human rights, like democracy, might take root and nourish. We offer these thoughts about religious freedom to our friends out of a sense of shared responsibility for what we have done and what we might do together. We will continue to discuss these matters with them. Our plea is that they consider our argument that freedom of religion, while sometimes tragically exploited by those who would manipulate fate for their own end, is inherently good because it supports the dignity of the human person as well as democracy itself.

Thank you again, Mr. Chairman, for your leadership and that of this Committee on the matter of promoting religious freedom abroad; and I would be happy to take any or all of your questions.

[The prepared statement of Mr. Seiple appears in the appendix.]

Chairman GILMAN. Thank you, Ambassador Seiple. We thank you for your work in religious freedom and we know it is a fairly new initiative for our government, but we appreciate what you have done to date with regard to these issues.

Ambassador Seiple, is it in contravention of internationally recognized human rights standards for any state to provide to some religions financial benefits, for example, and the right to sue or the right to give religious instruction in public schools and not to provide those rights to other religions? Should the government tax the receipts of some churches or temples or whatever, synagogues, and not others in a country where government permits or encourages discrimination in employment based on religion? Can that be said to be respecting freedom of religion and practice?

Mr. SEIPLE. Well, this is discrimination. I think the international covenants are—again, all four of these countries should be familiar; they are signatories to them, they are members of the global community—as it relates to these documents, very, very clear that you do not discriminate on the basis of thought, conscience and belief.

That is fairly broad; it was intended to be broad. So anytime that you have a minority faith, minority thought, a minority belief that is exposed to these kinds of abuses, it is against the covenants and the international instruments that they have already signed. These instruments, by and large, have been put in place so that govern-

ments would protect minority faiths, and ultimately, a government is determined in terms of its human rights records by how it treats its minority faiths.

So all of this is very much tied to these international instruments.

Chairman GILMAN. Ambassador Seiple, does the administration believe that Windows 2000 is being boycotted in Germany because of Mr. Jensen's religion, and what, if anything, can we or are we doing about that, and what are we doing proactively about these sect filters as they relate to employment in Germany and does the administration work actively to counter French or German antisect activists when they appear in countries in Eastern Europe?

Mr. SEIPLE. The Jensen case, we do follow—have been following. We feel it is outrageous. We feel it is far-fetched. It is the ultimate in paranoia, but it is a good example of the excesses, of the overreach, of what happens when these things are allowed to happen under the impunity offered by a government that has not come down hard on the right side of this issue.

Yes, we follow this; yes, we have spoken here and abroad with the Germans about the sect filters and the potential, the obvious potential—not only the potential, the reality for discrimination against a religion because of it; and we will continue to do that.

Chairman GILMAN. Thank you, Ambassador. Ambassador, what will our reaction be if the French adopt a law which would allow easy dissolution of sects and which criminalizes "mental manipulation?"

Mr. SEIPLE. If I understand your question, the easy dissolution of sects by the French, the problem we have had from the beginning is, this rather large, indiscriminate list of 173 different organizations. They had been put on that list because of a Commission report that was commissioned by the government. No one knows how they got on that list. No one knows the criteria or the definitions that were used to be placed on that list, and then the Commission after filing its report is put out of business and there is no way to get off the list.

So we have this huge list floating out there with the potential for discrimination, and some of the acts that many of you have already mentioned—individual discrimination against jobs, of threats, harassments, all kinds of things—we have met with a number of the people who are on this list, talked to them, continue to meet with them and continue to guide them as to what might happen. We have also spent a great deal of time with the French asking the French to meet with them and not let this thing simply hang out there.

There is some good news to report on the part of the French. Cooler heads seemed to be starting to prevail and at the various senior levels of government we see a different attitude toward this; and hopefully, this attitude of intolerance that has been fostered in times past will begin to be ameliorated, we will have a different kind of resolution to this particular issue.

Chairman GILMAN. Thank you, Ambassador Seiple.

Mr. Gejdenson.

Mr. GEJDENSON. Thank you, Mr. Chairman. Let me ask you, one, what is the impact of the European Union? Are there attempts by

the European Union to set up a standardized procedure to deal with these kinds of issues?

Mr. SEIPLE. Well, it is a place for them to go and take issues. It is a place for any member of the Union to bring them up. Like all of these cases, we need specifics and we need to put the specifics through a specific process in order to find out if the process is going to deliver the right answers to people who are suffering for their faith; and I would say that is also the case where the European——

Mr. GEJDENSON. They haven't begun to do it.

Mr. SEIPLE. It has not been the player that the OSCE folks have been.

Mr. GEJDENSON. If I was sitting in Europe—and I can look back and argue that here in the United States, I can't remember the year, but it wasn't until the Scientologists won in court in 1993 that we gave them the "normal status," I guess you could say.

One, how do we view their situation as different than ours in the sense that, you know, we obviously have our tax court that creates hurdles for people who join together—some are accepted as religious, some aren't—and how do we then look at the Europeans and say, well, you have got a process, but we don't like it? What is the difference there?

Mr. SEIPLE. Well, they have a process. They have a very mature juridical process, judicial process. The fact is, they haven't put their money where their mouth is. These are issues that have been floating around for years, and they haven't been taken to court and decided in court, and our feeling has been either put up or shut up. If you believe this is wrong or if you believe a particular sect is harmful to the government or harmful to the health, or is brainwashing people or is a traitor to democracy, whatever the thing is that is being floated out there, take it to court and decide it. You have got the maturity of the court system to do that.

But the fact is that none of them, none of these issues go that far, and so they continue to be innuendos.

Mr. GEJDENSON. Part of what I have seen in the past are pamphlets by, I think, one of the conservative political parties that were clearly reminiscent of the depiction of Jewish people or Jewish beliefs by the Nazis; but it wasn't the government. And so, you know, how do we—one, what is the government response?

I know in this country we generally get a very clear statement that government officials and the government finds offensive the actions of the Nazi party or the Ku Klux Klan. I think generally there is a revulsion officially and individually by legislative members.

What has the German Government done in response to those pamphlets? I think you are familiar with them, with the "fly swatter" and what have you, you know, killing Scientologists. What has been the government's official response to the political party that has issued those pamphlets?

Mr. SEIPLE. As far as I know, it is not enough—hasn't done enough.

Mr. GEJDENSON. Has it done anything?

Mr. SEIPLE. Normally what happens to get this thing to a higher level and, normally, to a level of some sanity is that it comes from

within the state; it comes from the people. It has to happen from within.

At the same time, we bring all of this to the attention of our interlocutors on the German side and say, these are things that are sticking out there. You have a very highly developed judicial system. The rest of Europe looks to you, Germany, in the implementation of law; and if you cannot abide by the international covenants that you have already signed up to, this sends absolutely the wrong signal.

Mr. GEJDENSON. Has the German Government done anything in response to these pamphlets that are not issued by governmental organizations? Do they take any actions either rhetorically or legally against them? Is there a legal course they could take?

Mr. SEIPLE. Well, they generally push them down to the state level.

Mr. GEJDENSON. And what do the states do?

Mr. SEIPLE. That depends on the state. There are some States like Hamburg, Berlin, Bavaria, that are very anti-Scientology, and you can pretty much guess what is going to happen there. So this goes back and forth. It is a little bit of legislative buck-passing.

We don't feel good about it. We speak out against it. We have been forceful again with our interlocutors on all of these issues, but ultimately I think the society in Germany is going to have to, as they have in other parts of Europe, rise up and make these same statements.

Mr. GEJDENSON. What does the national government do if there are anti-Semitic or anti-Muslim activities, activities against religions that they recognize? Does the national government take action? Does that also go to the state government?

Mr. SEIPLE. Well, I would think—I don't know the specific answer to that, but I would imagine there would be such a public outcry that both national and state governments would have to respond.

Mr. GEJDENSON. Thank you.

Chairman GILMAN. Thank you, Mr. Gejdenson.

Mr. Salmon.

Mr. SALMON. Thank you, Mr. Chairman.

Ambassador Seiple, wonderful to have you here today. I just have a couple of questions, and the first one is, I have been working on this for the last 5 years that I have been in Congress, and I know that there had been some activity before that and the talk doesn't seem to be working. In fact, it is not getting better; it is getting worse, and it is expanding to other countries.

When we started working on this several years ago, it seemed isolated, seemed more isolated in maybe Germany and Austria, but it seems that some of the other countries are being emboldened by a lack of standing up to this; and I am wondering, is there any other recourse that we as a nation can take? For instance, in the Jensen example that Mr. Gejdenson brought up, or I believe it was the Chairman, brought up, that seems to me to be a violation of our trade agreements when American businesses are adversely impacted by these countries.

Is that not something that can be brought before the WTO, and should it be, and who has the responsibility to do that?

And second, I know when we have had human rights concerns with other countries, we have brought up resolutions at the United Nations, or at some of the U.N. Committees, we have brought up resolutions. Have we considered doing that, bringing up a U.N. Resolution? And I say this because it appears that what we are doing is not working.

What more can we do and do you have any recommendations for the Congress? Is there something that we can do since it appears that the problem isn't getting better, it is getting worse?

Thank you.

Mr. SEIPLE. Well, there are a number of questions in your comments. This may be the darkness before the dawn as well. We see some progress in France. We were very concerned that this had been personalized in such a way that all dialogue was going to be lost on this subject. Countries claim their sovereignty on these issues and, of course, an American trying to tell a Frenchman sometimes does not go over, as good as we think our intentions have been.

But there has been progress. What we are talking about here are the tactics, what do you do. I think there are two points of discernment on truth. One is, what is actually going on in France, Germany, Belgium and Austria? Listening to your opening comments, all of you, I think we are right on board with all of that. Yes, we agree, these are the issues as they have been spelled out. Now, what do we do about them?

They are our allies. Do we get a lot more done by hitting them over the head publicly, ranting and raving or whatever? Do we do a better job talking softly and sustain that conversation over a long period of time?

We have certainly had these discussions with the OSCE. We have been very, very bold. The Helsinki folks have been part of that, you know, naming names, pointing fingers, everything has been right out there. Again, resistance, step back, put their feet in the ground.

You mentioned the trade issues. The Title VII report that comes out from the U.S. Trade Representative mandated on a yearly basis, as of last year, May 1999, started to mention the problems with sect filters and the potential for problems; and that is a direction we may have to go at some point if the case exists on the procurement side that discrimination has taken place on the basis of religion.

So these are complicated issues. I can only assure that we are as passionate about these things as you are and are constantly hammering these things home. Many times, we do it much more quietly than people would like, and I think at that point, folks do have to judge whether it is helping, it is good, it is time for a tactical change.

This is a group that flew with us in Kosovo. They flew with us in Kosovo on a human rights issue, a moral imperative. We weren't fighting that war together to gain oil or to get land or anything else. It was a moral imperative. They understand that; they should understand this. And we try to take those kinds of principles and develop our arguments from them.

Again, I am more optimistic about this because of the attention it is getting because of the attention of a hearing like this. I think things are beginning to move our way.

Muslims in France, for example, have an easier time. Some of the Scientology questions in France are being quietly adjudicated and in favor of Scientology. These are good markers to look at. But we will continue to monitor and continue to pursue, and where we have to raise our voice, we have not been accused of being shy.

Chairman GILMAN. Thank you very much.

Mr. Manzullo.

Mr. MANZULLO. Thank you very much, Mr. Ambassador. I appreciate your coming here.

I think the United States is too timid. This doesn't make sense. There is an official document from the German Government saying that they are going to discriminate against people based upon the fact that they belong to the Scientology Church. We seem to be splitting hairs here on whether or not the Germans are saying this is, in fact, a government or it is a type of business practice.

There has been absolutely no proof that this "business practice," to use their words, is hurting or endangering any trade issues. I think for the U.S. Government to waste time on whether or not this is a religious issue or simply another nontariff barrier put up by the Germans is a waste of time, and I would suggest that what we do is immediately file for a panel, have this thing adjudicated in the WTO. That takes a long enough time.

I have got a document here that we were just furnished from the State Department on the background for—the title, "Background from 2000 Title VII Report." The last sentence says, "Commerce will seek to resolve the issue through bilateral contacts with senior German trade officials," etc.

Well, excuse me, but we have the tools, we have the WTO; and I think there should be a world fleshing of this issue. I think the Germans should be held to account in the strongest terms possible, that we should use the strongest possible measures of the United States now before more injury is done to our business interests and to Mr. Jensen's company. I think that is the only way the Germans are going to understand this issue.

Sure, they flew with us in Kosovo. That is really important. We also fought to liberate Kuwait, and they have turned their backs on us and they are jacking up the price of gasoline; that is how they say thank you to the United States. And I think the only way that this Nation can stand as a beacon for religious freedom is to insist in the strongest terms possible, through a WTO panel, to get this thing going, get the gears moving, because I am sure we would win it on that basis, as opposed to going along on some bilateral context.

Your comments?

Mr. SEIPLE. Well, I would be happy to take that recommendation back and give it to the appropriate people to follow through on. The fact is, we yet do not have a specific case under this Title VII report, and when we get a specific case, then it can be pursued.

Mr. MANZULLO. We have a written policy.

Mr. SEIPLE. But you don't have a specific case to put against the policy.

My point is only this: I think it is premature to call them timid when they haven't been able to apply what is now in the report. When a specific case comes, then if we sit on the sidelines or do less than our duty, then I think it would be fair to say we haven't used the power that is at our disposal.

Mr. MANZULLO. So Mr. Jensen, in his testimony, can state that his company has lost any percentage of market share of one contract with the Germans, then what you are saying is that that would be a sufficient threshold showing of damage to bring a panel under the WTO?

Mr. SEIPLE. I don't think I said that, but I would like to take your suggestion on the WTO and put it against this particular incident which has not yet been formulated into a case on the Federal level that is noted under our Title VII U.S. trade agreements.

Mr. MANZULLO. Whenever the Scientologists have brought actions in Germany, the courts there don't have the precedential power that we have in our country so they get thwarted in terms of whether or not the court system can protect them. But my understanding also is that the officially recognized religions, the German Government exacts the 8 percent tithe from the people who belong to the organized religions. They run the money through the government, and then the government doles that back out to the individual churches.

Mr. SEIPLE. That's right.

Mr. MANZULLO. That being the case, this appears to be the fact that perhaps they are concerned about the fact that people who would be attending the Scientology philosophy would drop out of belonging to one of these officially organized churches, just making this an internal revenue issue for Germany. That, in turn, I think could be used to show there's still another NTB, nontariff barrier, that they are using to exclude American products.

We need to expose this big time and put ultimate pressure on Germany to get them to back off, to get them to rescind that ridiculous contract on government procurement. I am going to send a letter to the German ambassador to do that.

Whenever I meet with the members of the EU—this might even be a violation of the EU agreement itself among the member countries, but we need to explore on the heaviest basis everything to nip this type of religious persecution in the bud now, before people are really hurt.

Mr. SEIPLE. I have no disagreement with that.

Mr. MANZULLO. I appreciate your coming here. Thank you.

Chairman GILMAN. Thank you, Mr. Manzullo.

Ms. Lee.

Ms. LEE. Thank you, Mr. Chairman.

Let me just ask you very quickly a question with regard to our foreign policy and the relationship between religious discrimination and treatment of minorities and government policies such as we have toward a country which we feel, or we believe, is engaged in religious repression, such as Cuba. When do you think that should kick in, if it should kick in, in terms of sanctions and embargo? When should the mistreatment of religious minorities be the basis for us looking at a country to sanction or to embargo, such as we have, like I said, for 40 years against Cuba?

Mr. SEIPLE. I am in agreement with many of the comments that have just been made in terms of when we kick in on the discrimination of minority faiths. I think as soon as we hear it for the first time, as soon as it is intimated, as soon as there is any sense that we have a situation that could go further south, so to speak, we have got to yell loud and long. I think we have learned this from our Jewish colleagues in terms of anti-Semitic remarks that are made and examples of that throughout the world.

To sit back and to wait, or to assume someone else is going to take it up for you—we are the strongest nation in the world, we are the last remaining superpower. And we now have legislation to the point of sanctions; they are very specific sanctions that are pointed out in the 1998 International Religious Freedom Act. And that is the guideline. It is a high bar; it is a very high bar. We are not talking about that bar relative to these four countries.

I think it is very fair to talk about the various avenues that we have, either from jawboning, the demarching, the role of diplomacy, to things like the WTO as was just mentioned.

I am a Marine. I believe, when in doubt, you attack simultaneously on all fronts. I think that, yes, you pull out the stops and you make sure that this kind of religious discrimination that we have historical evidence for, where it has started in places in times past with all kinds of really terrible things taking place because no one stood up at the outset.

Ms. LEE. But then the high bar, when should the high bar kick in?

Mr. SEIPLE. Well the high bar in the International Religious Freedom Act is when a country either engages in or tolerates specific language, engages in or tolerates in an ongoing systematic and egregious way. So there has to be intentionality, there has to be pattern, and there has to be egregious behavior which gets further defined under the heading of persecution.

It is very high. It is kidnappings, it is rape, it is general mayhem. It is long-term imprisonments and tortures without charges.

Again, we don't have that situation here, so this is not the sanction, this is not the bar that we would use to go after and make our point and put teeth into it with the Germans or the French.

Ms. LEE. Thank you, Mr. Chairman.

Ms. LEE. Thank you, Ms. Lee.

Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman. I want to welcome Ambassador Seiple and commend him on the extraordinarily good job he is doing on behalf of religious freedom and speaking out, as he has, and traveling as extensively as he has been. He and his staff are doing an extraordinarily good job, and I want to recognize that, and thank you for that great work.

Mr. Ambassador, you probably saw, or may have seen on today's wire, the Agence France Presse reports that the law committee of the French parliament is considering the bill sponsored by the Socialist Party that would create a new crime of what they call mental manipulation and establish civil and criminal penalties for activities by religious or philosophical groups that the government officials deem to be unacceptable.

As you know, this is the latest French parliamentary action to threaten religious liberty of French citizens, and our commission, in its ongoing dialogue with the French, are urging that they reject this legislation and you might want to comment on that and other developments as you have in your written testimony as well with regards to France.

I also again want to highlight for the record the case which I believe illustrates our concern, the Grace Evangelical church in Nimes which is affiliated with the Southern Baptists was listed by the French parliament as a dangerous group in 1997. Since then they have experienced continued harassment and discrimination such as the church being refused commercial bank loans, members losing their jobs and cars being torched in the parking lot of the church. Clearly the French parliaments listing of a church in Nimes and the continuation of the policies of intolerance have a negative effect on religious liberty in France and similar stories as you pointed out in your testimony can be told as we have heard in ongoing hearings in our Helsinki Commission, can be told about other Western countries.

I want to point out that there is, and we have been you know, I talked to the Ambassadors and visiting delegations frequently from Western European countries, Eastern European countries and central European countries, but further east where the rule of law is not that well established, they continually cite the examples of place countries like Austria as justification for their laws. Russia, Uzbekistan, Romania, Ukraine and Belarus have restrictive laws and I was wondering if you might tell the Committee if there's a model law in any of those countries, any of the countries of Europe that is positive because again I think the zeitgeist, the move is toward a tightening rather than a relaxation toward religious freedom.

I plan on bringing it up and our delegation will bring it up at the OSCE parliamentary assembly in Bucharest in July. We plan on being very vigorous in that, but is there any example of countries where rather than saying look at Austria because I can't tell you how many times I have heard that, I am sure you have heard that as well, we are just following in Austria's footsteps or France's. Is there a country that is a model that they might look at? And of course, the United States shouldn't be exempt from your answer.

Mr. SEIPLE. Yeah. Well, we are all working on this and we all have laws and maybe even enough laws on the books, not only our own laws but the international covenants that we have signed.

The question is not so much the laws. It is how they are being implemented. We have the same laws in many respects in Sweden as we have in Germany. The Swedes have done it differently. At point of implementation they have taken a gentler, kinder route that also corresponds to what they have signed up for on the international side, and I think that is what we have to call them to account for.

Inherent in the international instruments is the concept of mutual accountability. That is while I feel emboldened to go into Paris and say you have got this wrong and by the way if you want to come to the states and pick on us that is OK too, but that is what

it means to be a part of the international community as it relates to the human rights and you are absolutely right on the examples. When something like this goes wrong in an established democracy, especially democracies that take great pride in their history of tolerance, we have a number of the rogue States or semi rogue States point to that and say you know, they do it, why don't we do it, you have one relationship there, another relationship here. Inhuman rights, inconsistency is the Achilles heel, and if we are not fair and right about all of these countries in our approach to them as it relates to human rights, we will get into trouble.

The new French law or the new French proposal I should say at the outset that this kind of legislation has floundered in the past. Obviously we hope that this flounders as well. We just heard about it yesterday. We talked about it in the state Department yesterday. We are on this thing. The down side potential could be nasty. We are optimistic. We think that this may only be proposed and not see the ultimate light of day.

In terms of pastor Demeo and the work that he does down in Nimes we have been extremely close to him as you have been. I have met with he and his wife on a number of occasions. They are coming at the end of this month. We will meet again. He has been a great person to converse with in terms of the specifics because he is at the end of the food chain. He's on the sect list, never should have been there. So he is a good example for us to use.

What we would like just as a starting point would be for the French Government officials who are most interested in this battle against sects to sit down with pastor Demeo and tell him why he is on this list. I think that would bring a lot of these things to a head. To date unfortunately the French have not done that.

Mr. SMITH. Mr. Chairman, at one of our hearings, we had Willy Fautre, the Director of Human Rights Without Frontiers, from Belgium, and he went into great explanation of the impact of freemasonry, European freemasonry on this movement toward—kind of startled me, because I had not done all that much research about what Freemasons are doing in Europe, but he talked about many of their people being behind some of these laws.

What is your take on that? Do you have any information on that?

Mr. SEIPLE. I would not venture that at all. It might be and may not be, but it would be a very unprofessional to suggest that if I don't have the information.

These are mature governments. They push back, whether it is the Freemasons or some other interest group, they can push back if they want.

I do think, and I have said this before, I do think that there is a change in climate in France, and I do think, given their history and their proud history of tolerance and the growing understanding, that they are into something that doesn't portray them in their best light to the rest of the world and to Frenchmen. I think we are going to see changes; I think we have started to see changes. Again, that doesn't stop us from monitoring, and this potential for new legislation makes that point.

Mr. SMITH. Again, getting to what may be sources, if you or your staff could at least look into that to see if there's any validity, that would be helpful to be part of the record.

Mr. SEIPLE. We would be happy to.

Mr. SMITH. Thank you, Mr. Chairman.

Chairman GILMAN. Mr. Ambassador, we thank you for being here but before you go, I know one of our Members has an additional question. I am going to ask Dr. Cooksey to preside. I have to attend another meeting for a few minutes, and I will return.

Dr. Cooksey.

Ms. LEE. Thank you, Mr. Chairman.

Let me just ask the Ambassador a general question, and I know we are concentrating today and focusing on the treatment of religious minorities in Western Europe, but I am just curious in terms of your knowledge with regard to any debate or concerns over the treatment of ethnic minorities in Western Europe.

I lived in Great Britain for a couple of years in the 1960's, and being an ethnic minority during that period was quite challenging, to say the least. I haven't been following this issue very closely, and since you are here and we are dealing with very important issue in terms of religious minorities, I am just wondering, as you do your work and as you travel, how things are going; or is there concern or debate at this point in Western Europe with regard to ethnic minorities?

Mr. SEIPLE. I have been in many of the capitals on this issue and talked with the NGO's, the human rights, faith-based communities. I have not heard—this is not to say it doesn't exist, but I have not heard a concern in this regard. Whether that is good news or simply people are talking about other things I don't know. We would be happy to look into it and get back to you on it.

Ms. LEE. Thank you very much.

Mr. SEIPLE. I think it is an appropriate question, but we have not run into that in Western Europe as it relates to my portfolio and my position.

Ms. LEE. I would like to get some more information on it if you have it. Thank you very much.

Thank you, Mr. Chairman.

Mr. COOKSEY [presiding]. The gentleman from Colorado, Mr. Tancredo, has a question.

Mr. TANCREDO. Thank you, Mr. Chairman.

Just briefly, Ambassador Seiple, I am wondering as I sit here and listen to your discussion and your analysis, how we should go about trying to identify those behaviors on the part of governments, that we deem to be inappropriate as they relate to these particular religious entities within their countries. And it is apparent that it is quite difficult, because we are continually addressing them on an individual basis and we seem not to have a way of establishing some overall framework in order to analyze actions of each government. Therefore, we can't really do anything except go to each one and say, we don't like it when you do this.

But I am wondering if it would not be in our best interest, it would not satisfy our mutual goal here, to establish as the prime criterion for our intervention, something that establishes a definition for us to use that is: governments should react only to actions and not to thought—react to actions, not to thought.

And if that is unacceptable, certainly you would elaborate, I am sure, broadly upon that; but if that basic understanding is a mu-

tual understanding here, what do you think the administration should do to sort of, you know, implement that worldwide?

Mr. SEIPLE. Well, I think if we reacted to actions, not the thought, and we demanded actions—certain actions, not thought—we would certainly eliminate a lot of paranoia around these issues. We would get into a much more real discussion.

We do have frameworks in which to look at this. We have the framework of the legislation. We have the framework of our office. We have the framework of the embassy system where there is ongoing daily discussion of these issues, even as we connect maybe on a less frequent basis. We have got the report, which is the high court of public opinion because you folks have agreed to print it. It is not only on the Web site, but it is in hard copy, and these are countries that are portrayed in here by region and so you can read the problems that we——

Mr. TANCREDO. And I have—and I don't mean to interrupt except to say that I certainly understand the efforts that are ongoing to deal with the specific problems that are identified in each country. But it just seems to me that that is a very laborious process that could be, to some extent, alleviated by a general definition that we could get everybody to sign onto, that isn't there in the legislation. And the legislation, at least that I have seen and that you reference, talks about this issue in a way as to still leave it, I think, open to some degree of subjectivity; and I just wonder whether or not we can come up with some language to implement through the legislation and through EU agreements that would eliminate the subjectivity, and that is on actions, not thought.

Mr. SEIPLE. I think the quick answer to eliminate subjectivity may not happen in my lifetime.

We do have lots of words written. There is a series of articles, article 18s, in the universal declaration, the ICCPR and things that essentially came out of Europe over the last 50 years. They still have to be interpreted.

The issue of national sovereignty as it relates to human rights always has to get interpreted, especially on some of those that can be most prickly on these issues. I am not sure how you shortcut that without an ongoing process which exists at many, many levels.

I am glad that our legislation was cast in the framework of the international covenants. This is not a heavy-handed American approach. It is an American feeling, a strong feeling that we need to put our considerable shoulder to the wheel of international instruments that are already out there.

But the OSCE does a really fine job. There are formats and forums and conferences and seminars to advance this discussion.

At the same time, we have to use the embassy system. I mean, it is just too good an infrastructure to bypass when we have people who know these issues, know the country, the host country, and can speak on a daily basis about them. And then in terms of the finitude of resources, I think we have to use all of them that are at our disposal and come to bear.

Having said that, I don't see us creating dramatic changes, wholesale changes. I mean, we wrote a good law. If we sit back and think that the rest of the 194 countries are waiting for this law to pass so they could jump in line, it ain't going to happen. We are

going to be taking baby steps, incremental steps, with lots of countries, and it is going to take a long time. It is going to take a lot of perseverance.

These issues are not going to go away fast whether it is our ally or our worst enemy. Our commitment is to continue to pursue on all these levels simultaneously, inasmuch as we have resources to do, a conclusion that will match thought and activity, will match words and what they do, and people will begin to see this is a good thing, this is in their best interest.

I can't believe for a second that these four democracies in Western Europe enjoy being on the short end of the discussion, but we have a better philosophical rationale for what we are saying than for them to answer. It must be hard for them to make this case. I can only imagine that they are looking for ways that they can change over time without the sense that the Americans jammed it down their throats.

Mr. TANCREDO. Thank you, Ambassador. I appreciate it.

Mr. COOKSEY. Thank you, Mr. Ambassador. I want to thank you for appearing before this panel. I was looking at your resume. You have a very impressive resume and I see that you were a warrior and a fighter pilot and our careers overlapped at the same time.

Yours was a lot more illustrious than mine was. I was in the Air Force. I personally feel that warriors make the best peacemakers, and you have obviously been a leader in theology at the seminary, and that, too, I think makes you a great witness. I appreciate your comments; I appreciate your being here. The Committee appreciates your being here, and you will be excused and we will have the next panel seated. Thank you.

I will call on the witnesses in the following order: Dr. Gunn, the Reverend L'Heureux, Mr. Brumley, Dr. Hunt, Mr. Jensen, Ms. Bell.

Mr. GEJDENSON. Mr. Chairman, I think Ms. Bell is unaware that there is a seat for her at the table.

Mr. COOKSEY. On our next panel, the first witness is Mr. Jeremy Gunn. Mr. Gunn has looked at issues of religious liberty from the perspectives of the U.S. Institute of Peace and the U.S. Commission on International Religious Freedom. He has published widely on this subject.

We are happy he was recommended to us by the Committee minority. So, Dr. Gunn.

STATEMENT OF T. JEREMY GUNN, J.D., Ph.D., GUEST SCHOLAR, U.S. INSTITUTE OF PEACE

Mr. GUNN. It is an honor to be here to provide testimony today.

During World War II, Felix Chevrier arrived in the small French town of Chabannes for the purpose of renovating an abandoned chateau to house and school Jewish refugee children from Eastern Europe.

While Monsieur Chevrier and the good people of Chabannes risked their lives to save the refugee children, the French Vichy Government sent police into the villages of France to arrest Jews. By October 1940, the Vichy Government issued a law defining Jews and prohibiting them from holding certain types of employment, including positions in government, law, the police, the army, the

press and teaching. The law subsequently expanded to prohibit Jews from engaging in most forms of commerce.

Jews were condemned as a group simply because they belonged to the group. Such is the peculiar logic of prejudice. It does not require individual culpability; it requires only the accusation that a person is a member of the condemned class.

The Vichy Government ultimately was responsible for arresting, transporting and delivering to the Nazis tens of thousands of European Jews. In stark contrast, all but four of Monsieur Chevrier's 400 Jewish children survived the war.

One of Monsieur Chevrier's colleagues, Dr. Meiseles, had previously treated children who were housed in French concentration camps before he came to Chabannes. In 1942, while the war raged, he wrote, to examine the children of Chabannes after having examined the children in the concentration camps is to know in our sad times the two faces of France. The true one is here in Chabannes where Monsieur Chevrier is working with such beautiful success to cure the misdeeds of the other.

Unfortunately, France, like all countries of the world—and I include the United States—has two faces, the face of courage and toleration and the face of discrimination.

There are several obstacles to the internationally recognized freedom of religion and belief in France and other Western European countries, but before criticizing them, it is also important to recognize that these governments and people in Western Europe generally believe in the rule of law and human rights. Much to their credit, virtually all European States have ratified the European Convention on Human Rights, and the people of these countries have the option of taking complaints to the European Court of Human Rights.

Although I will devote the bulk of my testimony to the problem of new religious movements, this Committee should not be under the impression that this is the only or necessarily the most important of the obstacles to freedom of religion and belief in Western Europe. Without attempting to rank the problems in order, three other salient and interrelated problems of freedom of religion and belief in Western Europe are, first, the incorporation of Muslims into society; second, laws that discriminate among religions; and third, societal attitudes of intolerance, including anti-Semitism.

But the one issue that has received increasing notice during the past few years in Europe is what may be called the "antisect movement."

The most serious problem regarding the antisect movement in Western Europe is in France. In 1998, the French Government established an agency entitled, unsubtly, the Interministerial Mission to Battle Against Sects. The mission is now headed by the former French foreign minister, Monsieur Alain Vivien. During the past few years, the French National Assembly also has issued prejudicial reports on so-called "sects" that are shockingly unscientific. Widely supported bills, currently pending in the French legislature, including one that was mentioned a few moments ago, call for increasingly severe measures against sects.

I will describe two interrelated problems of the official antisect movement in France to illustrate how a legitimate concern for

human welfare can be diverted toward the taking of illogical and discriminatory action.

First, the language of prejudice uses pejorative terms as an appeal to the listener's bias. The most commonly employed term by the antisect movement is, of course, the term "sect," which plays a role similar to that of racial epithets.

One common tactic by some in the antisect movement is to accuse their ideological opponents of being members or fellow travelers of the scorned groups. I personally witnessed one telling example of this tactic by the president of the interministerial mission, himself, against a member of an official U.S. delegation in France.

In April 1999, a three-person delegation sponsored by the U.S. Department of State Office of International Religious Freedom went to France and other European countries. Shortly before the meeting, we were advised that the president of this new interministerial mission had declined our request to meet with him. He did so on the grounds that one of the members of our delegation was affiliated with the Church of Scientology.

Now, I am not a Scientologist and I knew that the other two participants, Dr. David Little and Karen Lord, Council for Religious Freedom at the congressional Helsinki Commission, were not Scientologists.

The president later decided that he would, in fact, meet with us, but as we were introduced to him, he remarked that he, "already knew who Ms. Lord was and that he did not need to be introduced to her." Later in the meeting, following a question by Ms. Lord, the president said that he would not respond to her, but would give a response to the head of the U.S. delegation. Subsequently, Monsieur Vivien has repeated publicly on several occasions that a member of this three-person delegation was affiliated with the Church of Scientology.

Monsieur Vivien's assertion is, in a word, false. I am certain that he cannot prove his assertion. I challenge him to provide evidence to support it or to issue an apology to Ms. Lord and the United States.

The most important issue, however, is not that Monsieur Vivien made a false statement that was designed to discredit Ms. Lord or the United States Efforts to promote religious freedom. The important issue is that his manner of responding to questions about religious discrimination exemplifies the tactics of much of the antisect campaign, the use of uninformed, provocative and false allegations for the purpose of discrediting people and groups.

His ad hominem attack was not an aberration. It has unfortunately become a standard rhetorical device to discredit those who believe that the antisect movement is going too far. I give some additional examples in my prepared testimony.

The language of prejudice also reveals itself in the use of such terms as, "infiltration" to describe the real or imagined employment of a "sect member" in a business or government office. Whereas if Catholics or members of the Reformed Church teach in school or work for Electricite de France, they are called "employees," but if they are members of the groups under attack, they are called "infiltrators." This is the use simply of pejorative language.

Second, there are illogical methods of prejudice that come into play, and I would like to identify four now. One, the methods of prejudice do not consult scholars familiar with issues related to new religious movements, but rely instead on antisect activists. By failing to consult scholars, the report, particularly in France and Belgium, presents an ahistorical and caricatured view of new religious movements.

Two, the reports in the antisect movement rely on statements made by accusers and disgruntled former members, but they refuse to accept the considerable evidence that most, although not all, adherence of the new religious movements generally report positive and beneficial experiences with the groups. This was, in fact, the conclusion of both the Swedish and the German Governments' investigations into new religious movements.

In a telling repudiation of this methodology employed by the antisect movement, a French court recently found Jacques Guyard, president of the 1999 parliamentary investigation, called "The Finances of Sect," libel himself for defamation against anthroposophy. As reported by the newspaper, Le Monde, the court held that his parliamentary report and his statement was not "a serious investigation." Monsieur Guyard, for making the statement about anthroposophists, was fined 20,000 francs and ordered to pay 90,000 francs in damages.

The French antisect movement typically refuses to engage in dialogue with the groups they are attacking. This refusal to engage in a discussion with the groups that are under attack is an approach very different from that recommended by the Swedish Government, for example, which strongly recommends dialogue with groups rather than polarization of the issues. That is also the recommendation made by the Organization of Security and Cooperation in Europe.

Three, the principal documentary evidence in the French reports are secret allegations contained in the files of the Renseignements Generaux, the security division of the French police.

Four, the reports use examples of alleged misdeeds of some people in some groups and then broadly condemn the entire group, or even sects generally. The fallacy of this type of analysis can be easily illustrated by reference to the recent criminal conviction of Jacques Guyard himself. The spring has not been kind to Monsieur Guyard, being sentenced to having committed a criminal offense and defamation against religious minorities. The same Monsieur Guyard who condemned in 1999 the fraud committed by sects was ironically convicted by a French court in May of this year for influence peddling and was sentenced to 1 year in prison and fined 100,000 francs. If we were to apply the same analysis to Monsieur Guyard that he applies to the new religious movements, we would then need to hold the entire——

Chairman GILMAN [presiding]. Dr. Gunn, I would just like to interrupt you. You are exceeding your time and I would hope you could summarize your statement. Thank you.

Mr. GUNN. Yes, thank you. It would be the same as holding the entire French interministerial mission responsible for the actions of Monsieur Guyard.

I would like to make four short recommendations. First, the Department of State should monitor much more closely and vigorously antisect movements on both bilateral and multilateral basis.

Second, based upon my experience working in the State Department, I must also suggest that Congress take seriously its responsibility for fully funding the State Department. From my own observations, personnel in the State Department are overworked and undersupported. There's a need for more time and resources in the State Department.

Third, Congress could assist the Department by promoting genuine international approaches to human rights.

Fourth, I believe that the religious community in the United States can be much more helpful in supporting religious freedom abroad. While all faiths in the United States can help, those that are widely practiced and respected in Europe, particularly Catholicism, Lutheranism, Orthodoxy and the Reformed Church can play a very helpful role in promoting tolerance.

I don't know how long the antisect movement is going to continue in France. The Vichy Government continued in France for 4 years, and I hope the life of the antisect movement does not have much longer.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Gunn appears in the appendix.]

Chairman GILMAN. Thank you, Dr. Gunn.

Just one admonition to our panelists. Since time is running and we want to hear from all of you and then we want to have a dialogue with our Members, I am going to ask if you would try to keep within the 5-minute rule that we have. Your full statements have been made part of the record.

We will now proceed to our next panelist, The Reverend N.J. "Skip" L'Heureux. The Reverend L'Heureux is Executive Director of the Queens, New York, Federation of Churches and Moderator of the Religious Liberty Committee of the National Council of Churches of Christ in the United States. He is a Methodist pastor with wide experience in ecumenical work and religious freedom questions.

We welcome your proceeding, Mr. L'Heureux.

STATEMENT OF THE REVEREND N.J. L'HEUREUX, EXECUTIVE DIRECTOR, QUEENS FEDERATION OF CHURCHES

Reverend L'HEUREUX. Mr. Chairman and distinguished Members of the Committee, thank you for inviting me to testify today about the worsening problem of religious intolerance in France, and I will present here a short summary of my testimony.

It was 343 years ago on December 27, 1657, that residents of Flushing, Queens, began a letter to then-Governor Peter Stuyvesant by declaring "You have been pleased to send up unto us a certain prohibition or command that we should not receive or entertain any of those people called Quakers because they are supposed to be, by some, seducers of the people. For our part, we cannot condemn them."

The Flushing Remonstrance is the earliest declaration of religious liberty on these shores, focused on securing that liberty not

just for self, but for individuals and groups other than the ones making the declaration.

France is a signatory to international human rights laws protecting religious freedom. Unfortunately, the French Government policy is so far in violation of these tenets that its officials have set up an office called the Interministerial Mission to Fight Against Sects, commonly known as MILS. MILS has drawn deep from the wells of hostility fueled by the American anticult movement and by its long campaign of militia vilification of new or religious religions.

In France, a 1996 parliamentary commission report stigmatized some 173 religious movements with the pejorative label of "sect," including the Baptists, Mormons, Jehovah's Witnesses and Seventh Day Adventists. We notice, as well, that there is discrimination visited in France upon the Muslim community.

The U.S. State Department's Annual Report for Religious Freedom, published last September, criticized this commission report on the grounds "It contributed to an atmosphere of intolerance and bias against minority religions."

Earlier this year, as has been noted, the Rapporteur of the Parliamentary Commission was himself convicted by a Paris court and denounced for research methods counted by the court as "not serious." And yet the blacklist of this 173 movement continues to circulate and is used to justify discrimination against the groups.

In March, I was a member of an expert panel in a nongovernmental hearing in Paris which drew more than 300 people from 38 minority religious movements to describe the discrimination to which they had been subjected. I and the other members of the panel were shocked at what we heard, because it was evident that these individuals were being targeted solely because of their religious beliefs.

I felt it necessary to bring the situation to the attention of a wider audience and then sought to place a series of paid advertisements in French newspapers in the form of Open Letters to senior French officials. The Open Letters focused attention on the violations of European and international human rights standards caused by MILS, and they were, in turn, signed by some 52 religious and human rights leaders, mostly American.

Four major national newspapers in France refused to publish them. Only the national paper, France Soir, agreed to run them, and on April 20 published our Open Letter to the President Jacques Chirac.

American signatories of these ads included Lee Boothby, of the International Commission for Human Conscience; Dr. Derek Davis, Director of the J.M. Dawson Institute of Church-State Relations at Baylor University; the board of the First church of Christ, Scientist in Boston; Dr. Franklin H. Littell, Professor of Holocaust and Genocide Studies at Richard Stockton College in New Jersey; Dr. David Little of the Harvard Divinity School; Melissa Rogers, General Counsel of the Baptist Joint Committee on Public Affairs; and representatives of many Christian, Muslim and Jewish faith communities.

Such was the furor following publication of this Open Letter that although France Soir had agreed to run the third letter a week

later, the paper not only reneged, but the chief editor publicly stated that he had published this letter on April 20 by mistake.

It is against this background that we come to a recent and most disturbing development in France to date, the proposed bill pending now before the National Assembly about which much has been said. That bill is the subject of an Open Letter published today in the International Herald Tribune, a letter addressed to Prime Minister Lionel Jospin saying it is a flagrant violation of fundamental human rights standards in that it singles out and targets members of minority religions even as a special category of citizens.

The bill's title proclaims its discriminatory intent, "Law Proposal Aimed at Reinforcing the Prevention and the Repression of Groups With Sectarian Character." The proposed law is essentially the product of the hysteria about minority faiths brought about by MILS and its president, Alain Vivien.

Mr. Chairman, I would urge you and the Members of the Committee to make the strongest possible representations to the French Government that should this law pass, it will place in question France's commitment to the Helsinki Accords. Such a law would be a cancer on French democracy. Only by sending a strong and unmistakable signal of Congress' intent to take firm measures against violations of international human rights codes will we be able to succeed in halting these reverses for religious freedom in Europe.

I thank you very much for hearing my testimony, and I will be happy in the dialogue to respond to your questions.

[The prepared statement of Reverend L'Heureux appears in the appendix.]

Chairman GILMAN. Thank you very much, Reverend L'Heureux. We appreciate your reference to the work of our New York ancestors as well.

We will now move on to the next witness, Philip Brumley, General Counsel of Jehovah's Witnesses. Mr. Brumley has traveled all over the world in support of religious liberty.

We thank you, Mr. Brumley, for being here today, and you may now proceed.

STATEMENT OF PHILIP BRUMLEY, ESQ., GENERAL COUNSEL, JEHOVAH'S WITNESSES

Mr. BRUMLEY. Good morning, Chairman Gilman and Congressman Gejdenson and to all of you on the House Committee on International Relations.

Today happens to be a very special day. Most of you will know that it is Flag Day. It is also a special day for all lovers of religious freedom because it marks the 57th anniversary of an historic Supreme Court decision, *West Virginia* v. *Barnette.* In that case, the Supreme Court held that it was unconstitutional to force children of Jehovah's Witnesses to salute the flag. Most do not understand nor necessarily agree with our position that while we owe respect to the flag we may not salute it, but that decision stands as irrefutable proof that this country does stand up and grant religious freedom to all, including those of minority faiths.

One would expect that the situation would be similar in Western Europe. Sadly, this is not the case, as has been testified. Witness communities have been active in Western Europe since 1890, over

100 years. There are approximately 1 million active Jehovah's Witnesses in Western Europe, approximately 1,600,000 who also attend our services. During World War II, hundreds of Jehovah's Witnesses paid the ultimate price for not compromising their faith.

With this backdrop, it is surprising to see the treatment Jehovah's Witnesses are receiving in Western Europe.

I begin with France because it is the epicenter of religious intolerance of Jehovah's Witnesses. Two years ago France imposed a 60 percent tax on all donations made to our administrative center in France. They assert that we owe as much as $50 million in unpaid taxes.

Here we see the level of sophistication of religious intolerance. The French authorities will assert that Jehovah's Witnesses are free to believe whatever we will, but their anti-sect commission labeled us a dangerous religion and this had the effect of declaring open season on Jehovah's Witnesses.

Let me give you one example of what happens now to Jehovah's Witnesses in France. One of our ministers, René Schneerberger, for decades has sent religious literature to inmates in prisons throughout France. Recently those inmates informed him they were no longer receiving the literature. When he inquired as to the reason, he was given the following answer by the Bapaume prison officials, "Receipt of these magazines has been suspended because of the sectarian nature of Jehovah's Witnesses as recognized by the parliamentary commission."

Regarding Belgium, let me inform you of the situation that children of Jehovah's Witnesses routinely face in Belgium with regard to religious intolerance. A teacher in the Ecole des Pagodes issued a paper for class discussions and said this, quoting, "In Belgium there are 189 dangerous sects and 37 are hard-core ones such as Jehovah's Witnesses."

Now, how would you have felt if your children and their faith were subjected to such scrutiny and intolerance in their classrooms?

Some who are Jehovah's Witnesses in Belgium have lost custody of their children just because they happen to be Jehovah's Witnesses. In one case the judge states "It constitutes a grave danger for the children taking into account the influence of the Jehovah-sect of which the mother seems to be a member." Another judge was even more openly bigoted. He said, "Jehovah's Witnesses are not to be viewed as a religion but as a movement of fanatics."

What about Germany? As the fall of communism drew near, the East German officials granted Jehovah's Witnesses full religious status, a status superior to the mere not-for-profit status we enjoy in Western Germany.

When unification took place, we moved to have complete religious freedom throughout Germany like the other majority religions. A trial court and an appellate court ruled that we were entitled to this status—it is called corporation of public law status—but the high administrative court ruled against us. For the first time, it said that we lacked the degree of loyalty necessary for any religion seeking corporation of public law status. They said that we lacked this loyalty because we are neutral in political matters. This case

is now pending before the German Constitutional Court and we hope for a favorable victory there.

Once again, let me show you the effect on local Jehovah's Witnesses. For decades, one couple had been used to care for foster children. When the Local Youth Office of the German Government was informed by an anti-cult chairman that the couple happened to be Jehovah's Witnesses, they moved to have the children removed from this couple. This led to a 2-year court battle that the couple ultimately won, but the Local Youth Office has now refused to assign any new children in their care.

Next, let me summarize briefly the situation in Austria. For decades, we were moving through the political and the legal court systems to obtain the same religious status as other religions in Austria, and Mr. Chairman, just as we were getting to the point of obtaining this religious status, the national legislature of Austria convened and passed a new law. The new law for the first time imposes a 10-year waiting period for any organization seeking full religious recognition. The law applies to nobody but Jehovah's Witnesses. No one else is seeking this status at present. It was clearly passed with us in view.

Again, let me move to the individual level of what is happening to Jehovah's Witnesses. One of our brothers was applying for a job for which he was well qualified and for which he was going to be accepted, but when they found out he was one of the Jehovah's Witnesses, he received the following letter "We thank you for your application but we are sorry to have to tell you that we do not employ persons belonging to any kind of sect."

To just summarize a final matter, Sweden is complicating our operations there because of not recognizing the concept of voluntary work on behalf of religious endeavors. Although Sweden has a much better record than the other four countries I just mentioned, it is hampering our volunteer work to build new Kingdom Halls because those who would serve as volunteers to do this have to pay a tax on their labors as though it is a taxable event.

Well, clearly something is wrong in Western Europe. What is the solution? Well, Jehovah's Witnesses turn to the scriptures first, and Isaiah foretold this: "In the wilderness justice will certainly reside, and in the orchard righteousness will dwell. . . . My people must dwell in a peaceful abiding place and in residences of full confidence."

Jehovah's Witnesses recognize that the complete fulfillment of that lies ahead in the future, but in the meantime, we call upon this Committee and all governments to recognize our God-given right to religious freedom that currently Western Europe extends only to majority faiths.

[The prepared statement of Mr. Brumley appears in the appendix.]

Chairman GILMAN. Thank you, Mr. Brumley.

Your reference to the Supreme Court's decision in *Barnette,* which not only came on Flag Day, but came in the midst of war, reminds us how strong the impulse is to provide for religious freedom in our own Nation. After all, that is why many of our ancestors first came here to begin with, to look for freedom of religion.

We will now avail ourselves of the digital video conference facilities of our Committee and the facilities of our American embassy in Vienna to hear our next witness. We thank the public affairs staff of our embassy in Vienna for their assistance in this endeavor.

We will now call upon in Vienna, Dr. Robert A. Hunt. Dr. Hunt has, since 1997, been the pastor of the English-Speaking United Methodist Church of Vienna. He is a Texan by birth and a graduate of the University of Texas, Southern Methodist University, and the University of Malaya, where he earned his Ph.D. Dr. Hunt has served congregations in Texas, in Malaysia and in Vienna and has worked in New York and in Singapore. He is a specialist in Christian-Muslim relations.

We know how happy you are in your own ministry, Dr. Hunt. Nevertheless we are grateful that you are willing to share your concerns about the present environment in which you are working in Vienna.

Dr. Hunt, please proceed.

STATEMENT OF THE REVEREND ROBERT A. HUNT, PASTOR, ENGLISH SPEAKING UNITED METHODIST CHURCH, VIENNA, AUSTRIA (Via video teleconference)

Reverend HUNT. Thank you very much, Mr. Chairman. I want to thank the Committee, as well, for inviting me to give this testimony and to share some of the experiences that I have had in Vienna.

According to a statement of the Austrian Information Service, dated January 20, 1998, the laws which regulate the legal status of religious belief communities, especially the law of 1998, while making distinctions among them, in no way infringe on the rights of individuals or groups to choose their religion and practice it in public and in private.

I would like to suggest that the right of religious freedom cannot, however, be separated from the issue of the legal status of religious communities or official or unofficial bias against particular religious communities and practices.

It is my experience that even though United Methodists——

Chairman GILMAN. We pause for technical difficulties.

Dr. Hunt, we are having some problem. You seem to be disconnected. We will try to come back to you as quickly as we can.

I am going to—in the interim, we are going to call on Congressman James E. Rogan, a Representative in Congress from California, who is here today to introduce the next witnesses; and if we are able to get Dr. Hunt back on the line, we will interrupt you.

Congressman Rogan.

Mr. ROGAN. Let me tell you, as a Member of Congress, being interrupted goes with the turf, but I especially thank you for calling this hearing and giving me the privilege to take a moment to introduce two witnesses to this Committee who are both friends.

The first witness literally needs no introduction. I am sure she is familiar to all of the Members of this Committee. Catherine Bell is the star of the hit CBS show, JAG. On that show she plays a military attorney. I teased her yesterday, I said you have the best of both worlds, you get paid for pretending you are an attorney but

you don't have to go through the disgrace in life of actually being one. So I want to thank Catherine for coming out.

She is a member of the Church of Scientology. She lives near me in Los Angeles, and in her presentation she will be reading prepared testimony of another great actress, Anne Archer, who could not be here today.

The second witness that I wanted to introduce is an old friend of mine, he is also a constituent, Craig Jensen from Glendale, California. Craig is the CEO of Executive Software. His company produces key software that enables disk operating systems to run more efficiently. It is a core component of most computer software operating systems. His company has contributed much to our national economic expansion in the last couple of decades.

Currently Microsoft plans to include Craig's software in their Windows 2000 operating system. However, the Microsoft product launch, while heralded around the world, is being severely disadvantaged in Western Europe and, in particular, in the Federal Republic of Germany. The origins of this imposition relate to the fact that Craig Jensen a member of the Church of Scientology.

Mr. Chairman, this Committee as a long history of acting on behalf of religious freedom. Its work has carried the torch of liberty to many new lands. It is in this spirit that I thank you for inviting Craig, Catherine and the other witnesses before this Committee and for giving me the privilege of making this brief introduction of both of them.

Chairman GILMAN. Thank you, Congressman Rogan. We thank you for being here with us.

We will now call upon Mr. Craig Jensen, the entrepreneur who founded and is President and CEO of Executive Software.

Mr. Jensen.

STATEMENT OF CRAIG JENSEN, CHAIRMAN AND CEO, EXECUTIVE SOFTWARE

Mr. JENSEN. Mr. Chairman and distinguished Members of the Committee, thank you for giving me the opportunity to tell you about an embargo of American products by the Government of Germany. I will be presenting a brief summary of my views.

I am the CEO of Executive Software, a company I founded in 1981 in California. My company's products are in use in every sector of the American economy, including right here on Capitol Hill, and are sold extensively abroad as well.

I would like to point out that no other country on earth can produce software of the quality and usefulness that American software companies produce. In view of this, a foreign embargo of American software products must be viewed as a hostile act. Purchase of my products is restricted in Germany by government edict. And now, the fact that Microsoft's new Windows 2000 operating system includes a component developed by my company is being used to justify a ban on the sale of Windows 2000 in Germany.

Why? The official reason given is that my company is headed by a member of the Church of Scientology. But what does my religion have to do with selling software? Nothing. The German Government makes no attempt to hide the fact that their embargo is

based on religious discrimination. In fact, the government officials see nothing wrong with religious discrimination.

Simply put, I come here today to alert your attention to a trade embargo justified on the grounds of government-mandated religious discrimination. Let me give you the background.

In December, a German magazine article proposed a ban on Windows 2000 on the grounds that I, as CEO of a Microsoft supplier, am a Scientologist. The official German news agency, DPA, sent out an international news story saying that my involvement in Windows 2000 is "of interest to the Catholic Church, the other German states, the Office for the Protection of the Constitution and German industry." A government official from the Hamburg Ministry of the Interior fanned the flames by boasting in the press that in Bavaria and Hamburg, the government does not use services or products from companies owned by Scientologists.

While such a blatantly discriminatory admission would be condemned immediately in this country, in the climate of intolerance created by the German Government, it is allowed to pass.

That official heads an office called "Working Group Against Scientology," which created the so-called "sect filter" which forbids employment or contractual relations with individuals participating in the Church of Scientology. In the end, the German Security Technology Office informed Microsoft that they would not certify Windows 2000 for sale in Germany because part of the program was produced by a company owned by a Scientologist. Although the U.S. State Department has repeatedly condemned the German Government's use of the sect filters, the discrimination has not lessened. In fact, it has gotten worse.

Official German discrimination has broadened from individuals to corporations and now to corporations who suppliers employ or are owned by members of minority religions. Official statements from the German Government have confirmed that public bodies expressly ban purchases from companies owned by or associated with Scientologists, effectively prohibiting the purchase of U.S. products.

This year, for the first time, the U.S. Trade Representative placed Germany on the watch list over its abuse of Scientologists' rights. The inclusion of Germany in her report shows that, in the view of the U.S. Government, Germany's discriminatory practices are not only a blatant violation of human rights, but a threat to American trade as well.

Mr. Chairman, I come to you today not just on my own behalf, but on behalf of my friends, partners, and business associates who are suffering at the hands of official German bigots who can't stand the thought of anyone participating in a sect or free church.

I also come before you on behalf of all members of the Church of Scientology who are forbidden employment, political party affiliation and even schooling for their children because of their religious beliefs. I ask you to send a message to the German Government that the Congress and the people of the United States will not tolerate either human rights violations of a religious nature or discrimination against American trade.

Perhaps the most effective action that you take at this time is to give your full support to the resolutions on Germany, H.R. 388

and S. 230, which call upon Congress and the President to demand that Germany abide by international human rights law.

Mr. Chairman, thank you for the opportunity to appear before this Committee, and I will be happy to respond to any questions.

[The prepared statement of Mr. Jensen appears in the appendix.]

Chairman GILMAN. Thank you, Mr. Jensen.

We will now proceed with our final witness, Ms. Catherine Bell, known for her television series of JAG. As a former Marine Corps attorney, I am sure you don't hesitate to give us straight testimony today. Thank you for being here.

STATEMENT OF CATHERINE BELL, ACTRESS

Ms. BELL. Thank you. Mr. Chairman, distinguished Members of the Committee, thank you very much for holding today's hearing and for the opportunity to testify.

In fact, I am here at the request of my friend and fellow-actress, Anne Archer, whose professional commitments unfortunately prevent her attendance at this hearing , to speak on her behalf. With your permission, Mr. Chairman, I would like to present the testimony she would have given had she been here today.

First, a word about my interest in this issue. Having been born in London to an English father and a Persian mother, then becoming an American citizen at a young age and spending most of my life in the United States, I have learned that difference is best celebrated, and never made a reason for division or discrimination.

Therefore, when I first heard that government officials in many were canceling the exhibitions and concerts of artist friends of mine solely because of their religion, I was shocked that such intolerance could be enacted by a Western government which loudly proclaims its commitment to democracy.

Mrs. Archer has undertaken two fact-finding missions and has been committed to combating religious discrimination against members of minority religions in Germany for several years. In addition to her fact-finding visits to Germany, she has addressed large rallies for religious freedom and human rights in Berlin, Frankfurt and Hamburg. In October 1998, she raised the problem before the plenary session of the Organization for Security and Cooperation in Europe, and she has also taken up the issue with various members of the European Parliament.

Last October, she visited Congress again to welcome the introduction of H.R. 388 and S. 230, regulations which now have a combined total of more than 50 sponsors in the House and Senate. The resolutions call upon the German Government to comply with its obligations under international human rights laws and to respect the rights of minority religions.

On behalf of Anne Archer, I would like to thank you, sir, as Committee Chairman, as well as Congressmen Salmon and Payne for introducing the resolution in the House, and Senator Enzi, the principal sponsor in the Senate. Our thanks go also to the many Members of this Committee who have cosponsored the resolution. I trust that after today's hearing, those Members who have not yet signed onto H.R. 388 will be motivated to do so.

Present in this room today are nearly two dozen German citizens who have come here to witness the fact that an official body would

care enough to hear their personal grievances and provide an open forum to air the facts about governmental religious discrimination in Germany. I would like to introduce some of them to you, and briefly recount their personal stories of discrimination.

Mr. Carl Rohrig is a very talented graphic artists whose work has been exhibited internationally and has appeared on the covers of leading international magazines. He is here today with his daughter, Marlene. Because of his religious beliefs, Mr. Rohrig has been blacklisted and has had exhibits boycotted or canceled. His bank accounts were closed without explanation and his family threatened. He was compelled to send his family abroad to rescue them from the discrimination and intolerance they faced in Germany, and his children are now being schooled in Denmark, not in their native country. In addition to the disruption of Car's pursuit of happiness, he has suffered economic damage totaling hundreds of thousands of dollars.

As a recent example: In January this year, Mr. Rohrig held an exhibition of his work in Neuberg, Bavaria. The town's cultural director learned that Mr. Rohrig is a Scientologist and demanded that the gallery director cancel the exhibition. When the director refused, the city government publicly called for a boycott of Mr. Rohrig's exhibition, resulting in a financial loss to him of more than $20,000 because several clients canceled their purchases of his paintings and prints.

Mr. Hans Schorr, another Scientologist who is here today with his family, worked for 20 years as a journalist, producing highly regarded reports for Bavarian and national German television on the central issues of the day. After his religious affiliation became known, all work suddenly dried up. In the end, he had no choice but to leave Germany, and he and his family now live here in the United States.

Finally, I would like to introduce Ms. Antje Victore, who in 1997 became the first German Scientologist to be granted asylum by a U.S. Immigration court on the grounds that she faced ruinous religious persecution if she had to return to Germany.

I understand that on behalf of all those experiencing discrimination in Germany, the members of my religion who are here today wish to present a petition to you, Mr. Chairman, asking for the full support of your Committee behind H.R. 388.

In addition, Mr. Chick Corea, who had hoped to be here today, but is prevented from attending by a physical impairment, has requested that his written testimony and evidence regarding German officials continuing denials of his right to perform in Germany be included in the record.

[The prepared statement of Mr. Corea appears in the appendix.]

Hearing these accounts of discrimination, you may well ask: What remedies are available through the courts? Though the German courts do act to some degree as guardians of the constitution, Germany's want of antidiscrimination legislation leaves them poorly armed to remedy a pattern and practice of religious intolerance that has soaked into the bureaucratic culture. By contrast, due to the efforts of Congress, we are fortunate in the United States to enjoy strong antidiscrimination laws. When Deutsche Bank in New York fired an employee solely because of her membership in the

Scientology religion, she was able to obtain not only financial compensation, but to extract an apology from the bank. In Germany, no comparable remedy would have been possible against Deutsche Bank.

In Germany schools today, children are taught, by order of the government, that members of certain religions are evil. I have seen some of the so-called teaching materials that are used. They are highly offensive and calculated to breed intolerance and hate. On a personal note, I receive a lot of letters from people in Germany who watch JAG, the TV series in which I play a U.S. Marine Corps attorney. I would hate to think that due to reaching such hateful propaganda, they might be made to think less of the program or of me.

Nor is discrimination in Germany a problem only for Scientologists. Mormons, Charismatic Christians, Jehovah's Witnesses, Orthodox Jews and others also suffer a climate of religious intolerance in Germany. Officials of both state and Federal Governments here continue to discriminate against thousands of law-abiding members of minority religions, many of them American in origin.

It is unfortunate that the German ambassador has chosen not to appear today. It is my understanding, Mr. Chairman, that the Ambassadors of Germany, France and Austria were all invited. I further understand that the German Government also refused to appear before the Commission for Security and Cooperation in Europe when it held a hearing into religious intolerance in September 1997. However, the Ambassador has not hesitated to discuss his government's position on Scientology with members of the press and with certain members of this Committee in private. It is my view and that of Anne Archer that the Ambassador's repeated refusal betrays the fact that there is neither defense nor justification for his government's position.

Following the hearing on German official discrimination conducted by the Helsinki Commission in September 1997, the German Government said that it would deploy its foreign intelligence agency on U.S. soil to inform Americans about my religion. We have no way of knowing yet if this legally impermissible plan was carried out, but we hope not. Our point is that if German officials had a clean human rights record vis-a-vis minority religions such as mine, they would not shy away from the scrutiny of a public forum.

As I have looked deeper into these issues and have studied the extent of the discrimination, I have become alarmed to learn that intolerance has been carried across the border from Germany into some other countries of Europe, notably, France. French officials have stigmatized members of 173 religious minorities, including the Baptists, as "sects." The French Government has set up a special unit to "fight against" minority faiths, headed by an individual with a long history of intolerance who has described our precious First Amendment as "crazy." His self-professed goal is to legislate which religions a person may and may not believe.

Today's growing religious discrimination in Central Europe as spawned several years ago in Germany by the Kohl administration. Unfortunately, the government of Chancellor Schroeder has taken

no steps to reverse those divisive policies and propagate religious freedom and pluralism. Forums such as today's are essential to drive home that we will not only speak out against these governmental abuses, but take firm action against them. The resolutions in Congress—H.R. 388 and S. 230—deserve the full support of this Committee. And given the spread of religious intolerance to other European countries, I believe a resolution is needed calling upon countries such as France, Austria and Belgium to respect international human rights laws, especially as regards religious freedom.

I ask you, Mr. Chairman, to give serious consideration to a resolution of this kind in the near future.

Chairman GILMAN. Thank you, Ms. Bell, for your testimony.

Ms. BELL. I have a little bit more.

Chairman GILMAN. Yes, please sum up.

Ms. BELL. While we continue to speak out, of course, we must keep open the doors to a dialogue. Anne Archer and I share the desire of many here today to bring the Governments of Germany and France to the discussion table, and persuade them to open a genuine dialogue with the minority religions whose members worship in those lands. In the end, only dialogue can resolve this problem.

Mr. Chairman, Members of the Committee, thank you.

[The prepared statement of Ms. Bell appears in the appendix.]

Chairman GILMAN. Thank you, Ms. Bell, for being here and for your testimony and for your requests which we will honor and take a good, hard look at.

Dr. Hunt, you are back with us again. We apologize for the interruption which is something that was beyond our control but we hope that you can give us your testimony now.

Dr. Hunt, please proceed.

Reverend HUNT [continuing]. Thank you. I will continue where I left off.

It is my experience that even though Methodists are a state-recognized religion, they do not live free from official and unofficial bias. I have encountered this in trying to book hotel rooms for church retreats, notably being told by the private owners of certain small hotels that they would not engage having a sect in their hotel. In a more official and larger hotel, it was possible to book rooms for our church retreat, but only after demonstrating that we were a state-recognized religion; and I cannot say that the same hotel would have rented rooms to a nonrecognized religion.

I have also encountered problems, as I say, in my statement in making visits to different prisons. In one case, I was simply turned down and told that I must be part of the Catholic group, Caritas. In another case, I had to get permission from the Roman Catholic chaplain first. I would not generalize here; I have been given access to other prisons.

Another type of bias has been reported to me by other members. In one case, a member of our church felt that the judge in a child custody case, as well as a court-appointed psychologist, showed prejudice against him by referring to him as a fundamentalist and a member of a sect because he was a Methodist. Apparently, they were not aware that ours is a state-recognized religion.

In another case, the member was surprised to find that if, as a divorcee, he married a Roman Catholic religious instruction teacher, she would lose her job. Although her education and salary are paid by the state, if she wishes to remain employed, her right to marry, and thus his, hinges on a Roman Catholic marriage tribunal and, presumably, a priest's approval of her future spouse. Such a situation can hardly fail to be coercive. It puts the resources of the state at the disposal of a religious group purely for the enforcement of its own idiosyncratic beliefs.

The problem of bias is unfortunately rooted in Austrian law. At a symbolic level, it is telling that the Austrian courts still display prominently a crucifix, a symbol hardly calculated to inspire confidence by non-Catholics in an unbiased judicial system.

The Austrian Government distributes a document entitled, in English translation, "Sects, Knowledge Protects," which attempts to define religion and then distinguishes between three types of religious groups. Some are able to obtain legal entity status. Others are given legal recognition as churches whose activities are in the public interest and, thus, receive public support, and then there are groups regarded as dangerous sects.

One cannot escape the effect of this official bias by simply keeping one's religious identity secret. Every resident of Austria must declare their religion on a Meldezettle, or required residency registration, with the police, and you must present a copy of this for every activity from signing a housing lease to opening a bank account to even purchasing a mobile telephone. So you cannot keep your religion private, and you cannot keep it private in an unbiased environment.

I would just add quickly here that the United Methodist Church of Austria in its annual conference last week adopted a short statement on the book "Sects, Knowledge Protects" and I will just read it for you in English translation.

"We strongly disagree with the law and office being set up by the Austrian Government for documentation of sects and their activities. We do not see any need to do this. If illegal action is taking place, existing criminal law, civil law and consumers rights should be called on to correct it. We challenge the majority churches to clarify their position on these matters."

And if I can add just one other thing, Congresswoman Lee was interested in whether there was a relationship between religious freedom and discrimination against ethnic and racial minorities. I would just have to say, my congregation is one-third African one-third Asian, and one-third European and American. And several times privately people have characterized us as a sect based on the large number of African members of the church; and in one case—again, in trying to rent rooms for our church—we were told, we know that all those Africans must be sect members. So there is a link here in Austria between these two things.

In closing, let me just say I am not unhappy to live and minister in Austria as an American and a Methodist. The majority of my relationships with Austrian society are happy and positive, and yet I don't think there can be any apathy on this issue. No country is so far along in its social evolution that it cannot, given the right circumstances, revert to religious bigotry and intolerance. And our

commitment to freedom requires us a continual and disciplined self-examination and honest appraisal of our friends.

I want to thank the Committee Members. I want to thank you, Mr. Chairman, for this opportunity. Thank you.

[The prepared statement of Reverend Hunt appears in the appendix.]

Chairman GILMAN. Thank you, Dr. Hunt, and again we apologize for the interruption. We hope you can stand by for questions of the panelists and possibly questions of yourself.

Will you be able to do that?

Reverend HUNT. Yes, I will.

Chairman GILMAN. We will now proceed with questions by our colleagues of our panelists, and we will start with Mr. Salmon.

Mr. SALMON. Thank you, Mr. Chairman. I am going to start my first question with Mr. Jensen.

I am just curious. Have you considered a lawsuit?

Mr. JENSEN. Congressman Salmon, the answer is, yes, I have considered a lawsuit. I would prefer to use communication, diplomacy, speaking out here at Congress, rather than going to court. That is my personal view.

If these methods don't work, then I would consider pursuing that course of action.

Mr. SALMON. It is really interesting, about 3 years ago we were able to get this same resolution that you have alluded to, Ms. Bell, the resolution that I have cosponsored with Representative Payne, we were able to actually get it out of this Committee, got it to the floor and there was so much confusion and misunderstanding about what exactly we were trying to accomplish and there was a lot of really anti, I think, or very discriminatory rhetoric that came from Members on the House floor, as I listened to them talk about Scientology, the Church of Scientology in particular.

And one of the concerns that has been raised—and Mr. Jensen, I kind of privately talked to you about this the other day—is information that has been sent to virtually every Member of this Committee from the Lisa McPherson Trust, and I mentioned to you I was going to ask that question. You are familiar with what this trust is all about.

Do you have any thoughts on some of the allegations that have been raised by this group, and if so, what are they?

Mr. JENSEN. Congressman, contrary to its characterization as a foundation, the Lisa McPherson Trust is a profit-making body, and all the charges brought in their case were dismissed recently. That has been covered in the newspapers in the last few days.

Mr. SALMON. So all of the charges or all of the allegations that they have made have been dropped?

Mr. JENSEN. That's correct, dismissed by the court.

Mr. SALMON. OK.

I think the other point that I would like to make is that my personal feeling when people within religions do things that are unseemly, or even illegal, to me, the recourse that we have in this country is not to stomp on the religion, it is to prosecute the bad actors within the religion; and virtually every religion that I know of has had problems. Ecclesiastical leaders in virtually every religion have done things that offend people, and some have done

things that we consider to be illegal in this country; and our course of action in this country has always been, when people do things that violate the law, they are prosecuted, and there is justice within our court system. But the answer has never been and should never be in a free society that respects freedom of religion to paint with a broad brush, and then use that as a reason for discrimination.

I am just curious, do you have any thoughts?

Mr. JENSEN. I agree completely, Congressman, and I particularly agree with the comment made earlier by one of your colleagues that people should be judged on their actions and not on their thoughts. In this country, we cherish the freedom to believe as we choose, and whether someone disagrees with your particular beliefs or not, a good American will die for your right to believe in what you choose.

The Germans don't share that view. They are a very young democracy and the stench of religious intolerance there is at a high point today. I believe that the problem in part stems from the collapse of church and state in Germany, something we are not familiar with and have never experienced in this country. When you put a member of one religion or one belief system in a position of power within the government, an abuse is bound to occur. So I don't think it is really a problem of one religion versus another, or anybody actually doing anything wrong, but rather a conflict of beliefs that is backed up with the power of government.

Mr. SALMON. Thank you.

Dr. Gunn, you have spoken about some of the problems that you have seen firsthand throughout various countries in Europe. I am just interested in your thoughts on, as a U.S. Government, what do you see as recourse that we could possibly pursue?

Mr. GUNN. I think that one of the important problems the United States has in Europe is that there is often an immediate reaction to statements, recommendations by the U.S. Government. So sometimes those harsh statements actually play into the rhetoric of those who are—who support the antisect movements. So I would urge strong diplomacy, but also clear words to make clear what is happening.

I think with the case you mentioned earlier, with the United States Trade Representative, I believe that is one that should be pursued vigorously and the United States should be prepared to say that the action taken against Scientologists in Germany is a barrier to trade and in violation of the WTO.

Mr. SALMON. I agree Dr. Gunn.

One last point: Do you share the optimism that things are getting better that was given to us by Ambassador Seiple?

Mr. GUNN. I think it is a mixed story. I would have said it differently.

I believe there are some signs for optimism. I don't think it is right over the horizon.

Let me say something positive about Germany. I think that in many regards the kind of problem we are talking about has diminished significantly in Germany. A wide range of groups were subject to the same type of discrimination that Scientologists have been going through during the last year. That has been moderated

to some extent in Germany, partially through the release of the Enquete Commission report, which backtracked significantly over what it had said before; and that the German Parliamentary Commission concluded—said, first, that the word "sect" should not be said to describe them, which is an advance. And they also said that these groups are not, per se, dangerous and they should be treated on a case-by-case basis. That is an extremely positive step.

That said, there continues to be the kind of problem we have heard described today.

Mr. SALMON. This list of 176, I am not sure if that is the correct number, but this list that was created, what is the status of that? Is it something that the government uses to constantly monitor, or is it something that pretty much has gone by the wayside?

Mr. GUNN. In France, there is a list of—sometimes it is called 172 and sometimes it is 173, and that has to do with how the list was prepared; but that is from France. The government as an official institution does not necessarily use that. The Interministerial Mission Against Sects constantly refers to that list. They also say that that list is not an exhaustive list, so that there are other groups that could be pursued as well.

French courts—when there have been cases where the prosecutors have used that list, French courts have, as far as I know, consistently said that list does not constitute the basis for any governmental action. So it was in a parliamentary report; it is not a legal document in that way in France.

Chairman GILMAN. The gentleman's time has expired.

Mr. Ackerman.

Mr. ACKERMAN. Thank you, Mr. Chairman.

For purposes of clarification, I am sure that Congressman Salmon said that churches should get rid of their bad actors; that was not an artistic reference in any way, shape or form.

Let me welcome the panel and thank you all for your testimony. If I could be parochial for one moment, Mr. Chairman, I would like to personally welcome Reverend L'Heureux from my hometown of Queens, New York City, and thank him for the great work that he does year round for all people, and the inclusiveness and the moral leadership that he exerts; and especially for referencing the birthplace of religious freedom, where I grew up, in Flushing, New York, and the work of John Bowne—and the Bowne House on that one block, it should be noted.

Not only do we still have that active Quaker Meeting house, but we have an African church, we have two churches of different Christian denominations, one Orthodox synagogue, one Islamic mosque and three Buddhist temples; and that is within a very short—maybe three-quarters of a mile, all on that one street.

I call to the Chairman's attention that when we were on a CODEL and we were in Germany, the Chairman did forcefully bring this issue up with various members of the government in Germany and was very forceful about the opinion of most of us on this Committee, I believe, and what we thought was in America's best interests and the interests of fairness and religious freedom and tolerance in America. We made our points. I don't know that we scored any victory at all, but they know that some of us, at least, are focused on it.

I think the testimony that we have heard here has to be highlighted and profiled. I am not sure what you do besides being here today, which is very important. Maybe you have to try to garner the attention and support of the labor movement in this country, which seems recently to have a powerful interest in religious freedom in other countries. Maybe we can condition our trade relationship with other countries on this, whether we give them permanent normal trade status; or maybe you can just get yourself in more trouble in China. That seems to get a lot of attention.

One of the things that the officials in Germany were using to make whatever points they thought they were making was that this particular religion of which we speak today, Scientology, in their view was not a religion and was just basically a Ponzi scheme to take money from unsuspecting people. We argued that.

But how do you respond to that? Anybody on the panel, maybe Mr. Jensen.

Mr. JENSEN. Congressman, I think "my lady doth protest too much" when the Germans say there's a Ponzi scheme or something like that. In Germany, they don't have religious freedom; they don't have separation of church and state. They have declared certain religions to be official state religions, and all others are referred to as sects or free churches; and my understanding is that "free" means, that religion or church is not controlled by the government.

So I am not surprised that they would use such derogatory terms to refer to my church. Personally I am offended by it.

It is nothing new. This sort of thing has been going on in Germany a long time. I have been losing sales and contracts in Germany for 10 or 11 years simply because I am a member of a minority religion and no one makes any bones about it. They boast of the fact. They use sect filters. I have a whole binder, full of documents, here—and there is a sample of one over on the board there—which require you to declare that you are not only not a member of the Church of Scientology but you have never even read a book by L. Ron Hubbard.

Now I can't see anything so offensive about reading a book. Why should that be a disqualification for employment or participation in the electoral process?

Mr. ACKERMAN. I thought we were past the time where, in Germany, we had problems with books.

But nonetheless, I strongly agree with you and recall that this country was founded by people who seemed strange to other people, no matter from whence they came. We were really founded by the weirdos and whackos of the world in the view of the majorities in other places.

My district, I guess they still have a tendency to elect those people to public office. But it becomes a very dangerous game when we try to define on any particular basis where people, by virtue of their free will, want to associate and consider themselves as a religion. Who is to judge that they are not? I mean, there are some pretty strange practices. There are some groups that wear beanies and won't turn the lights on on Friday nights when it gets dark. That does not mean that my religion is not a legitimate religion, no matter how strange that might seem to others.

So I just want to thank the panel for your persistence and know that you have many member friends here.

Reverend L'HEUREUX. Congressman, may I comment on your question?

The question initially was in terms of the accusation of financial improprieties in a Ponzi scheme for wealth acquisition. In different forms, but with equal virulence, the same accusations have been made in history against almost every major religious group.

In my own lifetime, I can remember hearing that kind of bigotry espoused against the Roman Catholic church. The slanderous and anti-Semitic remarks regarding Jewish wealth, for example, fall within that category. It is an easy way to hook bigotry in a way that will target it against some other group and marginalize them.

I wish that our celebration of American religious freedom were so complete and universal, but alas it is not because we have had difficulties here, many of them historic, occasionally present.

One of the tragedies that I see in this current environment is that much of the antisect movement in Europe—France and Germany, that I am familiar with personally in particular—arises because of the work, for the last four decades here, of the American anticult movement. It has been rendered economically deficient in this country by legal judgments that have bankrupted the cult awareness network and one of their leading kidnapper deprogrammers.

And now I believe, much like the tobacco industry, they are taking their product and exporting it elsewhere for their own benefit. And the relationship between Alain Vivien, in particular, with American anticult groups is rather interesting considering that he, along with other officials, will denounce what the American Government might say about France, but welcome what this group of anticultists would say.

Chairman GILMAN. Thank you, Reverend L'Heureux, and thank you, Mr. Ackerman.

The gentleman from Illinois, Mr. Manzullo.

Mr. MANZULLO. Thank you very much. I would like to center on the trade aspects of this situation, because unfortunately there is not much that can be done legally. When a country is discriminating against members of certain religions, it becomes a sovereignty issue; but when it becomes a trade issue that results in harm to American companies, then it does become our legal obligation to get involved.

Mr. Jensen, you stated in the last 8 to 10 years that you were losing sales and contracts as a result of discrimination against you because of your beliefs. Do you recall the testimony of Ambassador Seiple, who said that Commerce has not been able to quantify the harm or injury of any and therefore elevate this complaint to that of requesting the panel?

I note with great, total disbelief the statement, the official statement from the German Government who was invited to appear here, but declined and sent a communique. It said recent assertions about German Government measures concern a small area of public procurement, specifically the awarding of government contracts for staff and management training. They are not focused on membership in Scientology, but are instead designed to ensure that

techniques which seek to psychologically manipulate or oppress individuals are not used for training or consulting purposes. The measures are limited to government contracts. There are no regulations affecting bidding for private sector contracts.

I guess, therefore, if you are a Scientologist in Germany and you follow the reason of this letter, you can psychologically manipulate or oppress as long as it doesn't involve governmental contracts. This is written by a diplomat.

And I was just discussing with Congresswoman Ros-Lehtinen—and she is the chairwoman of the Subcommittee on Trade and International Economic Policy of this Committee, and we are very much interested in seeing if you can quantify—can you tell us if you can document loss of contracts based on this present policy of Germany?

Mr. JENSEN. Yes, Congressman.

Mr. MANZULLO. Or other companies, as well, based upon your religious beliefs?

Mr. JENSEN. Yes, Congressman Manzullo, I can document that. I will be happy to provide that to the Committee.

Chairman GILMAN. If you can provide that to the Committee, we will make it part of the record.

[The information referred to appears in the appendix.]

Mr. MANZULLO. I presume it would be proprietary for you to go into detail as to each contract and each loss, or is there something that you wish to share generally?

Mr. JENSEN. In some cases it is not difficult at all. A communication from Volkswagen, for instance, saying that they not only will refuse to honor our contract, but demand a refund for all purchases of software they had ever made because of the fact that I am a Scientologist. I told them I would be happy to comply if they would put that in writing, at which point they settled for a cessation of business and forgot about demanding the refund.

There are other cases more recent.

Mr. MANZULLO. Were there any American-based companies that were there, or branches rather?

Mr. JENSEN. Daimler Chrysler is one. We have a copy of their sect filter up on the wall there. There have been others, such as the Ford Motor Company, GE Capital, and another company here in the United States, that do business in Europe, have ordered their German subsidiaries to stop using the sect filters and have written to us that they have stopped doing that.

But when it comes to my own personal situation, the discrimination I referred to earlier was just on my own products, and that might come to millions of dollars worth of losses. I am not sure exactly what I could document in Germany. But today, with this Microsoft situation, the German Government is threatening to boycott or put a ban on the Microsoft Windows 2000 operating system because of my involvement as a Scientologist.

Now, that, according to studies on the benefits of migrating to Windows 2000, would be a $50 billion hit on the German economy, simply because of the inefficiency of systems they would have to use instead.

So, yes, I can supply numbers; yes, I can supply documentation, but you would also have to look beyond a specific transaction toward the chilling effect on business, as well as one's personal life.

What will happen the next time Microsoft needs a component in their operating system? And I have been a terrific supplier for them. For 7 years now, we have done business well together, but someone sitting around that table in the future is going to say, well, remember we had this problem with the Scientology issue.

Mr. MANZULLO. We look forward to meeting with you. I know there are several members on this panel that would like to meet personally with you and go into great depth as to the harm it has given to your company.

Chairman GILMAN. Thank you, Mr. Manzullo.

I now call on our distinguished subcommittee chairman on economic policy and trade, the Congresswoman from Florida, Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman; and following on Mr. Manzullo's remarks, in our trade subcommittee we would look forward to the opportunity to discuss the issue of sect filters and what has been happening with discriminatory trade practices in Germany, France or other countries. And so we look forward to getting that information from you, Mr. Jensen.

I had the opportunity to meet with you and some of the others in the panel yesterday afternoon, and we look forward to following up on that to see if our trade subcommittee could help you in any way, at least highlight this issue of discrimination against those who hold religious views that are not popular or in accordance with the majority-held beliefs. And certainly in this country, that was founded upon religious freedom, we would frown on such practices; but especially when they interfere with commerce in a manner which is, on the face of it, very discriminatory.

So we look forward to getting that information from you.

And I know that as the other panelists were talking, Ms. Bell was writing some notes, so I don't know if you wanted the opportunity to say something. I think when Mr. Ackerman was asking a question of some of the other panelists, you looked like you wanted to say something.

Ms. BELL. I did, and most of it was actually said by Congressman Ackerman, but the one thing that I wanted to point out is, he was talking about the Germans saying that they didn't think Scientology was a religion, but I wanted to point out the fact that Scientology has been recognized as a religion by all of the world, by the U.S. Government, by Australia, New Zealand, South Africa, recently Sweden. So it has been recognized as a religion.

And again, it goes back to what Congressman Ackerman was saying, that it is really not the place of the state or the government to decide whether it not it is a religion; and again, the bottom line is that the freedom to practice your own beliefs whether or not they agree with it, or think it is a religion or whatever, you should have freedom and the ability to practice what you believe, especially by a country that claims to be democratic.

Ms. ROS-LEHTINEN. That is interesting that many of those statements were not echoed during the South Carolina primaries, as some candidates visited Bob Jones University. It is like "Animal

Farm," all animals are equal, just some are more equal than others. But I do not espouse those beliefs of Bob Jones University, but perhaps some of those folks who make those statements about religious freedom would apply it overall.

Mr. Chairman, thank you for the opportunity and thank you for an excellent presentation. We look forward to working with them in our trade subcommittee to see how we could be of help.

Chairman GILMAN. Thank you, Chairman Ros-Lehtinen.

Mr. Rogan, the gentleman from California.

Mr. ROGAN. Thank you, Mr. Chairman. Let me just say I am sorry I missed your hearing. I am also running off to a hearing about human rights in Afghanistan.

Let me just say for the record, we expect more of Western Europe than we do of Afghanistan. We expect more of Western Europe than we do of totalitarian societies; and the fact that there are still some of the issues that you have raised today—and I know about the issues that you are talking about and will read your testimony.

It is outrageous that countries as educated and as industrialized and as democratic—supposedly democratic—are participating in the kinds of discrimination that we find in these countries; and the United States should be this squeaky wheel when it comes to the violation of these people's rights, because we are talking to other countries that supposedly stand for this higher standard.

And I appreciate your leadership, Mr. Chairman, in calling this hearing. Thank you very much.

Chairman GILMAN. Thank you, Mr. Rogan, for joining us. I have just a few brief questions.

Dr. Hunt, you have been so patient. Allow me to ask you a question. Do you see a linkage between the antisect movement and the rise of political extremism in Austria, in France, Germany and Belgium? And I address that to any panelist that may want to respond.

Dr. Hunt.

Reverend HUNT. I am not certain about the other countries. I think in Austria there is certainly a link. The recent political campaign which featured prominently images of real Austrians as opposed to, apparently, not real Austrians is certainly based on a climate that tries to characterize the kind of Germanic Catholic personality as being truly Austrian and all others as being not really quite Austrian; and I think that kind of political extremism and nationalism is certainly related to the rise of actions against sects.

Chairman GILMAN. Any of our other panelists?

Mr. Brumley.

Mr. BRUMLEY. I would concur with the thought that there is a linkage. The situation in Europe reminds me of a sad chapter in our country in the McCarthy era where one was accused of being a Communist without any facts. He had to go through infinite details to prove a negative that he was, in fact, not a Communist.

Well, the sect commissions have done—they are essentially doing the very same thing, based on unsubstantiated reports, unfounded prejudices. They stigmatize somewhat.

Jehovah's Witnesses have found that, for example, during the audit of our operations in France, we came out squeaky clean. They

found no impropriety whatsoever, even though they were certainly looking for it. But we feel subjected to that same type of scrutiny, that we have to prove we are not a dangerous sect. Instead of assuming we are doing something correct, we found—and I know you understand this as well—our recourse has been through the courts. As we go through the court system in France and in Germany, we have typically won the decisions, but in this court of public opinion, in the press, this stigmatization continues.

Chairman GILMAN. Does any other panelist wish to comment?

Reverend L'Heureux.

Reverend L'HEUREUX. Just a brief comment to echo what was said a second ago in terms of the role of government not to be a definer of what is orthodox or correct in belief.

Moments before this Committee hearing convened this morning, I understand that the government in Paris conducted yet another raid on the offices of the Church of Scientology there. In a series of raids that have removed computer disk drives and records, and appear some weeks later to return them with no particular charges being filed, no reason given as to why the raids occur; and this kind of pattern of brutal harassment is really evidence of a kind of a totalitarian aggression against religious movements.

Chairman GILMAN. Thank you. Does any other panelist wish to comment?

If not, let me ask Reverend L'Heureux and Dr. Gunn, what should our government do to deal with the situation in France? Any suggestions?

Reverend L'Heureux.

Reverend L'HEUREUX. Well, to speak out loudly and a little bit more loudly than we have been doing. I recognize the problem that has been stated many times here, that sometimes the official statement of the government is not well received in Europe, and France and Germany in particular, as an intrusion into their sovereignty. But the issue needs to be raised. Silence often gives consent to the kind of misconduct that we have chronicled this morning. There is no way for us to avoid the responsibility of being forthright.

The other is to avoid in every way possible participating in a division that the antisect, anticult people would want us to do to sort of throw away certain groups and allow them to be trampled, because somehow they have been stigmatized or demonized as not religions. Again, the test is that government is simply not qualified to make a determination of orthodoxy.

The behavior standards that were mentioned are correct. If there are crimes committed, if there are misdeeds done by individuals, they need to be called to account. If, in fact, there is some kind of a criminal conspiracy in a way that is detrimental to the society and in violation of the laws, certainly that ought to be prosecuted.

That is not what we are dealing with here. What we are dealing with is the vague innuendo that leads to blacklisting, that leads to loss of employment, that leads to loss of schooling, that leads to loss of child custody; and these acts are intolerable, and we must denounce them.

Chairman GILMAN. We thank you, Dr. L'Heureux.

Dr. Gunn, did you want to answer?

Mr. GUNN. It is very difficult in France. The Interministerial Mission Against Sects frequently employs anti-American rhetoric in order to justify its position, thinking that that plays well in France. So sometimes strong statements by the United States can backfire.

France has a lively tradition of intellectual dissent, and it has a lively tradition of trying to bring down people who promote intolerance. I believe that there has been, during the last year, a rise in those particular groups, and I assume those are the people to whom Ambassador Seiple was referring. Two very famous French historians have taken positions on this. The leading French scholar has now taken a position. Some important French journalists have taken a position on this. They are still voices in the wilderness.

The kind of thing I think the United States could do to help would be to encourage those sorts of voices to be more pronounced in what they are doing, whether it is including American academics to deal with their colleagues abroad, or American religions to deal with their coreligion abroad, to let them know what the consequences are of discrimination.

Chairman GILMAN. Thank you very much.

Would any of the other panelists care to add any thoughts before we conclude?

Mr. Brumley.

Mr. BRUMLEY. Just to say that this fall is pivotal for Jehovah's Witnesses. We have a case pending before the Council of State in France and another case pending in Germany. Both decisions should be handed down this fall. This is certainly a time to be watchful to see what France and Germany will do. If they hand down favorable decisions, then the optimism espoused by Ambassador Seiple would be well justified. An adverse decision certainly brings down a black curtain.

Chairman GILMAN. Thank you very much. Did you care to say something Mr. Jensen?

Mr. JENSEN. Yes. I would just like to urge the Committee and all the Members of Congress to support H.R. 388 and S. 230.

Chairman GILMAN. We will certainly give a lot of attention to it.

I can't thank the panelists enough, Reverend Hunt, for your being with us in Vienna. We wish we were there with you for the moment; I hope your weather is good.

And thank you all for taking part. Catherine, Mr. Jensen, Mr. Brumley, Reverend L'Heureux and Dr. Gunn, thank you for joining us, and Committee stands adjourned.

[Whereupon, at 1:15 p.m., the Committee was adjourned to reconvene at the call of the Chair.]

A P P E N D I X

JUNE 14, 2000

THE TREATMENT OF RELIGIOUS MINORITIES

IN WESTERN EUROPE

TESTIMONY OF

THE HONORABLE ROBERT A. SEIPLE

AMBASSADOR-AT-LARGE

FOR INTERNATIONAL RELIGIOUS FREEDOM

BEFORE THE

HOUSE INTERNATIONAL RELATIONS COMMITTEE

OF THE

UNITED STATES CONGRESS

JUNE 14, 2000

Mr. Chairman and Members of the Committee, I am honored to appear before you today to testify on the treatment of religious minorities in Western Europe. Let me begin by thanking the Chairman and the Committee for their strong and continuing contributions toward our goal of promoting religious freedom.

Each of us here today shares a commitment to protecting the dignity of all human beings. We hold in common the belief that at the heart of human dignity lies the right to pursue the truth about the mystery of faith, the truth about our place in the universe, about how we ought to order our lives. Together we seek to speed the day when every human being is free to pursue that truth as he or she sees fit – not only unhindered by others, but protected by the state itself.

Freedom of religion and conscience is also foundational for democracy, as recognized in the international covenants. The government which fails to honor religious freedom and freedom of conscience is a government which does not recognize the priority of the individual over the state, and that the state exists to serve society, not vice versa. By the same token, the government which nurtures religious freedom may be more likely to honor other fundamental human rights. So, Mr. Chairman, the promotion of religious freedom and freedom of conscience makes sense from the standpoint of freedom in general, but also from the standpoint of all human rights, and from the standpoint of promoting healthy, vibrant democracies.

Against that background, Mr. Chairman, let me turn to our subject this morning – the treatment of religious minorities in Western Europe. Overall, it must be said that religious minorities are treated better there than in most other regions of the world. Indeed, in relative terms, the citizens of Western Europe enjoy a measure of freedom that is the envy of aspiring democracies around the globe. Persecution on the basis of religion – in the form of brutal activities by governments, such as prolonged detentions without charge, torture and slavery -- simply does not exist there as it so tragically does elsewhere in the world.

But it also must be said that discrimination on the basis of religion does exist in the four countries on which we are focusing this morning – Germany, France, Austria and Belgium. Let me give you a brief overview of the problems that we see in each. Before I do, however, I want to emphasize that the standard applied to these countries by the United States is a standard that they have accepted. All of them embrace the international instruments that protect freedom of religion and conscience, including the Universal Declaration of Human Rights, the European Convention on Human Rights and the International Covenant on Civil and Political Rights. In applying these standards, we see ourselves as citizens of the world community, putting our national shoulder to the international wheel.

But our willingness to speak of discrimination elsewhere should not be taken to imply that we are free of it ourselves. When it comes to religious minorities, the United States falls far short of a perfect record. One need only recall discrimination against the Catholic minority, or the Mormons, in the 19th century. However, we believe that one sign of a mature democracy is the willingness to accept criticism, so long as it is based on international standards of human rights.

Germany

Let me begin with Germany, where our primary disagreement involves the treatment of the country's roughly 8,000 Scientologists. The nub of the problem is that many in the German government believe that Scientology is more a money-making scheme than a religion. This view is shared by officials in certain *Laender* (states), where responsibility for religious questions are usually handled.

At the same time, German officials say they are concerned that Scientology has "anti-democratic tendencies." The Offices for the Protection of the Constitution at both the state and federal level have been monitoring Scientology since 1997 for evidence of activities that would constitute a "threat" against the state. Although initial reports concluded that it did not, the monitoring continues to this day.

In 1998 a commission on "so-called sects and psycho-groups" presented a report to the Parliament that criticized Scientology for "misinformation and intimidation" of its critics, accusing it of being a political extremist group with "totalitarian tendencies." Following this the states of Bavaria, Hamburg and Schleswig-Holstein published brochures warning the public of the purported dangers Scientology poses.

For their part, many of the country's Scientologists have reported both governmental and societal discrimination in their daily lives. Some employers, for example, use the so-called "sect filter" -- screening applicants for Scientology membership. The Federal government also screens companies bidding on some consulting and training contracts for Scientologists, as do some state governments. That these and other forms of discrimination are occurring was documented in a 1998 UN report, although it rejected the outrageous claim that Scientologists' treatment was similar to that suffered by the Jews during the Nazi era.

Scientologists continue to take their grievances to the German court system. Some who have charged their employers with "unfair dismissal," for example, have won out of court settlements.

Mr. Chairman, we have discussed these issues at some length with German officials, both in Germany and the United States. We have stressed in particular the risks

associated with governments deciding what does and does not constitute a religion. We have made clear our concern with "sect filters." To prevent an individual from practicing a profession solely on account of his or her religious beliefs is an abuse of religious freedom, as well as a discriminatory business practice. We have expressed our concern that the continued official "observation" of Scientology by the German government – without any legal action being initiated as a result – creates an environment that encourages discrimination. We have urged our German colleagues to begin a dialogue with the Scientologists, and we have raised our concerns multilaterally at meetings of the Organization of Security and Cooperation in Europe.

France

Let me now turn to France. There have been recent reports by the National Assembly which cast Scientology in a negative light, expressing concern that they may use excessive or dishonest means to obtain donations. However, the government has taken no action against them. Indeed, Interior Minister Chevenement and others, including Foreign Minister Vedrine, have assumed a very positive and public position in support of freedom of conscience and religion, a fact which has helped diffuse tensions considerably.

But it is also true that France has been at the vanguard of the troubling practice of creating so-called "sect lists." These lists are created by government agencies – in France the list was part of a parliamentary report – and typically contain the names of scores of religious groups which may not be recognized by the government. Some of the groups are clearly dangerous – such as the Solar Temple, which led to suicides in France and Switzerland. But others are merely unfamiliar or unpopular. By grouping them together under the negative word "sect," governments encourage societal discrimination.

Some groups that appear on France's list continue to report acts of discrimination. One of them is the Institut Theologique de Nimes, a private Bible college founded in 1989 by Louis Demeo, who is head pastor at an associated church there. Others have been subjected to long audits of their finances. For example, tax claims against the Church of Scientology forced several churches into bankruptcy in the mid 1990s. The Jehovah's Witnesses have also been heavily audited. According to the International Helsinki Federation, this audit, which began in January 1996 and continues to this day has been done in a manner which "suggests harassment."

In France, too, the U.S. has been engaged actively in promoting a dialogue with French authorities. U.S. embassy representatives have met several times with the Interministerial Mission to Battle Against Sects. President Clinton, Secretary of State Albright, Assistant Secretary of State Harold Koh and I have each raised these issues of religious discrimination with French officials during the past year, and we will continue to do so. Our goal is to develop a common understanding with the French government on what actions are – and are not – in accord with international agreements on religious freedom.

Austria

Mr. Chairman, the pattern in Austria is not unlike that in France. The government has long waged an information campaign against religious groups that it considers harmful to the interests of individuals and society. A brochure issued last September by

the Ministry for Social Security and Generations described several non-recognized religious groups, including the Jehovah's Witnesses, in decidedly negative terms that many found offensive. With the recent appointment of a new Minister from Jorg Haider's Freedom Party, there are fears that the government may intensify its campaign against religions that lack official recognition. We have raised these issues with the Austrian government and will continue to press our view that such practices contravene Austria's commitments to religious freedom.

Belgium

Let me conclude with Belgium. In 1998 the Belgian Parliament adopted several recommendations from a Commission report on government policy toward "sects," including the creation of a "Center for Information and Advice on Harmful Sectarian Organizations." The Commission had also appended a list of "sects" in Belgium – divided into those considered harmful, and all others – and recommended a special police unit to deal with the harmful groups. The government has not yet taken any action on this proposal.

Our concern here, Mr. Chairman, is not with the government's attempts to deal with illegal activities on the part of any religious group, whether recognized or unrecognized, new or old. Our fear is that Belgium, like France and Austria, is painting with too broad a brush. In its very use of the pejorative term "sect" to characterize unrecognized religious groups, it casts aspersions on those groups, creating (even if inadvertently) the suspicion that there is something wrong with them. But every religion began as something new and unpopular. We have discussed these issues with Belgian officials, and we will continue to urge all our European friends to recognize that the religious quest must be nurtured, not discouraged, for true religious freedom to exist.

Before concluding, I want to note that Muslims continue to experience some discrimination in Western Europe, even though Islam is the second largest religion in France and Belgium and the third in Austria and Germany. In some cases, this discrimination has more to do with race, culture and immigrant status than religious beliefs. Indeed, Muslims are free to worship and form cultural organizations in each of these countries. Islam is recognized as an established, organized religion, thus enabling it to claim certain tax exemptions and receive subsidies from the state.

The most persistent and controversial religious issue facing Muslims in Western Europe is the question of headscarves and whether girls should be permitted to wear them in public schools. The question has caused considerable debate, some of it quite charged with overtones of intolerance. But civil society is well-established in these countries and many organizations have defended the rights of Muslims. If some jurisdictions remain opposed to students wearing religious clothing, others are becoming more accepting of the practice. Our view is that the international covenants are quite clear – freedom of religion includes the right to manifest religious belief. Surely democracies can find the flexibility to tolerate such an expression of piety as the religious headscarf.

Let me conclude where I began, Mr. Chairman. We share a great deal with our Allies and friends in Europe – including common religious traditions. Together we have

done much to make the world a safer, more humane place, a place where human rights – like democracy – might take root and flourish. We offer these thoughts about religious freedom to our friends out of a sense of shared responsibility for what we have done, and what we might do, together. We will continue to discuss these matters with them. Our plea is that they consider our argument that freedom of religion -- while sometimes tragically exploited by those who would manipulate faith for their own ends -- is inherently good because it supports the dignity of the human person, as well as democracy itself.

Thank you again, Mr. Chairman, for your leadership and that of this Committee on the matter of promoting religious freedom abroad. I would be happy to take your questions.

"Discrimination on the Basis of Religion and Belief in Western Europe"
Testimony of Dr. T. Jeremy Gunn
before the
House International Relations Committee
U.S. House of Representatives
June 14, 2000

The Two Faces of France

In 1939, Félix Chevrier arrived in the small French town of Chabannes (Creuse) for the purpose of renovating an abandoned chateau to house and school Jewish refugee children from Eastern Europe.[1] At the time Chevrier arrived, France possessed a considerable and deserved reputation for providing a home for foreign exiles. But within a year of the opening of the school at Chabannes, France itself fell victim to foreign occupiers. By late 1940, the northern zone of France was under Nazi control. The southern zone was under the jurisdiction of the French Vichy government -- located less than 60 miles (100 kilometers) from M. Chevrier's school.

While M. Chevrier and the good people of Chabannes risked their lives to save the refugee children, the Vichy government sent police into the villages of France to arrest Jews. By October of 1940, the Vichy government issued a law defining "Jews" and prohibiting them from holding certain types of employment, including positions in government, law, the police, the army, the press, and teaching. The law subsequently expanded to prohibit Jews from engaging in most forms of commerce.[2] These decrees were issued against Jews not because any had been found guilty of having committed a crime. Jews were condemned -- as a group -- simply because they belonged to the group. Such is the peculiar logic of prejudice. It does not require individual culpability; it requires only the accusation that a person is a member of the condemned class.

The Vichy government ultimately was responsible for arresting, transporting, and delivering to the Nazis tens of thousands of European Jews, both French and Eastern European. In stark contrast, all but four of M. Chevrier's 400 Jewish children survived the war.

One of M. Chevrier's colleagues, Dr. Meiseles, had previously treated children in French concentration camps before coming to Chabannes. In 1942 he wrote: "To examine the children of Chabannes after having examined the children in the concentration camps is to know in our sad times the two faces of France. The true one is here in Chabannes, where M. Chevrier is working with such beautiful success to cure the misdeeds of the other."

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[1] A prize-winning 1999 documentary film recounting the story of M. Chevrier is entitled *The Children of Chabannes,* directed by Lisa Gossels and Dean Wetherell. Ms. Gossels generously provided me with a transcript of the film.

[2] For a discussion of Vichy France and its attitudes and laws against Jews, see Robert O. Paxton, *Vichy France: Old Guard and New Order, 1940-1944* (1972), pp. 168-85.

Unfortunately, France, like all countries of the world -- including the United States -- has two faces: the face of courage and toleration and the face of prejudice and discrimination. The face of France represented by M. Chevrier saw Jews not as a despised group, but as individuals. The other France took "legal" measures against people without needing any particularized evidence that they were unpatriotic, had committed fraud, or had harmed their children. Both faces of France can still be seen.[3]

Overview of Western Europe

There are several obstacles to the internationally recognized freedom of religion and belief in several Western Europe countries.[4] Although I would like to discuss them to the extent time permits, it is first important to recognize that, unlike some places in the world, the governments and the people of Western Europe generally believe in the rule of law and human rights. Much to their credit, virtually all European states have ratified the European Convention on Human Rights and the people of these countries have the option of taking complaints to the European Court of Human Rights.[5] The European Court of human rights has emerged, since

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[3] I wish to be clear on one very important point. Although I will argue below that many in France are using the same language and methodology of prejudice against new religious movements that previously were employed against the Jews, the resulting legal actions in France are very different. No one in France is advocating massive arrests or incarceration of members of new religious movements. All serious proposals urge that legal measures be employed and that human rights be recognized.

Nevertheless, there are some frightening broader similarities to Vichy in some extreme cases, such as the 1993 raid on the Children of God (now The Family) community in Aix-en-Provence. In that case, 200 heavily armed police arrived during the night and dragged members of the group into custody, alleging that they had committed child abuse. In February of this year, the court in Aix-en-Provence finally dropped *all* charges against the group and closed down the investigation.

[4] International standards for freedom of religion and belief are set out in a number of international documents ratified by the countries of Western Europe, including the International Covenant on Civil and Political Rights, the European Convention on Human Rights, and the 1989 Vienna Concluding Document of the Conference on Security and Co-operation in Europe. These instruments prohibit discrimination on the basis of religion. They also guarantee the freedom of religion and belief, provided that the exercise of these freedoms does not cause harm to the public welfare.

[5] Europeans believe that their countries have been more willing to accept and apply international norms than has the United States. Whereas all European countries have ratified the

1993, as a champion of the freedom of religion and belief. I believe that it is very likely that, ultimately, the problems of discrimination on the basis of religion and belief that are now confronting Western European states will be addressed appropriately by the European Court. (I will add, parenthetically, that the most reliable defenders of the rights of religious minorities in European countries generally have been the courts.) I also strongly believe that the good face of Europe ultimately will prevail -- with or without prodding by the United States.

Although I will devote the bulk of my testimony to the problem of new religious movements (pejoratively described by their opponents as "sects and cults"), this Committee should not be under the impression that this is the only, or even the most important, of the obstacles to freedom of religion and belief.[6] Without attempting to rank the problems in order, the three other salient and inter-related problems of freedom of religion and belief in Western Europe are: first, the incorporation of Muslims into society, second, laws that discriminate among religions, and third, societal attitudes of intolerance (including anti-semitism).

European Convention on Human Rights, the United States has not ratified the comparable Inter-American Convention on Human Rights. Nor has the United States agreed to submit itself to the jurisdiction of the Inter-American Court of Human Rights. Therefore, criticisms that the United States might wish to make that European states are not applying international standards should be well-tempered by the recognition that the Europeans are, after all, ultimately willing to accept international review of their laws and practices and that the United States is not.

[6] There is need for some clarification on terminology. In English, the term "cult" is widely understood to be a pejorative term, whereas "sect" more generally refers to a branch or division within a religion. In French, the term "culte" is a neutral term that refers to religious bodies, whereas "secte" generally now is employed as a pejorative term (although it also has a technical meaning). When "secte" is used by Francophone governments, whether in France, Belgium, or the French-speaking areas of Switzerland, it is understood to be a derogatory term. In German, "Sekten" generally has the same negative connotations as the French "sectes." Thus the more accurate translation of the German "Sekten" and the French "sectes," is the English word "cults." The German parliamentary investigation, known as the Enquête Commission, originally used the term "Sects and Psycho-groups" to describe the groups they investigated. (See text at footnotes 12 and 13 below.)

Scholars generally apply the term "new religious movements" to describe these groups, although this term does not satisfactorily capture the variety of groups that now come within its ambit. Some groups, for example, may scarcely be considered "religious" and others certainly should not be considered "new." Thus a Hindu ashram in France might be labeled a "secte" by the government and a "new religious movement" by scholars, even though the beliefs and practices at the ashram may be traditional and thousands of years old.

1. Muslims. In several Western European countries, Muslims now constitute the second or third largest religious group. Worldwide, there are almost one billion Muslims. As in the United States, Muslims have not been fully integrated and suffer from popular prejudice and stereotypes. The European Commission against Racism and Intolerance (ECRI), operating under the aegis of the Council of Europe, recently reported that "Prejudice against Muslim communities (Islamophobia) is a disturbing trend, manifested in violence, harassment, discrimination, and general negative attitudes and stereotypes.[7] The societal attitudes affect Muslims particularly with regard to employment discrimination, the lack of accommodation for the performance of religious practices at work and school, discrimination against Muslim girls from wearing head scarves at school, and the inability to obtain legal recognition of worship communities (see below). A failure to deal fairly and creatively with this issue will, I believe, lead in the long term to greater domestic and international strife.

2. Discriminatory laws. Reflecting a historical experience very different from that of the United States, many European countries have laws that provide significant benefits to some religions that are denied to others. These include such benefits as tax exempt status, payment of salaries of clergy, religious teachers, payment of the salaries for religious teachers in public schools, and access for their clergy to institutions such the military, hospitals, and prisons. Although there are deep-rooted historical reasons for this legal discrimination, I part company from my European colleagues who defend such laws because of their historical roots. Just as "history" cannot be used to defend current discrimination on the basis of race and sex, so it should not be used to discriminate on the basis of religion and belief. The international covenants are quite explicit in forbidding discrimination on the basis of religion.

European governments frequently require religions to have a country-wide organization in order to be fully registered and recognized by the state. While this does not present a problem for hierarchically organized churches such as Roman Catholicism, it does present a problem for religious bodies that traditionally operate independently of each other, such as Christian congregational churches or Islamic mosques.

3. Societal attitudes. Five years ago, when I was young, naive, and a practicing lawyer, I believed that the key to resolving problems of religious discrimination in Europe was to amend discriminatory laws. Although I may not now be wiser, I nevertheless have come to believe that the core of the problem is discriminatory societal attitudes. Although discriminatory laws and attitudes no doubt reinforce each other, it is the attitudes that bear principal responsibility. ECRI, in addition to finding discrimination against Muslims in its most recent report, also notes "an intensification in the spread of antisemitic ideas . . . . Dissemination of antisemitic material is

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[7] European Commission against Racism and Intolerance, *Annual report on ECRI's activities covering the period from 1 January to 31 December 1999* (27 April 2000).

increasing."[8]

Discrimination Against New Religious Movements

One issue that has received increasing notice during the past few years in Europe has been what may be called the "anti-sect movement." The anti-sect movement has observed with alarm the apparent increase in small religious and belief groups that they pejoratively describe as "sects" or "cults." There are a number of private groups, some of which receive government funding, that have become extremely active in mobilizing public opposition to "sects."[9]

In many ways, the birth of the anti-sect movement may be traced to an understandable reaction to the horrible mass suicide in Jonestown, Guyana, in 1979, where more than 900 people died. There have been a number of other sensational events demonstrate the seriousness of the problem from the perspective of the anti-sect movement: the Aum Shinrikyo's use of sarin gas in the Tokyo subway in 1995, the Solar Temple suicides in Quebec, France, and Switzerland, the Heaven's Gate suicides in Los Angeles in 1997, and the recent mass suicide-murders in Uganda. In addition to these events, the anti-sect movement also points to the less dramatic cases where there are allegations that "sects" engage in brainwashing, deceptive recruitment methods, fraud, child abuse, and sexual promiscuity.

Before criticizing some of the tactics and methods that are common in the anti-sect movement, I would first like to acknowledge that there are people within the movement who are well-motivated and that many of the problems they identify are real. There are individuals and groups who misuse the shield of "religion" to disguise fraudulent activities. There also are individuals who use the shield of "religion" in order to manipulate other human beings in ways that are harmful. Many former members of the new religious movements have bitter feelings that they were abused psychologically and financially by these movements. These problems are real and they should not be ignored. Many within the anti-sect movement give their time and resources to aid people who genuinely need their help.

Unfortunately, a salient characteristic of the anti-sect movement -- particularly the public side of the anti-sect movement -- has become one of promoting discrimination and intolerance against a broad range of groups. What might have originated with the purest of intentions and the noblest of goals has become overly tainted by *ad hominem* attacks and shoddy analysis of facts. This faulty reasoning leads, sadly and inevitably, to widespread governmental and public

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[8] Ibid.

[9] Examples include the *Union Nationale des Associations de Défense de la Famille et de l'Individu* (UNADFI), *Centre Contre les Manipulations Mentales (*CCMM), and, within the United States, the American Family Foundation.

discrimination against people on the basis of religion and belief.

The most serious problem in Western Europe regarding discrimination against new religious movements is in France.[10] In 1998, the French government established an agency entitled -- unsubtly -- the "Interministerial Mission to Battle Against Sects" (Interministerial Mission or MILS, from the French *Mission Interministérielle de Lutte Contre les Sectes*) which is now headed by the former French Foreign Minister, M. Alain Vivien. The current French Minister of Justice has sent circulars urging prosecutors to become more active in their attack on "sects." During the past few years, the French National Assembly issued prejudicial reports on "sects" that are shockingly unscientific. Widely supported bills, currently pending in the French legislature, call for increasingly severe measures against "sects." Militant anti-sect groups issue inflammatory publications. Although the Government of France could be using its considerable influence to promote tolerance and cool the passions of these groups, it has chosen instead, in the words of the 1998 Swedish Commission's report, to make "common cause" with anti-sect groups.[11] (I should note here, and will elaborate in the following section, that there recently have been some encouraging signs in France of changing attitudes.)

I will describe the problems of the official anti-sect movement in France to illustrate how a legitimate concern for human welfare can be diverted toward the taking of illogical and discriminatory actions. Although the problems in France are on the whole worse than in other European countries, the illogic and methods are similar. I will identify two (interrelated) characteristics of the prejudicial methods that have seized some officials and institutions in France. I will refer to them as *first*, the language of prejudice, and *second*, the illogical methodology of prejudice.

1. The language of prejudice. The language of prejudice uses pejorative terms as an appeal to the listener's bias and as a substitute for reflective analysis. The term most commonly employed by the anti-sect activists is, of course, the term "sect," which plays a role akin to

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[10] I should add that I personally wish that I did not need to say this. I have spent some years of my life in France and I know and admire the face of France represented by people such as M. Chevrier.

[11] See *In Good Faith -- Society and the new religious movements (1998)* (the Swedish government's English summary of the report), section 1.4: "In France the state has on the whole made common cause with the anti-cult movement . . . ." The French parliament recently amended French law to allow these militant anti-sect groups legal standing to participate in prosecutions and legal actions against so-called "sects," thereby encouraging a common cause between private anti-sect groups and official government policy. Before becoming President of MILS, M. Vivien was the President of CCMM, one of the two prominent anti-sect groups.

derogatory racial epithets.[12] The German Enquête Commission, whose work began as an attack on "sects," ultimately concluded that the term was a pejorative and recommended that it no longer be used.[13] The Swedish report used the term "New Religious Movements" and abjured using the term "sect."

The language of prejudice uses pejorative terms to disparage its ideological opponents. One common tactic by some in the anti-sect movement is to accuse their ideological opponents of being members (or "fellow-travelers") of the scorned group. I personally witnessed one unfortunate example of this tactic by the MILS President himself against a member of an official U.S. delegation to France.

In April 1999, I was a member of a three-person delegation to Europe sponsored by the Office of International Religious Freedom of the U.S. Department of State. We scheduled a meeting with the MILS President. But shortly before the meeting, we were advised by the U.S. Embassy in Paris that he had decided not to meet with our delegation because one of us was affiliated with the Church of Scientology. I am not a Scientologist and I knew that the other two participants -- Dr. David Little, then of the U.S. Institute of Peace and now a Professor at Harvard Divinity School, and Karen Lord, Counsel for Religious Freedom at the Congressional Helsinki Commission -- were not Scientologists. After additional calls were made by the Embassy, the President finally decided that he would meet with us.

As we were introduced to the President, he remarked that he "already knew" who Ms. Lord was and that he did not need to be introduced to her. Later in the meeting, following a question by Ms. Lord, the President said that he would not respond to her but would give a response to the "head" of the U.S. delegation. A few days after the meeting, the MILS President gave a speech that reported that a member of the U.S. delegation was affiliated with the Church of Scientology, a statement that he has repeated subsequently.[14] When he makes these statements to the media, he apparently is not asked whether he actually has evidence to prove his assertion.

M. Vivien's assertion is, in a word, false. I am certain that the President of the MILS cannot prove his allegation. I challenge him either to provide evidence to support it or to issue an

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[12] For discussion of the terms, see footnote 6 above.

[13] *New Religious and Ideological Communities and Psychogroups in the Federal Republic of Germany* (1998), p. 295.

[14] See, for example, Agence France Presse, "France-USA-Sects," June 14, 1999. "A person connected ("proche") to the Church of Scientology was a part of an American delegation that came to conduct an inquest in the name of the Department of State . . . ." [All translations from the French are my own.]

apology to Ms. Lord and the United States. I think it would be an excellent idea for the French media and the French government to insist that M. Vivien prove or retract his assertion.

The most important issue, however, is not that M. Vivien made a false statement that was designed to discredit Ms. Lord, the State Department, or efforts of the United States to promote religious freedom. The important issue is that his manner of responding to questions about discrimination against groups ***exemplifies*** the tactic of much of the anti-sect campaign: the use of uninformed, provocative, and false allegations for the purpose of discrediting people and groups. If the President of MILS is willing to broadcast such false allegations about a member of an official U.S. delegation, one can well imagine what he might do to members of small religious and belief groups in France. Governments should be in the business of promoting tolerance, not in the business of spreading false statements about people's beliefs for the purpose of discrediting them.

This *ad hominem* attack was not an aberration; it has, unfortunately, become a standard rhetorical device to discredit those who believe that the anti-sect movement is going too far. For example:

- In its annual report, the MILS dismissed the testimony of the three experts who were invited to testify to the OSCE supplemental meeting on religious freedom in Vienna on March 22, 1999, by stating that France "was criticized by certain sects who were imprudently admitted to participate in the proceedings by officials of the Office of Democratic Institutions and Human Rights, or by persons affiliated with the U.S. Congress Helsinki Commission."[15]

- When the President of MILS was asked recently to respond to the criticism made by the head of the prestigious École pratiques des hautes études that MILS was becoming "hysterical," he responded by saying "the accusation of hysteria is typical of the language of Scientology."[16]

- In debating an anti-sect bill in parliament, a French senator recently stated: "the

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[15] MILS, *Rapport* (January 2000), p. 24-25. Although the religions of the experts ought not be relevant, it may be noted that Dr. Massimo Introvigne is a Catholic, Canon Michael Bourdeaux is an Anglican, and Master Alain Garay is a member of the Jehovah's Witnesses. M. Garay is a distinguished French lawyer who has won several religious discrimination cases before the European Court of Human Rights.

[16] *La Vie*, May 11, 2000, p. 11.

American Department of State counts among its members adepts of Scientology."[17]

- A British member of the Parliamentary Assembly of the Council of Europe, who has spoken out in favor of non-discrimination, was described in the MILS report as "reportedly an adept of Scientology."[18]

- The President of the MILS recently, without providing evidence, alleged that an (unnamed) Scientologist had infiltrated the cabinet of an (unnamed) former President of the Republic and that another (unnamed) Scientologist had "attempted to infiltrate" the judicial police.[19]

The language of prejudice similarly reveals itself in the use terms such as "infiltration" to describe the real (or imagined) employment of a "sect" member in a business or a government office.[20] Whereas if Catholics or members of the Reformed Church teach school or work for *Électricité de France*, they are "employees." But if they are members of the groups under attack, they are "infiltrators." This is not the language of reason or dispassionate analysis; this is pure prejudice. Anti-Americanism is now emerging as another characteristic of the language of prejudice.[21]

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[17] Statement of Senator Derycke, Senate proceedings, December 16, 1999. The opponents of the anti-sect movement sometimes accuse it of practicing "McCarthyism." Perhaps there is no better illustration of this point than the Senator accusing the U.S. State Department of harboring unnamed Scientologists.

[18] Mission interministérielle de lutte contre les sectes, *Rapport* (January 2000), p. 27 (hereinafter MILS 2000 Report).

[19] Agence France Presse, "France-sect," September 15, 1999.

[20] See, for example, MILS 2000 Report, p. 10: Sects "repeatedly attempt, with some success, to infiltrate democratic institutions and international organizations, official or nongovernmental." The report provides no evidence to support this assertion. When a Bavarian government official reported to me that Scientologists are attempting to infiltrate the Bavarian government, I asked him what evidence he had to support the assertion. He responded by saying that he is aware of no evidence to prove it -- but that is what makes the infiltration attempt so insidious -- Scientologists cover up the evidence of their infiltration. When I asked him whether Catholics had "infiltrated" the government of Bavaria, he could not understand the relevance of my question.

[21] Massimo Introvigne concluded, after reading the MILS report, that "rough anti-Americanism and nationalism are offered as poor substitutes for logical argument." In the report the United States is accused of having "ulterior motives" in promoting freedom of religion.

2. The illogical methodology of prejudice

The MILS specifically, and the anti-sect movement in France generally, relies on the veracity of the information gathered in a number of French parliamentary reports on sects, the most important of which was issued in 1996 as *Les sectes en France.* This report, often identified as the "Guyard report" after its rapporteur, Jacques Guyard, identifies 172 groups as "sects." The Belgian parliament similarly issued an *Enquête Parlementaire* in 1997 that identified 189 groups as "sects." These lists include a wide range of groups, including many well-respected and established groups, such as Southern Baptists, Jehovah's Witnesses, *Opus Dei,* and Anthroposophy. Many groups that were identified on the lists report an increase in popular and governmental discrimination against them.

The principal criticisms of the methodology employed by the anti-sect movement (particularly as demonstrated in the French and Belgian parliamentary reports) is as follows:

First, the drafters of the reports did not seriously consult academics or scholars familiar with issues of new religious movements, but relied instead on anti-sect activists. Such was the criticism made by the Swedish Parliamentary investigation, which traveled to France and interviewed those who participated in the preparation of the report. This criticism also can be made against the Belgian parliamentary report. The final report of the German Enquête Commission, which ultimately did include dispassionate scholars, generally reached conclusions about the groups that differed markedly from the one-sided reports prepared in France and Belgium. The German report concluded, for example, that there is no societal threat from "sects" as such.

By failing to consult scholars, the reports present an ahistorical and caricatured view of new religious movements. It seems to escape the recognition of the drafters of the report that all established religions were once considered to be disreputable sects and were accused of heinous crimes. The reports fail to show a dispassionate and conscientious understanding of the phenomenon with which they are dealing.[22]

Second, the reports and the anti-sect movement typically do not consult with current members and leaders of the so-called "sects," but rely instead on statements made by accusers and disgruntled former members. They refuse to accept the considerable evidence that most (although not all) adherents of the new religious movements report positive and beneficial

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MILS 2000 Report, p. 6.

[22] This is far different from the Swedish report, which is balanced and nuanced, as well as the German report, which shows much sophistication on many issues. While I continue to have reservations about parts of the German report, it reveals a great deal of balance.

experiences with the groups -- which was the finding of both the Swedish government's investigation and the German parliament's investigation.[23]

In a telling repudiation of this methodology, a French court recently found Jacques Guyard, President of the 1999 parliamentary investigation on the *Finances of Sects,* liable for defamation against Anthroposophy. In a television appearance after release of the report, M. Guyard charged that Anthroposophy was "typical" of sects in that its real goals are misappropriation of money and exercising mind control over its adherents. The Anthroposophists sued.[24] As reported by the newspaper *Le Monde*, the court held that the parliamentary report was not a "serious investigation" (*enquête sérieuse*). The court found that the parliamentary report and the allegations of M. Guyard were based upon testimony from self-declared "victims" of Anthroposophy and that the report did not provide an opportunity for officials to respond. M. Guyard was fined 20,000 francs and ordered to pay damages of 90,000 francs.[25]

The French anti-sect movement typically refuses to engage in a dialogue with the groups that they are attacking. When we spoke with the President of the MILS we suggested the importance of hearing both sides of a story before reaching conclusions. He responded that there was no need to hear from the sects because they will only try to deceive. It is my understanding that MILS refuses to meet with -- let alone attempt to understand -- any group that it labels a "sect." This refusal to engage in a dialogue is an approach very different from, for example, the Swedish Commission, which strongly recommended dialogue with groups rather than polarization of the issues.[26]

Third, the principal documentary "evidence" in the French reports are the secret allegations contained in the files of the *Renseignements Généraux*, the security division of the police. In several cases the report placed groups on the list of sects solely upon the unsubstantiated secret evidence that the groups had no opportunity to rebut or to challenge. The "evidence" remains secret.

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[23] *New Religious and Ideological Communities and Psychogroups in the Federal Republic of Germany* (1998), pp. 113-15, *In Good Faith -- Society and the new religious movements*, section 1.6.

[24] Because of parliamentary immunity, groups have not been able to bring defamation suits regarding accusations in the reports.

[25] See Jean Michel Dumay, "Jacques Guyard Condemned for Having Called Anthroposophy a 'Sect': The Work of the Parliamentary Commission did not Constitute a Serious Inquiry," *Le Monde*, March 23, 2000.

[26] *In Good Faith -- Society and the new religious movements,* section 1.4.

Fourth, the reports use examples of alleged misdeeds of some people in some groups (such as the fraud conviction of several Scientologists in Lyon) and then broadly condemn the entire group or even "sects" generally. The fallacy of this type of analysis can easily be illustrated by reference to the recent criminal conviction of Jacques Guyard. (Guyard was the President of the 1999 French parliamentary *Report on the Finances of Sects*, the Rapporteur for the 1996 parliamentary report on *Sects in France*, and currently is a member of the Interministerial Mission.) The same M. Guyard who condemned in 1999 the fraud committed by "sects" was, ironically, convicted by a French criminal court in May of this year for influence peddling (*trafic d'influence*) and was sentenced to one year in prison and fined 100,000 francs.[27] If we were to apply the same "analysis" to M. Guyard's situation that he and others apply to the groups that they condemn, then we would need to hold the entire Interministerial Mission -- of which he is a member -- responsible for his actions. I am confident that members of the Interministerial Mission would strenuously and properly object to the Interministerial Mission's being held responsible for M. Guyard's actions -- but they should just as strenuously repudiate the practice of holding "sects" responsible for the actions of some individuals.

Fifth, the reports are fatally skewed because they do not focus on the causes of the *problems* that ostensibly prompted their investigations (such as child abuse, fraud, or kidnaping), but focus instead on the *scorned groups*. By focusing on the *groups* rather than the *problems*, the analysis rhetorically (and anti-intellectually) overemphasizes problems within those groups and ignores identical problems in other groups. Thus a suicide by a member of a "sect" is treated as shocking evidence that the sect is "dangerous," while a suicide by a banker or baker is not seen as evidence that banking or baking is dangerous. The anti-sect methodology makes sense to its advocates only because they began with the assumption that the groups are harmful. This is not objective analysis; it is prejudice disguised as analysis.

Sixth, the anti-sect movement frequently relies on untested accusations against groups and ignores findings that ofttimes exonerate groups. The MILS 2000 report, for example, repeated a number of accusations that have been made against groups but failed to report several court decisions in France and the European Court of Human Rights that exonerated the Jehovah's Witnesses and The Family.

In summary, the "methodology" of prejudice begins with the assumption that it then pretends to then prove. It accepts as evidence accusations that support the prejudice, but refuses to consider evidence that contradicts the prejudice.

The Promotion of Anti-sect Actions Outside France

The Interministerial Mission is particularly proud of its efforts to promote its anti-sect

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[27] *Le Monde*, May 11, 2000.

message outside of France. It reports that it has close working relations with the French Foreign Ministry and notes with pleasure that MILS has met with French ambassadors to educate them to the dangers of sects. MILS now participates as a part of the French delegation in a number of international gatherings.[28] It spends one-third of its time promoting its anti-sect message outside of France. Last week, for example, the President of MILS met with anti-sect groups in Germany and pledged joint action.[29] The week before he was in Moscow. The Polish press has reported on an earlier visit to Warsaw, where he reportedly convinced the Polish government to take steps against sects.[30]

The Other Face of France -- and Europe

It is very important to note that there are some encouraging signs in France and in Europe of dissatisfaction with the discriminatory methods and tactics employed in the anti-sect movement.

It is with some relief that I can report that a byline in the distinguished French newspaper, *Le Monde*, recently reported that the "methods" of the President of the MILS "are becoming more and more openly criticized."[31] Two of France's most distinguished historians, René Rémond and

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[28] MILS 2000 Report, p. 18.

[29] Reuters, June 7, 2000.

[30] Polish Press Agency, September 12, 1999; Jonathan Luxmoore (Warsaw), "War or Peace with Cults," *The Tablet*, January 22, 2000.

[31] Xavier Ternisien, January 22, 2000. The article suggested that some in the French government insisted on redacting parts of the MILS report, which would seem to be explained by the number of unexplained blanks on pages in the report. See, for example, MILS 2000 Report, p. 4 (wholly blank) and p. 29 blank except for two sentences in the center.

The President of the MILS is a member of the Socialist Party who in the past has been critical of the Vichy government. He apparently fails to see, however, that with regard to sects, he applies the same logical analysis as the Vichy government: deciding that a "group" is dangerous without questioning whether individuals are individually culpable; relying on one-sided, untested rumors and innuendos to reach conclusions that groups as a whole are dangerous; smearing the motives of opponents; refusing to hear exculpatory evidence; and attacking opponents as being sympathizers of dangerous groups.

Analogies are used to illustrate points and they obviously do not fit all points. It must be kept firmly in mind that while the "intellectual analysis" of the anti-sect movement may parallel in some ways that of the Vichy government, its actions are not even remotely comparable to the horrendous humanitarian violations that took place under Vichy. It is the similarity in analysis

Jean Baubérot, recently criticized the anti-sect campaigns in France. The leading French constitutional scholar, Jacques Robert, also criticizes the methods of the anti-sect activists. The President of the Protestant Federation of France, Jean-Arnold de Clermont, has now taken a public stand against the activities of MILS. He recently observed that "MILS wishes to make a distinction between religion and "sect," but this is a formal contradiction with the law and the Constitution: the law provides that there shall be no *a priori* state control over associations."[32]

The respected religious affairs journalist of *Le Monde*, Henri Tincq has written a number of articles calling into question the anti-sect activities in France. In a growing number of cases -- including several in 1999 and 2000 -- French courts have begun to draw the line on government actions against Jehovah's Witnesses and other groups popularly designated as "sects." The courts have noted that "sect" is not a jurisprudential term and that a group's inclusion on the list of 172 should not have legal consequences. Let us hope that the rational minds of France will prevail and that an Emile Zola will arise and expose in France the methods of the public anti-sect campaign.

There are other encouraging signs in Europe. The European Court of Human Rights has handed down a number of decisions against governments that have discriminated against religious minorities, particularly cases involving Jehovah's Witnesses. In a very interesting recent decision, the European Court of Justice (an arm of the European Union), recently issued a decision critical of the French government's efforts to "restrict the free flow of capital" in its attempt to prevent the Church of Scientology from receiving funds from outside of France. A number of human rights organizations, including the International Helsinki Federation, Human Rights Watch, and Human Rights Without Frontiers now regularly report on (and criticize), governmental actions that discriminate against religious and belief groups.

Recommendations

A full respect for religious freedom and religious diversity will come to the countries of Europe only when the people of European countries want there to be such freedoms. The United States certainly cannot cause it to happen, whether by sanctions or cajoling. Because of the increasing anti-Americanism in the anti-sect movement -- as illustrated by the MILS report -- the United States must be prudent in how it attempts to promote religious freedom. I would like to make four recommendations, the last of which is for religious groups in the United States.

First, the U.S. Department of State should monitor much more closely and vigorously anti-sect movements on both a bilateral and multilateral basis. As an example, the U.S. Embassy

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that causes concern, not a similarity of behavior.

[32] Quoted in "Faut-il dissoudre les sectes?", *La vie*, May 11, 2000, p. 12.

in Warsaw should have been as active in engaging the Polish government as was MILS. I believe that the German Desk at the State Department has, commendably, been vigorous in its efforts. The (congressional) Commission on Security and Cooperation in Europe plays an effective role in highlighting problems and bringing them to the attention of the Department of State.

Second, based upon my past experience in working at the Office of International Religious Freedom, I must also recommend that the Congress take seriously its responsibility for fully funding the State Department. From my own observations, personnel in the State Department are generally overworked and under-supported. When Congress creates new responsibilities for the Department of State, it should also provide sufficient resources so that the job can be performed properly. The single biggest impediment to more active monitoring and promotion of religious freedom and human rights by the State Department is, in my opinion, *not* a reluctance to work on the issue, but a *lack of time and resources* for doing it as well as it should be done.

Third, the Congress could assist the State Department by promoting a genuinely *international* approach to human rights. The greatest rhetorical argument of U.S. critics abroad is that the United States does not play a consistent role in promoting human rights, as is evidenced by a reluctance to ratify human rights treaties or to incorporate international standards into U.S. law. While we encourage France to incorporate international standards on freedom of religion and belief into French domestic law, we are reluctant make similar concessions ourselves.

Fourth, I believe that the U.S. religious community can be much more involved in promoting religious freedom abroad. It would be very helpful, for example, for Catholic religious leaders to meet with their co-religionists abroad and engage them in efforts to reduce religious discrimination. Indeed, I believe that the most influential institution in Europe for promoting religious freedom could be the Catholic Church. While all faiths in the United States can help, those religions that are widely practiced and respected in Europe -- particularly Catholicism, Lutheranism, Orthodoxy, and the Reformed Church -- can play a very helpful role in promoting tolerance.

Conclusion

I have great confidence that in twenty years from now the anti-sect mania will be seen as a peculiar and discredited phase in the history of France and other European countries. The public fears that were widespread in Germany only four years ago seem -- for the most part -- to have subsided. The question is only how long it will take until the countries of Europe engage in a genuine attempt to focus on resolving serious social problems rather than on ostracizing a category of groups. The Vichy government lasted only four years. We can hope that the excesses of the anti-sect activists will last not much longer.

Testimony by
The Reverend N. J. L'Heureux, Jr.
Executive Director, Queens Federation of Churches
Moderator, Committee on Religious Liberty of the
National Council of the Churches of Christ in the USA

June 14, 2000

House International Relations Committee: The Treatment of Religious Minorities in Western Europe

Mr. Chairman, distinguished members of the Committee:

Thank you for inviting me to testify today about the worsening problem of religious intolerance in France.

I am a United Methodist pastor and I am here today representing the Queens Federation of Churches, a council of Christian congregations in New York City, which I have served as Executive Director for the past 22 years. I have been a member of the Committee on Religious Liberty of the National Council of the Churches of Christ in the USA since 1984 and currently serve as Moderator of the Committee. I am not here to speak for the National Council of Churches or for the Committee. I do, however, speak from my position as an ecumenical leader who has had the opportunity through long experience in the work of this Committee to develop a perspective from which to understand well the issues that bring us together today.

As an American, I approach my testimony from the viewpoint that no government is capable of making wise choices in defining what is religiously "correct" or "orthodox." Only individuals listening for the call of God have the ability — and the right — to make those determinations. Understanding this truth, international wisdom has declared religious freedom to be a fundamental human right.

As a religious leader for three decades in the County of Queens, City of New York, I am mindful of the appropriate response to official orders compelling religious intolerance. It was 343 years ago on December 27, 1657, that residents of Flushing, Queens, began a letter to Governor Peter Stuyvesant by declaring:

> "You have been pleased to send up unto us a certain prohibition or command that we should not receive or entertain any of those people called *Quakers* because they are supposed to be by some, seducers of the people. For our part we cannot condemn them in this case, neither can we stretch out our hands against them, to punish, banish or persecute them for out of Christ God is a consuming fire, and it is a fearful thing to fall into the hands of the living God.
>
> "We desire therefore in this case not to judge least we be judged, neither to condemn least we be condemned, but rather let every man stand and fall to his own Master."

The Flushing Remonstrance is the earliest declaration of religious liberty on these shores focused on securing that liberty not just for self but for individuals and groups other than the ones making the declaration. It is appropriate — even necessary — that we who are not members of the targeted religious groups speak strongly for the protection of religious freedom for them as well as for ourselves in this land and in every land.

France is a signatory to international human rights laws protecting religious freedom. Unfortunately, French government policy is so far in violation of these tenets that its officials have set up an office called the "Interministerial Mission to Fight Against Sects," commonly known by its acronym in French, MILS.

MILS' very name betrays its disregard for internationally accepted standards of human rights and religious pluralism. The United Nations Special Rapporteur on Religious Intolerance, in his 1996 report to the United Nations Commission on Human Rights, noted that:

> "A sect is considered to be different from a religion, and thus not entitled to the same protection. This kind of approach is indicative of a propensity to lump things together, to discriminate and to exclude, which is hard to justify and harder still to excuse, so injurious is it to religious freedom... History contains many examples of dissident movements, schisms, heresies and reforms that have suddenly given birth to religions or religious movements. All in all, the distinction between a religion and a sect is too contrived to be acceptable."

In France, a 1996 parliamentary commission report stigmatized 173 religious movements with the pejorative label of "sect," including Baptists, Mormons, Jehovah's Witnesses and Seventh-day Adventists. That report continues to be relied upon by the French government and has led to restrictive and oppressive measures against minority faiths. The U.S. State Department's Annual Report for International Religious Freedom, published last September, criticized the 1996 commission report on the grounds that "[it] was prepared without the benefit of full and complete hearings regarding the groups identified on the list. Groups were not told why they were placed on the list and, because the document exists as a commission report to the National Assembly, there is no mechanism for changing or amending the list short of a new National Assembly Commission inquiry and report." The State Department further noted that "the ensuing publicity contributed to an atmosphere of intolerance and bias against minority religions. Some religious groups reported that their members suffered increased intolerance after having been identified on the list."

Earlier this year, the Rapporteur of the parliamentary commission was convicted of defamation for labeling the anthroposophy movement a sect and his investigatory methods were denounced by a Paris court as "not serious." In contrast to the broad and sensational coverage of the original report in the French media, the court's finding was reported cursorily in the press, and the blacklist of 173 movements continues to circulate and is used to justify fresh acts of intolerance in both the public and private sectors.

In March of this year, I was a member of an expert panel at a public hearing in Paris intended to provide members of minority faiths with a forum to describe the discrimination they have been subjected to. This was a private, non-governmental hearing, and it drew an attendance of more than 300 people from 38 religious movements. I and the other panel members were shocked at what we heard, because it was evident that these individuals were being targeted solely because of their religious beliefs. Twenty-four witnesses from thirteen different religious organizations testified to a range of abuses that I can only touch on today. A member of the Soka Gakkai Buddhist movement

told how members of his religion had experienced discrimination in searching for employment, discrimination at work, and even an attempt at murder. Damaged careers and business prospects (as the singer chosen to represent France in the Eurovision song contest whose album contract was then canceled because of her religion) and families torn apart (as the children taken from their parents on suspicion of abuses which turned out to be wholly false) were the substance of that hearing. And all these incidents of discrimination were based on nothing but prejudice and ignorance because of the individual's membership in a minority faith.

Since then, hearings of this kind have been held in Marseille, Lille, Lyon, Rennes and Auxerre, each attracting a range of testimonies from diverse movements, bearing unfortunate witness to the rise of governmental religious persecution in France.

After returning to the United States, I felt it necessary to bring the situation to the attention of a wider audience and I sought to place a series of paid advertisements in French newspapers in the form of Open Letters to senior French politicians. The Open Letters focused attention on the violations of European and international human rights standards caused by MILS and were signed by 52 religious and human rights leaders, mostly American. I have attached copies of the Open Letters to my testimony and I request that they be included in the record.

The first Open Letter, to the French Prime Minister Lionel Jospin, ran in the *International Herald Tribune* on March 23. We then attempted to place the second and third Open Letters in French newspapers. Four major national newspapers — *Le Monde*, *Le Figaro*, *Libération* and *L'Express* — refused to publish them. Only the national paper *France Soir* agreed to run them, and on April 20, published our Open Letter to the President of France, Jacques Chirac. It cited condemnations of religious intolerance in France by the U.S. State Department and the Vienna-based International Helsinki Federation and noted that MILS discriminatory targeting of a range of minority faiths violates European and international human rights laws.

American signatories included Mr. Lee Boothby, International Commission for Freedom of Conscience in Washington, DC; Dr. Derek Davis, Director, J.M. Dawson Institute of Church-State Relations at Baylor University in Waco; The First Church of Christ, Scientist in Boston; Dr. Franklin H. Littell, Professor of Holocaust and Genocide Studies at Richard Stockton College in New Jersey; Dr. David Little of the Harvard Divinity School in Cambridge; Melissa Rogers, General Counsel of the Baptist Joint Committee on Public Affairs in Washington and representatives of Christian, Muslim and Jewish faiths.

Such was the furor following publication of this Open Letter, however, that although *France Soir* had agreed to run the third Open Letter a week later, the paper not only went back on this commitment, but the Chief Editor publicly stated that he had published the Open Letter on April 20 by mistake. Subsequent attempts to place the third and final Open Letter in a range of French publications met with refusal at every turn. Therefore, the third Open Letter finally appears today, not in a French paper, but in the *International Herald Tribune*.

It is in this repressive climate that members of minority religions live, and it explains why a forum such as today's is so vital to publicize the human rights abuses taking place in France. Government discrimination against individuals on the basis of the religious beliefs has been compounded by the refusal of the national media to fulfill their role as watchdogs of the public powers. In recent sermons in New York, I have discussed these human rights abuses before congregations of several different Christian denominations. I have been surprised and impressed by the strength of the reaction. It is clear to me from the shocked comments of parishioners afterwards that they had no idea how serious

the situation in France has become.

The U.S. State Department recognizes that the only possible approach to dealing with an increasingly pluralistic society is one that embraces dialogue. MILS, however, has not only refused to dialogue with religions it has singled out for persecution, but its annual report published this year contained the extraordinary assertion that it was unable to dialogue with the United States government! Instead, the report announced its affiliation with a private "anti-cult" organization in the United States with which it has often consorted.

In fact, the unsavory history of the American anti-cult movement — which has largely been discredited after nearly four decades of attacking religions and tearing families apart — appears to be the blueprint for MILS. In this country we have endured a media-enabled demonization of new religious movements as "cults" capable of "brainwashing" and determined to enslave its members. This grotesque distortion became the basis of the movement's sale of the services of kidnappers and "deprogrammers" whose alleged expertise would be necessary to break the spell of the presumed-nefarious religious movement. The academic and the legal communities, after examining the multitude of accusations and the methodologies of the so-called "research" used to support the claims of the anti-cultists, concluded emphatically that their theories of "brainwashing" and "mind control" are wholly without academic and scientific merit. The chief distinction between the hate and mischief which the anti-cult movement seeks to market here, as compared with its efforts in France and elsewhere in Europe, is that the governmental structures in the United States have, for the most part, declined to embrace its campaign — with the glaring exception of the incident seven years ago near Waco. In France, by contrast, the movement has been welcomed to use official, government authority for its discriminatory purposes.

It is against this background that we come to a recent and the most disturbing development in France to date — a proposed bill which is due to be voted on by the National Assembly on June 22. The bill, which is the subject of today's Open Letter to M. Jospin in the *International Herald Tribune*, is a flagrant violation of fundamental human rights standards in that it singles out and targets members of minority religions as a special category of citizen. That a bill of this outrageous character is being seriously considered by a nation that is a signatory to the Helsinki Accords is profoundly disturbing.

The bill proclaims its discriminatory intent in the title, "Law Proposal Aimed at Reinforcing the Prevention and the Repression of Groups with Sectarian Character." This legislation would provide for the ready dissolution of religious minorities where there has been one or more criminal convictions against the organization or its principals. It prohibits religious minorities from proselytizing within 100 meters of hospitals, retirement homes, public or private institutions, or schools. The proposed law also introduces a new criminal offense of "mental manipulation," which is defined in a manner bereft of academic or scientific merit, and could be used to dissolve any political, religious or cultural organization. And once dissolved, under the proposed law, it would be a criminal offense to attempt to reincorporate the organization.

Scholars from psychology, sociology and religious studies have articulated an almost unanimous consensus that such "mental manipulation" and "brainwashing" theories are groundless. Yet, these studies are ignored by the drafters of this bill in favor of popular ignorance and prejudice, and for committing this non-existent "crime" the offender would be penalized with two years imprisonment and fine of 200,000 French francs — a penalty that applies to corporations as well as individuals.

This proposed law is essentially the product of the hysteria about minority faiths brought about

by MILS and its president, Alain Vivien. In its annual report published in February, Mr. Vivien urged that certain movements should be disbanded and be forbidden to reincorporate. In that report, MILS advocated a law proposal by a French Senator which had already passed the Senate and was expected then to come before the National Assembly during the year 2000. The unconstitutional character of that bill, however, provoked some discussion even in France, and it appears that the result is a cosmetized but even more anti-democratic proposal which is due for a vote in eight days.

Mr. Chairman, I urge you to make the strongest possible representations to the French government that should this law pass, it will place in question France's commitment to the Helsinki Accords. Such a law would be a cancer on French democracy, violating the French Constitution, the European Convention on Human Rights and the various human rights declarations and treaties to which France is a signatory. Only by sending a strong and unmistakable signal of Congress's intent to take firm measures against violations of international human rights codes will we succeed in halting these reverses for religious freedom in Europe.

Thank you very much for hearing my testimony, and I will be happy to answer any questions.

List of Attachments

Text of three Open Letters published as paid advertising:
- March 23, 2000, in *The International Herald Tribune*
- April 20, 2000, in *France Soir*
- June 14, 2000, in *The International Herald Tribune*
- Full List of Signors of all 3 Ads

Proposition de loi: tendant à renforcer la prévention et la répression à l'encontre des groupements à caractère sectaire (an act introduced in the French Assembly on May 30, 2000)
- Full text of legislation introduced and pending in the French Assembly in French
- Translation in English
- Summary and Analysis

1995-96 Report, "Les sectes en France" including the list of 173 "dangerous cults"
- Excerpts of Report in French
- Translation of excerpts in English

January 2000 Report of the Interministerial Mission to Fight Against Sects
- Excerpts of Report in French
- Summary of Report in English

Jacques Guyard Sentenced for Calling the Anthroposophic Movement a Cult
- Article in *Le Monde*, March 23, 2000, in French
- Translation in English

Brief on discrimination against Muslims in France, from American Muslims for Jerusalem

Text of the Flushing Remonstrance, December 27, 1657

Biographical Sketch & Curriculum Vitae

House Rule XI, Section 2(g)(4) disclosure:
- The Queens Federation of Churches receives no Federal funds.

(Committee Note: None of the attachments which are in the French language are reprinted here. They are maintained in the Committee files.)

AD 1 — *The International Herald Tribune*, Thursday, March 23, 2000

An Open Letter to the Prime Minister of France, Lionel Jospin

"One by one, the movements... came to the bar to complain of 'sectarian harassment,' of the 'new Inquisition.'" — *Le Monde*, March 7, 2000

Dear M. Jospin,

No doubt you read *Le Monde*. And thus, perhaps you saw an article about "an investigatory public hearing" recently held into human rights abuses committed by, among others, Alain Vivien, chairman of the "Interministerial Mission To Fight Against Sects (MILS)," part of your office.

Some of us were on the expert panel at that hearing. Held at the Forum of Grenelle in Paris, it was attended by more than 300 people from 38 religious movements. Twenty-nine victims from throughout France testified about abuses suffered in their private and professional lives, all due to their religious beliefs.

The French press described the atmosphere as "electric," but that description is, if anything, understated. What truly appalled us was that the outrageous human rights abuses we heard could actually be taking place in a democratic nation. It seemed that the ghost of U.S. Senator Joseph McCarthy had come to haunt France.

There are also other compelling historical parallels to what is happening today.

We think of the shameful Revocation Edict of 1685, by which Louis XIV ended a period of relative tolerance for French Protestants and revived widespread religious persecution. Yet equally shameful, on December 16, 1999, a new "Revocation Edict" was maneuvered through the French Senate when a mere handful of its 321 members were present.

Ironically, perhaps tellingly, it rejuvenates and expands a 1936 law authored by the infamous Pierre Laval, who became the Vichy government's leader under the Nazis and was executed as a collaborator in 1945. The new bill would give the authorities the power, provided only that certain ill-defined conditions are met, to simply dissolve any religious, cultural or political organisation the government disagrees with.

Theoretically, the Catholic Church, or any of France's political parties which had officials convicted and jailed, *could* be dissolved. As a member of the Senate observed, "A movement may be dissolved because a leader has twice been found guilty of writing bad checks for 10 francs."

But make no mistake, the real target of the bill is religions whose beliefs and practices the government disagrees with — the religions whose members so movingly told their stories of discrimination and abuse at the Forum of Grenelle. It is the latest escalation of religious intolerance begun with a 1996 Parliamentary Commission report which blacklisted 172 religious minorities, including Protestant and Catholic denominations, as "sects."

Although the United Nations, the Council of Europe, the European Court of Human Rights, human rights groups, scholars and experts have called for a broad, inclusive definition of religion consistent with the standards of pluralism, minority rights, and religious freedom mandated by human rights instruments, the French government has adopted a repressive system designed to marginalise, ostracise and stigmatise targeted minority faiths by improperly labelling them as sects. Whereas the Swedish, Dutch, British and other European governments have encouraged dialogue with minority faiths, your government has chosen to persecute them.

France has a vital part to play in the nurturing of international democratic principles. We urge you to disband MILS, and instead adopt a policy of dialogue with minority faiths, not one of destruction. By so doing, you can restore France's reputation for freedom of religion, freedom of association and freedom of speech.

AD 2 — *France-Soir*, Thursday, April 20, 2000

An Open Letter to the President of France, Jacques Chirac

The International Helsinki Federation has condemned "a manifold pattern of virtual persecution" in France.

Dear M. Chirac,

We have signed this letter to indicate our deep concern at the religious discrimination practiced by the "Interministerial Mission to Fight Against Sects" (MILS), located in the Prime Minister's office.

Some of us recently constituted part of an expert panel at a public hearing in Paris, where we heard testimonies of discrimination and abuse from those who personally suffered at the hands of MILS. Mr. President, had you been there, we are sure you too would have been appalled. That packed and emotional gathering was the first opportunity for those who have been persecuted for their religious beliefs in France to tell their stories.

Only three chairs remained empty. They had been reserved for MILS chairman Alain Vivien, Senate Deputy and MILS member Nicholas About and Paris mayor Jean Tiberi, who has called for "exclusion zones" for minority religious members. But these architects of intolerance declined to defend their actions before a human rights panel.

Unfortunately, MILS is not guided by the French Constitution, which its very existence violates, nor by the human rights standards laid down by the Council of Europe, the European Union, the Organisation for Security and Cooperation in Europe (OSCE) and the European Court of Human Rights. Rather, MILS grew out of a Parliamentary Commission which branded no less than 172 religious movements as "sects." Yet only last month, the Paris Court of Justice condemned the investigatory methods of the Commission's Rapporteur, Jacques Guyard, as "not serious" and tainted by bias. Guyard was convicted of defamation.

Thus it is no surprise that MILS's intolerance has brought international censure upon France. The International Helsinki Federation has condemned "a manifold pattern of virtual persecution" in this country. The U.S. State Department has criticised the French government for "intolerance and bias."

Yet, heedless of these criticisms, on December 16, Senator Nicolas About, a MILS member, introduced a bill which passed the Senate on a day when few members were in the Chamber. Its design is simple: to close down religions whose beliefs and practices the government disagrees with. Indeed, one of its proponents on the Senate floor blatantly admitted that the bill circumvents the troublesome requirement of granting targetted religions their due process rights, saying: "The dissolution, which is a political decision, also has the advantage of not using the judicial procedures in which sects are so skillful in maneuvering."

Senator About is a deputy of the Parliamentary Assembly of the Council of Europe. In June 1999, that Assembly laid down certain human rights standards, by which not only his bill but MILS itself stand outlawed and condemned:

"Under Article 9 of the European Convention on Human Rights, states are prohibited from distinguishing between different beliefs and from creating a scale of beliefs...."

We urge you, Mr. President, to disband MILS as an affront to the Republic, and to take steps to open a dialogue with the religious movements it has marked for destruction. The fact is, whether practicing a minority or majority faith, French citizens have a constitutional right to freedom of religion, freedom of association and freedom of speech. And it is a right which is in your power to uphold.

AD 3 — *The International Herald Tribune*, Wednesday, June 14, 2000

An Open Letter to the Prime Minister of France, Lionel Jospin

"A manifold pattern of virtual persecution has developed... children of minority religious groups have been stigmatized as 'cult members' in their schools and neighborhoods."

— International Helsinki Federation

Dear M. Jospin,

Today the International Relations Committee of the U.S. House of Representatives holds a public hearing into religious intolerance in France, Germany and Austria.

The hearing is timely, for eight days from now, the French National Assembly will vote on a repressive and dangerous bill designed to manufacture a means to ban minority religions in France.

To avoid public debate and scrutiny by international human rights organizations, this legislation was surreptitiously eased onto the voting schedule at the end of May and is being quietly slipped through the National Assembly.

The bill's Preamble proclaims its discriminatory intent "to paralyze the activities of sect organizations." No attempt is made to define a "sect" — a derogatory term applied in France to improperly classify no less than 172 minority faiths, including the Baptists, — the religion of the president and vice president of the United States — Mormons and Jehovah's Witnesses.

This extremist and anti-democratic legislation is the product of the hysteria whipped up by the French "Interministerial Mission to Fight Against Sects" (MILS) and its president, Alain Vivien. Although MILS has brought France severe criticism from the U.S. State Department and the international human rights community, MILS has not slowed or halted its all-out war on the French Constitution and the international human rights treaties to which France is a signatory.

In its 1999 report on religious intolerance, the International Helsinki Federation documented a string of discriminatory actions against religious minorities by the French government — actions orchestrated by MILS:

"A manifold pattern of virtual persecution has developed. Minority religions have been publicly marginalized and stigmatized... children of minority religious groups have been stigmatized as 'cult members' in their schools and neighborhoods."

Although the United Nations Human Rights Committee, the United Nations Special Rapporteur on Religious Intolerance, the Human Rights Directorate of the Council of Europe and the European Court of Human Rights have all called for religious tolerance and dialogue, MILS continues to ignore all human rights principles.

As prime minister, you would probably be mortified to hear France compared with the Chinese government. Yet, if this repressive bill becomes law, it will destroy the very freedoms that define the major difference between China and France, by placing in the government's hands the power to dissolve any religious organization the state disagrees with, under the most superficial circumstances.

When the Chinese banned certain minority faiths last October, they claimed their law was needed "to maintain social stability" and to "protect the interests of the people." Today in France, the perpetrators of intolerance echo the same empty words of their Chinese mentors.

The European Parliament has criticized the Chinese government over its persecution of ethnic and religious minorities, which include not only Falun Gong, but also Roman Catholics. The Parliament called on the Chinese government "to guarantee democracy, freedom of expression, freedom of the media and political and religious freedom."

We, who share a love of religious liberty, therefore echo the appeal of the European Parliament. We call upon you, Prime Minister, to do all in your power to have this bill withdrawn, for the sake of "democracy, freedom of expression, freedom of the media and political and religious freedom."

Signors of the series of three ads

Affiliations are shown for the purpose of identification only.

Nancy Lee Atkins, Executive Director
Toledo Metropolitan Mission, Toledo, Ohio, USA

The Reverend Machrina L. Blasdell, Executive Director
Interfaith Council of Contra Costa County, Walnut Creek, California, USA

Ed Bloch, Director
The Interfaith Alliance of New York State, Latham, New York, USA

Lee Boothby
International Commission for Freedom of Conscience, Washington, D.C., USA

Mary Lu Bowen, Executive Director
New York State Council of Churches, Albany, New York, USA

The Reverend Mamie Bryant, Presiding Pastor
Hollis Avenue United Church of Christ, Hollis, New York, USA

James S. Burton, Director
Greater Dayton Christian Connections, Dayton, Ohio, USA

The Reverend Dr. Calvin O. Butts III, President
Council of Churches of the City of New York
Pastor, Abyssinian Baptist Church, New York, New York, USA

Docteur Derek Davis, Director
J.M. Dawson Institute of Church-State Relations
Baylor University, Waco, Texas, USA

Professor Francis Dessart
Council for Human Rights and Religious Freedom, Belgium

James V. Dougans, Ministry Coordinator
Indiana Partners for Christian Unity and Mission, Indianapolis, Indiana, USA

Willy Fautre
Human Rights without Frontiers, Belgium

Dan Fefferman, Executive Director
International Coalition for Religious Freedom, Washington, D.C., USA

The First Church of Christ, Scientist, Boston, Massachusetts, USA

Rabbi Kenneth Fradkin, New Jersey

John Patrick Gilroy, Chair
Peace with Justice, Broome County Council of Churches
Binghamton, New York, USA

Arthur I. Golden, Clerk of Session,
First Presbyterian Church in Jamaica, Jamaica, New York, USA.

Imam Baqui Hamed, "Al-Islam in America," New York, NY, USA

The Reverend Robert E. Hanson, Executive Director
Interreligious Council of Central New York, Syracuse, New York, NY, USA

The Reverend Gary L. Harke, Executive Director
Pennslyvania Council of Churches, Harrisburg, Pennsylvania, USA

The Reverend Dr. John E. Hiemstra, Executive Director
Council of Churches of the City of New York, New York, NY, USA

Pasteur Robert Hostetter,
First Pastor of the Protestant Liberal Church in Brussels
Director of Protestant Federal Radio/ TV Broadcasts, Belgium

The Reverend Dr. Arleon L. Kelley
Retired Executive Steward, New York Community of Churches
National Association of Ecumenical and Interfaith Staff, Albany, New York, USA

Stan Koehler, Executive Director
Meditation Awareness Network, New York, NY, USA

Joël Labruyère, Président, l'Omnium des Libertés, Paris, France

The Reverend Charles R. Landon, Jr., Executive Director
Churches United of the Quad City Area, Rock Island, Illinois, USA

Mikhail Levdanski, Expert on Rabbinic Studies, New York, NY, USA

Dr. James Lewis, Department of Religious Studies
University of Wisconsin, Madison, Wisconsin, USA

The Reverend N.J. L'Heureux, Jr., Executive Director
Queens Federation of Churches, Richmond Hill, New York, USA
Secretary/Moderator, Committee on Religious Liberty,
National Council of the Churches of Christ in the USA

Dr. Franklin H. Littell, Professor of Holocaust and Genocide Studies
Richard Stockton College of New Jersey, Pomona, New Jersey, USA

Dr. David Little, Harvard Divinity School, Cambridge, Massachusetts, USA

The Reverend Allen D. MacLean, President
Queens Federation of Churches, Richmond Hill, New York, USA

The Reverend James C. Miller, Executive Minister
Rhode Island State Council of Churches, Providence, Rhode Island, USA

The Reverend James Murphy, Coordinateur
Capital Region Ecumenical Organization, Scotia, New York, USA

The Reverend Jim Nicholls, "Voice of Freedom", USA

The Reverend Jon Norton, Executive Minister
Synod of New York, Reformed Church in America, Tarrytown, New York, USA

The Venerable Piyatasse, President
Buddhist Council of New York, New York, NY USA

The Reverend Dr. John L. Pratt, Sr., President
Brooklyn Council of Churches, Brooklyn, NY, USA

Abdelkader Rhamani, President
Berber Academy of Exchange and Cultural Research, France

The Reverend George Robertson, Professor of Religion
Maryland Bible College, USA

Melissa Rogers, General Counsel
Baptist Joint Committee on Public Affairs, Washington, D.C., USA

Daoud Rosser-Owen, President
Association for British Muslims, London, England

Kheled Saffuir, Islamic Institute, Washington, D.C., USA

Irving Sarnoff, Founder
Friends of the United Nations, Los Angeles, California, USA

The Reverend Lars J. Silverness, Chaplain
JFK Protestant Chapel, John F. Kennedy International Airport, New York, USA

The Most Reverend Francis C. Spataro, D.D.
Bishop Visitor, St. Peter and St. Paul Independent Evangelical Lutheran Church, Astoria, New York, USA

John M. Swomley, Ph.D, President
Americans for Religious Liberty, Kansas City, Missouri, USA

The Reverend Monseigneur Hilarios Ungerer, D.D., Archbishop
Free Catholic Church of Germany, Munich, Germany

The Reverend K. Gordon White, Associate General Secretary
Consultation on Church Union, Lowell, Massachusetts, USA

The Reverend Dr. G. S. Wilson, Professor of Humanities
Strayer University, Virginia, USA

The Reverend Wesley H. Wakefield, Bishop-General
The Bible Holiness Movement, Vancouver, B.C., Canada

The Reverend Hugh Wire, Retired Minister
Presbyterian Church (USA), Berkeley, California, USA

For additional information, please contact
The Reverend N.J. L'Heureux Jr., Executive Director
Queens Federation of Churches
86-17 105th Street, Richmond Hill, New York, USA
Telephone: 718-847-6764 – FAX 718-847-7392 – e-mail:
skip@ecunet.org

Proposed Legislation:

NATIONAL ASSEMBLY
CONSTITUTION OF OCTOBER 4th

"LAW PROPOSAL AIMING AT REINFORCING THE PREVENTION AND THE REPRESSION
AGAINST GROUPS WITH A SECTARIAN CHARACTER"

PREAMBLE

Ladies and Gentlemen:

Every day the news reports provide us with further examples of individuals being abused or families being torn apart by the actions and activities of cult organizations. Unfortunately, failing to find an effective cause of action at their disposal, the victims and their families far too often do not know where to turn when confronted with such dramatic situations of extreme distress. Granting associations the right to sue as a partie civile alongside the victims is already a considerable step forward. However, we need to go even further in order to prevent cult organizations from adversely affecting the individuals under their influence to the point of jeopardizing their lives or their bodily security, depriving them of the enjoyment of the freedoms guaranteed by the Constitution or impeding them from fulfilling their legal obligations, in particular with respect to their families.

Several parliamentary or interdepartmental reports have already addressed the situation of the cult organizations to which this Bill applies. Those reports have brought to the forefront that such cult organizations possess the characteristics that in numerous respects distinguish them from non-profit organizations having an object in accordance with the 1901 Law, from political parties defending political beliefs within a democratic framework, and from labor unions or professional organizations legitimately defending the interests of the professional category they represent.

Although the deputation has refused to implement an emergency legislation for cult organizations, it is, however, imperative that legal devices be created capable of rendering such groups harmless. An optimal use of all the existing law is therefore necessary. It is also necessary to reinforce the law by filling its gaps with a view to a greater protection of the proper enjoyment of freedoms. This obviously implies that dangerous acts will be punished and that the victims will be able to obtain compensation. However, prevention of the danger also means preventing such organizations

from conducting their activities and harming the individuals under their influence. Declaring such activities unlawful must therefore be made possible, in cases where such activities lead to either interfering with an individual's enjoyment of his constitutional freedoms, or jeopardizing his bodily security or his life, or preventing him from fulfilling his legal obligations, in particular with respect to his family.

Consequently, this Bill intends to provide individuals and the public authorities alike with new causes of action to allow them to paralyze the activities of cult organizations and render them harmless.

It is in this spirit that this Bill proposes that a procedure be established to allow a civil court to order the dissolution of an organization convicted on more than one occasion by a court of law (Chapter I); that a legal entity's criminal liability be increased in the event that individual freedoms are jeopardized (Chapter II); that any attempts to revive or reincorporate a legal entity found criminally liable be made more difficult (Chapter III); that the setting up and advertising of cult groups be restricted in the event that those members of the public particularly vulnerable such as minors, the elderly or the ill may be contacted (Chapter IV); and that the offense of mental manipulation be created as a specific offense (Chapter V).

Thus bolstered the criminal law henceforward will include a body of sanctions adapted to the fight against the activities of cult organizations or their leaders who may be guilty of undue influence of an individual or causing him physical or psychological duress or jeopardizing public policy. These devices will allow the victims of the acts complained of as well as their family to have additional grounds for bringing an action before a court of law and for obtaining compensation for the injury sustained.

The passage of this Bill will be a new milestone in the fight against cult organizations whose activities are aimed solely at curbing the enjoyment of freedoms and abusing the weak.

Chapter 1

Civil dissolution of some corporations

Article 1

Can be decided, according to the clauses of the current article, the dissolution of any corporation, whatever its legal form or its object, which pursues activities having for purpose or for effect to create or to

exploit psychological or physical dependency of the individuals taking part in its activities, and undermining human rights or basic freedom, when several final penal sentences have been decided against the corporation or its legal or factual (in fact or in law) representatives for one of the following crimes :

1° Violations for voluntary or involuntary harm done to physical or psychical integrity of an individual, for endangering an individual, for undermining freedom of an individual, for harming the dignity of an individual, for harming personality, for jeopardizing minors, or for damaging properties according to the articles 221-1 to 221-6, 222-1 to 222-40, 223-1 to 223-15, 224-1 to 224-4, 225-5 to 225-15, 225-17 to 225-18, 226-1 to 226-23, 227-1 to 227-27, 311-1 to 311-13, 312-1 to 312-12, 313-1 to 313-4, 314-1 to 314-4, and 324-1 to 324-6 of the Penal Code.

2° Violations for illegal medical practice or illegal pharmaceutical practice according to the articles L.376 and L.517 of the Public Health Code.

3° Violations for false advertisement, fraud and falsification according to articles L. 121-6 and L. 213-1 to L. 213-4 of the Consumer Code.

The procedure for dissolution is engaged before a court of first instance by the prosecutor per its own power or at the request of anyone having an interest.
The request is formed, dealt with and judged according to the fixed date procedure.
The appeal delay is fifteen days. The president of the court to whom the matter is assigned decides in a short time the date on which this procedure will be called. At the given day he acts according to the clauses of articles 760 to 762 of the new civil code procedure.
The maintenance or the recreation, open or masked, of a corporation that was dissolved by the use of the present article is an offense according to the second paragraph of article 434-43 of the criminal code.

Chapter II
==========

Extension of criminal responsibility to (moral entities) corporations for some offences.

Article 2

Is inserted, according to article 223-7 in the criminal code, an article 223-7-1 written as follows:

"Art. 223-7-1. -The corporations (moral entities) can be declared

criminally responsible of offences defined in the present section, under the conditions mentioned in the article 121-2 of the criminal code.
"The moral entities (corporation) are liable to following penalties :
"1) fine, according to article 131-38
"2) penalties mentioned in 2° to 9° of article 131-39
"3) penalties mentioned in 1° of the article 131-39 for the offences mentioned in the articles 223-5 and 223-6".
The indicated prohibition in 2° of the article 131-39 concerns the activity in the period of the exercise or the period in which the offence took place.

Article 3

Is inserted, according to article 223-15 in the criminal code, an article 223-15-1 written as follows:

"Art. 223-15-1. -The corporations(moral entities) can be declared criminally responsible of the offence defined in the present section , under the conditions mentioned in the article 121-2 of the criminal code.
"The moral entities (corporation) are liable to following penalties :
1) fine, according to article 131-38
2) penalties mentioned in 2° to 9° of article 131-39
3) penalties mentioned in 1° of the article 131-39 for the offences mentioned in the articles 223-5 "
The indicated prohibition in 2° of the article 131-39 concerns the activity in the period of the exercise or the period in which the offence took place.

Article 4

Is inserted, according the article 227-4 of the penal code, an article 227-4-1 written as follows:

Art. 227-4-1. -The corporations (moral entities) can be declared criminally responsible of the offence defined in the present section, under the conditions mentioned in the article 121-2.
"The moral entities (corporation) are liable to following penalties :
1) fine according article 131-38
2) penalties mentioned in 2° to 9° of article 131-39"
The indicated prohibition in 2° of the article 131-39 concerns the activity in the period of the exercise or the period in which the offence took place.

Article 5

Article 227-17-2 of the code modified as follows :

I. - In the first sentence, the words : "about the offence mentioned in the 2nd paragraph of article 227-17-1 " are being replaced by the words : "about the offences defined in articles 227-15 to 227-17-1"

II. - In the 2°, the words ; "in 1),4),8) and 9) of " are replaced by the word "to".

Chapter III
==========

Dispositions regarding the penalty of dissolution to which the corporations criminally responsible are liable.

Article 6

The article 434-43 from penal code is completed by 2 paragraphs written as follows :
"The fact, for any individual (physical person), to participate in the maintaining and reconstitution, overt or covert, of a corporation for which dissolution was pronounced according to the dispositions of 1° of article 131-39, is punished by 3 years jail sentence and a fine of 300 000 F."

"When the dissolution has been pronounced for a recurrent offence, or for the offence mentioned in the previous paragraph, the penalty is raised to 5 years jail sentence and a fine of 500 000 F."

Article 7

The article 434-47 of the penal code is completed by a 5° written as follows : "5° for the offences mentioned in the 2nd and 3rd paragraph of article 434-43, penalty of dissolution mentioned in 1° of article 131-39."

CHAPITRE IV
==========
Restricting dispositions for installation or publicity of sectarist groups

Article 8

In a perimeter of 100 meter around an hospital, poor people's home, retirement home, public or private prevention company, cure or cares including hospitalization, social hygiene services prevention dispensary, a social or medico-social center or a kindengarden, primary or secondary

school, the mayor and in Paris, the Prefet de police can forbide the installation of a corporation, whatever legal form or purpose, which has activities whose purpose or effects are to create or exploit psychological or physical dependence of persons that participate to these activities and attempting or harming human rights or fundamental liberties, when has been charged repeatedly against the corporation itself or his executives according to the law or in fact, definitive criminal charges for one or the other violations therefore :

1° Offences consisting in voluntary or involuntary attempts to the life or to the physical or psychological integrity of a person, harming a person, attempting one's freedom, attempting one's dignity, one's personality, putting in danger minors or attempting one's belonging according to articles 221-1 to 221-6, 222-1 to 222-40, 223-1 to 223-15, 224-1 to 224-4, 225-5 to 225-15 , 225-17 and 225-18, 226-1 to 226-23, 227-1 to 227-27, 311-1 to 311-13, 312-1 to 312-12, 313-1 to 313-4 , 314 -1 to 314-3 and 324-1 to 324-6 of penal code.

2° Criminal penalties for illegal medical or pharmacological practice mentioned in articles L 376 and L 517 of public health.

3° Criminal penalties for false advertising, frauds or alterations mentioned in articles L 121-6 and L 213 - 1 to L 213-4 of the consumers code.

The Non respect of a ban pronounced according to this present article is punished of 2 years jail sentence and a fine of 200 000 FF

The corporations can be declared criminally responsible of offence mentioned in the present article according to conditions of article 121-2 of penal code.
The penalty encured by the corporations is a fine according to the clauses mentioned in article 131-38 of the penal code

Article 9

Is punished by a fine of 50 000F, the fact of disseminating, by whatever mean, messages aimed at to young people and promoting a corporation, whatever its legal form or purpose, which has activities whose purpose or whose effect is to create or exploit the psychological or physical dependence of people that take part in those activities and which attempt to human rights or fundamental liberties, when has been pronounced several times against the corporation itself or its leaders according the law or in fact, definitive penal sentences for one or other of the following offenses :

1° Attempts voluntary or involuntary to the life or physical or psychological integrity of a person, putting in danger a person, attempt against one's freedom, one's dignity, one's personality, putting in danger minors or attempting one's belonging by the article 221-1 to 221-6, 222-1 to 222-40, 223-1 to 223-15, 224-1 to - 4 ,22(-15 et 225-18, 226-1 to 226--23, 227-1 to 227-27, 311-13, 312-12, 313-1, 313-4, 314--1 to 314-1 à 324 -6 from penal code.

2° Offenses for illegal medical or pharmaceutical practice mentioned in the articles L 376 and L 517 from the Public Health Code .

3° Offenses for false advertising, frauds and falsifications mentioned in the articles L 121-6 and l 213- 1 to L 213-4 of the consumers 'code.

The same penalties will be for the messages mentioned in the above paragraph which invite to meet the corporations.

The corporations can be declared criminally responsible of offence mentioned in the present article according to conditions of article 121-2 of penal code.
The penalty encured by the corporations is a fine according to the clauses mentioned in article 131-38 of the penal code

Chapter V
==========

Disposition creating the misdemeanor of mental manipulation

Article 10

It is created, after the article 225-16-3 of the penal code , a section III ter written as follows :

"Section III ter "About Mental Manipulation

" Art. 225-16-4. - Besides violence cases, menaces, sexual abuses or provocation to suicide, the fact, inside a movement whose activities have has a purpose or effect to create or exploit the psychological or physical dependency of the people who take part in these activities and attempting the human rights or the fundamental liberties, to exert on a person heavy and repeated pressure to create or exploit such a state of dependency and to lead it, against his will or not, to an act or to a non participation which is heavily detrimental is punished by 2 years jail sentence or a 200 000 FF fine.

" Art 225-16-5. - The offense mentioned in the article 225-16-4 is punished by 5 years jail sentence and a 500 000 FF fine when it is committed on a person whose vulnerability, due to his age, a disease, an infirmity , a psychological and physical deficiency or pregnancy, is seen and known by the author.

"Art. 225-16-6. - The corporation could be declared criminally responsible in the conditions mentioned in the article 121-2, of the offenses mentioned in the present section.

The penalties for the corporations are :

" 1° The fine according to the clauses in the art. 131-38 ;

" 2° The penalties in the article 131- 39.

" The ban mentioned in the 2° in the article 131-39 regards the activity in the exercise or in the exercise in which the offense was committed. "

Article 11

In the first paragraph of article 225-19 of the criminal code, the words : " by the sections 1 and 3 " are replaced by the words : "by the sections 1,3 and 3 ter ".

FRANCE: NEW PROPOSED DISCRIMINATORY LEGISLATION
INTENDED TO BAN TARGETED RELIGIOUS MINORITIES

Proposed Repressive Measures

A. new, "anti-sect" proposed law dated 30th May 2000 authored by MP Catherine Picard and signed by all French Socialist Members of the National Assembly represents the latest effort of extremists such as Alain Vivien, the President of the French government's Inter-Ministerial Mission for the Fight Against Sects, to pass repressive legislation designed to infringe upon the rights of targeted minority religions by manufacturing a means to ban disfavored minority religions from France. This repressive legislation, which received no publicity when it was introduced, is being rushed through the National Assembly to avoid debate and scrutiny by international human rights groups and the interfaith community. It is currently scheduled to go before the Law Commission on 21 June and, provided it is approved there, is intended to be brought up for passage the next day in the National Assembly.

The proposal's discriminatory intent in contravention of France's human rights obligations is blatantly articulated in the Preamble to the bill, which states that the purpose of the bill "is to paralyze the activities of sect organizations." The Preamble also notes that the repressive and anti-democratic measures contained in the bill are designed to be implemented solely against "sects" and are not intended to be implemented against non-profit organizations, political parties, and labor unions or professional organizations.

No attempt is made in the bill to define the term "sect," a derogatory term previously applied to improperly classify 172 minority religious communities in a 1996 National Assembly Report. In spite of the principles of non-discrimination and equal treatment, and in contravention of the European Convention on Human Rights, the French government has determined to arbitrarily classify religious groups into two separate categories: 1) religions which are viewed as law abiding and beneficial to society; and 2) "sects" which are viewed as dangerous to society, which are the targets of oppressive and discriminatory measures, and which the government declares must be "fought" against.

These arbitrary and improper designations are designed to create a suspect category of religious groups under the pejorative term "sects" as part of a political misinformation campaign to convince the public that "sects" should not be treated as religions and instead are dangerous ideologies necessitating criminal investigation and prosecution and requiring excessive control and eventual prohibition by the State.

The bill consists of eleven articles derived from three previous legislative proposals, including the controversial legislation introduced by Senator About which was approved by the French Senate on December 16, 1999. These articles include the following proposed measures.

Article One provides for the dissolution of a corporation or association if its activities: 1;"have the goal or effect to create or to exploit the state of mental or physical dependency of people who are participating in its activities" and 2) infringe on "human rights and fundamental. liberties," 3) in circumstances where the corporation or association, its managers (or de facto managers) have been convicted on more than one occasion for offenses such as fraud, illegal practice of medicine, and several other criminal offenses.

The procedure for dissolution is judicial. A prosecutor or any person with an interest in the matter (including, apparently, anti-sect groups and leaders) can initiate a dissolution action in civil court. The court has the discretion to order the dissolution of a legal entity if it determines that two conditions being met: 1) a finding that there has been more than one conviction of the legal entity or its directors or officers for any of the criminal offenses enumerated in the bill; and 2) a finding that the entity engages in activities that infringe human rights or fundamental freedoms for the purpose of or resulting in the psychological or physical dependence of persons taking part in such activities. The second finding provides a court with virtually unfettered discretion.

Moreover, Article One provides for expedited dissolution proceedings by requiring proceedings at a designated time and date in the court of first instance, requiring a fifteen day time limit for entering appeal, and establishing procedures for an expedited appeal.

Articles Two through Five are designed to create corporate criminal liability for corporations or associations falling under Article One where only personal liability previously existed. Moreover, this Article provides that the legal entity may be sentenced to various penalties such as a fine and the prohibition of the activity in the course of which or as a result of which the offense was committed. Article Two thus provides a separate means other than dissolution for a court to prohibit a minority religious organization's activities.

Article Six makes it a criminal offense (with a three-year prison term and a FF 300,000 fine for first offenders and a five-year prison term and a FF. 500,000 fine for repeat offenders) for any person to participate in the reconstitution of a dissolved corporation or association. Article Seven calls for the renewed dissolution of a reconstituted and previously dissolved entity.

Article Eight forbids the establishment of any offices, seat, church, advertisement or advertising activity by "sects" within 100 meters from a hospital., a retirement house, a public or private institution of prevention, curing or caring, or any school with students 18 years or younger. The Mayor or the Chief Commissioner of Police in Paris may enforce this measure if an organization is deemed to meet the conditions necessary for bringing dissolution proceedings. If this interdiction is violated, the sentence is two years' imprisonment and a FF 200,000 fine, and the corporation or association is subject to conviction.

Article Nine prohibits "promotion or propaganda intended for young people" by an association or group deemed to fall under Article One. Criminal penalties for such promotion consist of a FF. 50,000 fine, applicable to both individuals and associations.

Articles Ten and Eleven purport to create the new crime of `mental manipulation." This term is defined as any activity or activities "with the goal or the effect to create or to exploit the state of mental or physical dependence of people who are participating in the group's activities and to infringe human rights and fundamental liberties; to exert repeated pressure in order to create or exploit this state of dependence and to drive the person, against his will or not, to an act or an abstention which is heavily prejudicial." The penalty for "mental manipulation" is two years' imprisonment and a fine of FF. 200,000. If the victim is particularly weak due to age, illness, or other conditions, the penalty is five years' imprisonment and FF. 500,000. This crime applies to corporations and associations as well as to individuals.

One may question whether the astonishing eagerness of certain officials in France to engage in a "fight against sects" is a deliberate tactic of scapegoating. Were the above bill applied to political organizations, there are certainly convictions of French politicians to bring about the dissolution of the major political parties. The bill attempts to avoid this pitfall for elected officials by expressly singling out religious organizations in a blatantly unconstitutional manner. A number of commentators have observed that "sects" are being used to divert public attention and create the impression, at small political cost, that politicians remain the true protectors of citizenry. As sociologist of religion Regis Dericquebourg has noted, "a political community entangled in the economic crisis, unemployment and the rise of drug addiction, which creates thousands of homeless, and which no longer has a project sufficiently exciting to engage the citizens in collective action and which, more recently, was embarassed by the situations of the Islamic veil and the failure of the law on private schools, finds heretics to condemn."

The attempt to define and punish"mental manipulation" (also referred to as "brainwashing") is truly remarkable in light of a host of studies unanimously finding that this theory has no merit. The academic community, including scholars from psychology, sociology, and religious studies, have articulated an almost unanimous consensus that such "mental manipulation" and "brainwashing"

theories are completely lacking in scientific merit. These brainwashing theories have never gained any scientific credibility. Major studies by the leading authorities in the field and by prestigious organizations such as the American Psychological Association and the American Sociological Association debunking the myth of brainwashing symbolize the scientific and academic consensus that has emerged over the issue of brainwashing as it applies to new religious movements. Yet, these studies are ignored by the drafters of this bill in favor of popular ignorance and prejudice in an attempt to create a crime around a scientifically debunked myth.

The proposed legislation ignores fundamental freedoms guaranteed by international human rights treaties under the pretense of protecting them. The repressive measures in this proposed bill would, if passed, represent a blatant violation of minority and religious rights and result in a serious setback for civil and human rights in France. The extremist nature of this legislation reflects the anti-democratic recommendations and all-out war declared against religious communities designated as "sects" by Alan Vivien, the President of MILS, who is personally responsible for fanning the flames of religious prejudice and creating the pervading hysteria against new arid minority faiths in France.

Background

The 1999 Religious Intolerance report by the International Helsinki Federation graphically evidences the current state of religious intolerance in France and details certain discriminatory actions directed at religious minorities by the French government The Report finds that:

"Against this background, a manifold pattern of virtual persecution has developed. Minority religions have been publicly marginalized and stigmatized, and there have been attempts to hinder their activities--for example, through denying them access to public halls for their meetings or requiring them to pay higher rent. Authorities have scrutinized their management, and children of minority religious groups have been stigmatized as 'cult members' in their schools and neighborhoods."

France has embarked on a campaign against targeted minority religions which has raised substantial international concern because of the campaign's flagrant disregard for human rights standards designed to ensure minority religious rights. Although the United Nation Human Rights Committee, the United Nations Special Rapporteur on Religious Intolerance, the Human Rights Directorate of the Council of Europe, the European Court of Human Rights, human rights groups, scholars and experts in the field have all called for tolerance toward religious minorities consistent with notions of pluralism, minority rights, freedom of conscience and religious liberty standards mandated by human rights instruments, the French government has instead adopted exclusionary legislation designed to marginalise, ostracize, and stigmatize targeted minority faiths.

In 1995, the National Assembly unanimously adopted a resolution to create Commission of Inquiry "assigned to study the cult phenomenon-" The Commission, chaired by Alain Gest, published a report entitled "Sects in France" which included a list of 172 religions denigrated as "sects" and which advocated "information" campaigns and repressive measures against these 172 minority groups. Beginning in 1996, lobbying by groups opposed to minority religions such as UNADFI and the CCMM resulted in the adoption of a series of repressive laws and political measures targeting these 172 minority religious groups.

In October 1998, the Prime Minister issued a decree establishing a new inter-ministerial body under the direction of a President appointed by decree and a General Secretary appointed by the Prime Minister. The purpose of this body, according to the decree, is to "contribute to the information and training of civil servants to fight against sects" Indeed, the official title of this inter-ministerial group is the "Mission Interministerielle de Lutte Contre Les Sectes (MILS). MILS serves as an operational arm for public and semipublic authorities in order to "inform" the public about the "danger" of sects and to "limit" their activities, calling for the dissolution of minority religious groups targeted by the government. Numerous repressive measures have been passed to fight" so called "sects", including prosecutions designed to criminalize the practices and beliefs of disfavoured faiths, measures which directly interfere with the rights of minorities to educate and raise their children according to their own religious beliefs, and "sect enlightenment" and "sect awareness" programs designed to stigmatize minority religious groups.

The Proposed Bill Represents a Flagrant Violation of the European Convention of Human Rights

This proposed repressive legislation cannot withstand scrutiny in light of France's human rights obligations. For example, as detailed in the France section of the International Helsinki Federation's 1999 human rights report released 1st June 2000, the Council of Europe unanimously adopted a recommendation on 26th June 1999 which notes that "major legislation (regarding new and minority religions) is undesirable" because any legislation passed in this area "might well *interfere with the freedom of conscience* and *religion guaranteed by Article 9 of the European Convention on Human Rights.* "

Moreover, on December 14, 1999, the European Court of Human Rights issued its decision in ***Serif v Greece*** in which it reiterated its mandate for states to observe minority religious tolerance, noting that repressive measures directed at minority faiths in the name of the public order can "hardly *be considered compatible with the demands of religious* pluralism in *a democratic*

society"and are therefore in contravention of the rights to freedom of conscience and religion guaranteed by Article 9 of the Human Rights Convention.

Likewise, just a few days earlier, on December 8, 1999, the Human Rights Court decided *OZDEP v Turkey,* which found that government efforts to dissolve minority organizations because the government happens to be opposed to targeted minority ideologies constitute a violation of the right of minorities to freely associate as guaranteed by Article 11 of the Human Rights Convention. The case reaffirmed the principles the Court articulated in *Sidiropoulis v Greece* that the right to form and operate a minority association "is an inherent part" of the right to freedom of association, *"without which the right would be deprived of any meaning."* The Court noted that the government may not hide behind vague notions of public order and national security to dissolve minority organizations as minority organizations represent the "essence of democracy," as a democratic society should not only tolerate but protect and support minorities according to the principles of international law.

The Court noted that it would exercise "rigorous European supervision" over attempts to dissolve minority organizations. The Organization for Security and Cooperation in Europe (OSCE), in its September 1999 Review Conference publication entitled *Freedom of Religion or Belief: Laws Affecting the Structuring of Religious Communities,* endorsed the principles in these decisions, noting that "if citizens have the right to form a legal entity for politically controversial type of cultural or political organizations [before the European Court] **they should *a fortiori* have the right to a legal entity for a religious association that can claim protection under both Articles 9 and 11."**

The proposed legislation stands in direct defiance of these unequivocal recent legal pronouncements of the Human Rights Court which have also been endorsed and applied to minority religions by the OSCE.

Conclusion

The French government's recent repressive laws and measures against minority religions, the proposed legislation to dissolve targeted faiths, and current actions to "fight" minority religious groups flagrantly violate the principle of non-discrimination and equality before the law as enshrined in the French Constitution and national laws; the right to nondiscrimination on religious grounds protected by Article 14 of the European Convention on Human Rights in conjunction with other rights specified in the Convention such as the right to freedom of thought, conscience, and religion guaranteed by Article 9; the right to freedom of association, including the right to form minority organizations guaranteed by Article 11 of the Convention, Articles 2, 18 and 26 of

the International Covenant on Civil and Political Rights; the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief; the principles of religious liberty enunciated in Principles 16 and 17 of the Concluding Document of the Vienna Follow-Up Meeting of Representatives of the Participating States of the Organization on Security and Cooperation in Europe; and Section II, Article 6 of the Council of Europe's Framework Convention for the Protection of National Minorities

The oppressive measures which are currently implemented along with the new legislative proposal, if enacted, seriously erode the fundamental freedoms of religious minorities and will have a corrosive effect on the entire system of civil rights in France. Such oppressive measures have no place in a democratic society. Moreover, the explosion of recent case of discrimination directed at individuals and organizations associated with religious groups denigrated as "sects" is chilling and does not auger well for minority rights and religious freedom in France. Under these circumstances, international assistance is necessary to ensure that the oppressive and illegal actions of the French government targeting members of minority religions simply due to their associations and beliefs cease.

NATIONAL ASSEMBLY
CONSTITUTION OF OCTOBER 4, 1958
TENTH TERM

REGISTERED AT THE CHAIRMANSHIP OF THE NATIONAL ASSEMBLY

ON THE

22 DECEMBER 1995

REPORT

DONE IN THE NAME OF THE COMMISSION OF INQUIRY ON SECTS

CHAIRMAN

MR ALAIN GEST

REPORTE

MR JACQUES GUYARD

MEMBERS OF PARLIAMENT

THIS COMMISSION IS COMPOSED OF: Mr. Alain Gest, chairman, Mr Jean-Pierre Brard, Mrs Suzanne Sauvaigo, Vice-Chairmen, Mr Eric Dolige, Mr Rudy Salles, Secretaries, Mr Jacques Guard, Reporter, Mr Jean-Claude Bahu, Mr Pierre Bernard, Mr Raoul Beteille, Mrs Christine Boutin, Mr Jean-Pierre Brard, Mr Jean-Franeois Calvo, Mr Rene Chabot, Mrs Martine David, Mr Piere Delmar, Mr Bernard Derosier, Mr Eric Dlolige, Mr Jean-Pierre Foucher, Mr Jean Gency, Mr Alain Gest, Mr Jean Gravier, Mr Jacques Guyard, Mr Pierre Lang, Mr Gerard Larral, Mr Claude Gerard Marcus, Mr Thierry Mariani, Mrs Odile Moirin, Mr Georges Monthron, Mr Jacques Myard, Mrs Catherine Nicolas, Mr Francisques Perrut, Mr Daniel Picotin, Mr Marc Reymann, Mr Marcel Roques, Mr Rudy Salles and Mrs Suzanne Sauvaigo.
Human rights and Public Freedom,

* cults followers

Even if a precise calculation is difficult as it is hard to distinguish the true follower from the occasional disciple or the mere sympathizer, the police believes that the number of at least occasional followers comes to 160,000 and the number of sympathizers is 100,000.

It is however necessary to refine these results by mentioning that 80% of the movements regroup less than 50 members, nearly 60 cults even less than 50 members. We can therefore observe a concentration of the cult phenomenon of approximately forty movements, which we will see are for the most part those cults meeting a good number of the criteria of dangerousness.

The following lists, in alphabetical order and classed by size of membership, provide the name of the movements that can be qualified as cults according to the yard-stick of the defined criteria.

- Cult movements With -50% of followers

Alliance Rose Croix / Association Recherches Culturelles
AMPARA
Association Culturelle ALPHA
Association de Soutien e l'Oeuvre de Sundari - L'Ecole de L'Essentialisme
Association Le Droit de Survie
Association Spirituelle d'Haidyakhan
Centre d'Applications Psychiques "Raphael"
Centre d'Epanouissement et Aide Franeois de Sales
Centre de Developpement Humain
Centre de Therapie Dalmatie
Cle de l'Univers
Club Prelude e l'Age d'Or
Communaute de la Thebaide
Communaute Les Boucheries
Cosmicia
Cosmos - Intuition -Ailes
Dakpo Shampa Kadgyu
Ecole de la Preparation de l'Evacuation Extra Terrestre
Eglise Kristique de la Jesuralem Nouvelle Ordre de Raolf, d'Arnold et d'Osmond

Eglise Philosophique Luciferienne
El- Etre son Corps
Emissaries of the Divine Light
Enseignement et Therapie de Recherches Evolutives
Etre-Exister-Energetique
Fondation Saint-Germain
Grand Loge Souveraine Internationale Magique et Theurgique de rite Egyptien-Cagliostro
Ermitage du Christ de la Paix
Imagine
Insight Seminars - Innergy
Institut de Psychanimie
Institut de recherches psychanalytiques
Institut Frank Natale
Kofuku no Kagaku (Institut Pour la Recherche du Bonheur de l'Homme)
L'Arbre au Milieu
La Nouvelle Ere
Le Suicide des Rives
Landmark Education International - le Forum
Le Club des Surhommes
Le Village du Verseau
Les Amis de la Confrerie Saint - Andreas
Les amis de Marie - Les Pauvres de Marie
Les Croises de la Nouvelle Babylone
Les Jardins de la Vie
Loisirs et Sante - Le Corps Miroir
Lumiere Doree
MAEV
Methode Sylva de Contrele Mental
Ordonnance des Scribes Scientifiques et des Mysteres Initiatiques
Ordre des Chevaliers de France et de la Trinite Sainte
Ordre de Temple Universel
Red Concept Limited
Revelation de la 7eme heure
Sanctuary
Savoir Changer Maintenant
Shinji Shumeikai France
Spiritual Emergence Network France - Respiration Holotropique
Viveka
Cult movement with 50 and 500 followers
Amis de la Croix Glorieuse de Dozule
Arche de Marie
ASPIRAL

Association de Defenses des Libertes D'Expression dans L'Institution Franeaise (ADLEIF)
Association de Meditation en France
Association Nouvelle Acropole France (ANAF)
Association pour L'Unification du Christianisme Mondial
Association pour la Promotion des Arts Industrieux (APPAI)
Association pour la Recherche et L'Etude de la Survivance (APRES)
Association Vo vi de France - Amis de la Science du Non Etre de France
Athanor
Azazel Institute Inc.
Centre d'Etudes Gnostiques
Centre D'Information OSHO
Centre de Documentation et D'Iformation et de Contact pour la Prevention du Cancer
Centre de Meditation Mahatayana
Centre du Cygne Djivana Prana - Source de vie
Centre du Paraclet
Centre International de Paraphyschologie et de Recherche Scientifique du Nouvel Age
Cercle Initiatique de la Licorne Wicca Occidentale
Cometes Oxygenes - le Moulin du Soleil
Communaute pour la Propagation de la Vie Universelle
Communion de Satonnay
Eckankar France, Eija
Energie et Creation - Energie et Creativite, Energy World
Espace Culturel Etre Maintenant (ECEM)
Etude Tet Recherche en Energetique (E.T.R.E.)
Faculte de Parapsychologie
Famille de Nazareth
Federation Franeaise pour la Conscience de Krishna
Federation Internationale pour le Developpement de l'Alimentation Instinctive (FIDALI)
Fondation Elan vital
Harmonie Holistique
Human France - TVIND
Iesu no Mitama Kyokai (Eglise du Saint esprit de Jesus)
Institut de Recherche Physique et Conscience
Institut de Saint - Preux
Institut des Sciences Holistiques de l'Ouest
Institut Theologique de Nimes, L'Eglise e Paris
La Famille (ex-enfant de Dieu)
La Science du Mental
La Voie de la Lumiere (Unite de Recherches pour l'Evolution de la Lumiere)

La Voie Internationale
Le Grand Logis
Lectorium Rosicrucian (Rose Croix d'Or)
Lumiere du Maat
Maha Shakti Mandir, Mandala 33
Mission Swmi Atmananda Atma Bodha Satsanga
Mission Timothee
Mouvement Humaniste
Office Culturel de Cluny - Federation Nationale d'Animation Globale
Okyen Kunzang Choling
Ordo Templi Orientis
Ordre apostolique - Therapeutic Healing Environment
Ordre du Graal Ardent
Ordre du Lys et de l'Aigle
Ordre Monastique d'Avallon
Ordre Renove du Temple (ORT)
Oxyon 777 (Ex-Harmonia)
Paravidya Sagesse Supreme
Partage International Communication
Philosophe de la Nature
Reine de la Paix - Ordre du Coeur Immacule de Marie et de Saint Louis de Montfort, Reiyukai
Saint Bani, Saman
Seimeikyo Europe
Siderella
Sister Mouvement Rasta
Societe Holosophique de France
Star's Edge International - Methode Avatar
Sukyo Mahikari - Lumiere de Verite
Tradition Famille Propriete
Trans-Mutations
Venture
Vital Harmony SA

Cult Movements with 500 and 2000 folowers

Alliance Universelle
Anthropos - Association pour la Recherche Sur le Developpement Holistique de l'Homme
Association Subud de France - Susila Dharma France
Association Sri Chinmoy de Paris
Culte Antoiniste
Domaine d'Ephese
Eglise Evangelique de Pentecete de Besaneon

Eglise universelle de Dieu
Eglises du Christ International en France
Fraternite Notre Dame
Invitation e la Vie Intense
L'oeil s'Ouvre
La Maison de Jean
La Parole de Foi - Evangelisation Mondiale
Mouvement du Graal en France
Ontologie Methodique Culture et Tradition
Paris Dharma Sah - Lotus Sangha of European Social Buddhism
Societe Internationale de Trilogie Analytique - Sarl -
Union des Associations Centres et Groupes Sri Sathya Sai
Universite Spirituelle Internationale des Brahma Kumaris
Vie Chretienne en France - Centre de vie Chretienne
Viswa Nirmala Dharma - Sahaja Yoga

Cults movements with 2000 and 10 000 followers

Association Lucien J. Engelmajet
Cedipac SA (ex GEPM)
Chevaliers du Lotus d'Or
Communaute des Petits Freres et des Petites Soeurs du Sacre-Coeur
Eglise de Scientologie de Paris
Eglise Neo-Apostolique de France
Eglise Universelle du Royaume de Dieu
Energie Humaine et Universelle France - HUE France
Institut de Science Vedique Maharishi Paris - CPM - Club pour Meditants ("Meditation transcendantale")
Mouvement Raelien Franeais
Shri Ram Chanda Mission France
Soka Gakkai Internationale France
The Temoins de Jehovah

Number can be estimated at 130 000.

C. A POTENTIALLY EXPANDING PHENOMENON

In the last few decades, the cult phenomenon has gone through major changes which influence current trends. A prospective judgment moreover shows a trend toward potential expansion.

1. The current important Tendencies

It is obviously impossible to conduct a historical study on the cult phenomenon - of which the universality and continued existence in time has been underlined by the specialists - in the framework of this report which is after all not its purpose.

Already in his book "Religious Cults in Greece and Rome", Tite Live gave a detailed account of the affair concerning the Bacchants, followers of the cult of Bacchus.

Under the Roman Empire the first Christian communities were persecuted as much for their refusal to pledge their allegiance to the Emperor as for the accusations against them of sorcery (due to their nocturnal meetings) or anthropophagy (due to the rite of communion). The trials for sorcery from the Middle Ages until the beginning of the Reformation, of which nearly 100,000 persons in Europe were victim, bear witness to the longevity of the cult phenomenon. The Christian religions are not the only source of examples : thus Islam, of which Sufism is a form of Islamic mysticism, gave rise to the sect of the Hashishins who fought the Knights Templars in the Holy Land.

The recent evolution of the cult phenomenon nevertheless allows the identification of a certain number of major trends in relation respectively to the nature of the cults, their organization, the ideas they develop, and lastly the way they are perceived.

a) Nature of cult

A study of cult currently established in France shows that they were established in two waves.

The first dates from the beginning of the XXth century, during which religious movements hailing mostly from anglo-saxon countries settled in France, e.g. Jehovah's Witnesses, Mormons, Pentecostal (?), Adventists, Baptists: all these protestant movement added their objection to official Church doctrine to the objections already expressed by catholic offshoots (Antoinists, followers of Christ of Montfavet).

SUMMARY OF MILS REPORT

The yearly report of the MILS is 63 pages long and is organized into eight sections.

The introduction provides a summary of the history of the MILS and why it is having administrative difficulties.

The report explains that part of MILS' difficulties comes from the increasing number of requests it receives. MILS considers that each request for information or alert is important even when it concerns very small sectarian movements as "the large sectarian movements all started by forming up small groups with only a handful of people, almost unnoticeable at their origin."

In the report, Vivien complains about the fact that preventative actions against "sectarianism" have fallen behind and so far little attention has been paid by France to the United states government and U.S. Congress attitude toward "sectarianism."

While clearly stating that legislation strictly aimed at sects is not justified, the report states that it is necessary to adapt laws and regulations and thus prevent possible future problems. Vivien is particularly happy about the 1998 law increasing control over private schools and the current introduction of an amendment to the pending bill on presumption of innocence giving more power to "anti-cult associations."

In order to avoid the amalgam of all religious groups, Vivien's report has created four different types of groups:

a) Movements which are unquestionably religious or philosophical which have some aspect of their activities violating liberties, human rights or constitutional principles.

b) Sectarian groups which are permanently operating at the edge of legality with some strong organizational structure. French "new age" groups are included in that category.

c) "The absolute sects which reject the norms of democracy and propagate an anti-culture based on the predominance of an elite formed with the purpose of dominating the rest of mankind, and for some of them, the open promotion of racism."

Under this category, the report states that some groups should be able to be immediately disbanded and be forbidden to reopen. The report states that an increasing number of legislators are supporting the law proposal of Senator About which should be coming up for its first reading at the National Assembly during the year 2000.

d) The last category covers groups which are under unfounded suspicions based on rumors.

The report demands that the 1905 law be clarified to ensure that only certain religions be able to fall under it.

MILS is extremely happy with the cooperation of the Ministry of Education which has implemented since November 1999 a program to brief executives of the educational system. MILS is also happy about the fact that a special handbook for the civic instruction of children has been produced with the collaboration of MILS and CCMM.

Concerning the Ministry of Justice, MILS wishes that on-going investigation being done by the Minister of Justice into the disappearance of files in Marseille be rapidly concluded and its results published.

International Relations

MILS is extremely concerned about the 1986 Strasbourg Convention which made it possible for non-government organizations o have more power. MILS warns that sectarian organizations could utilize this status in a destructive fashion.

As a result of the Convention, a sectarian organization has requested the status of religion in a European County known for being lax on the subject of religious recognition.

MILS has worked with the Ministry of Foreign Affairs to deal with statements hostile to France spread by the OSCE conference in Vienna in March 1999. MILS therefor wants to make sure that groups which have been subjected to legal condemnation in different countries should not have the same voice as official government representatives.

MILS is very upset about the hearings organized by the CSEC last year on the subject of religious freedom in Europe which MILS consider were completely unbalanced. The first witness was the attorney for a sect which is very established in the US. The second witness was the American representative of a pretended "evangelical" group from the South of France, a branch of an American organization that has been reported in the media as having helped Scientology cause the bankruptcy of an anti-cult group in the US. This cult is not recognized by the protestant federation.

The third witness was a Belgian citizen who heads up "Human Rights Without Frontiers," a title aimed at creating confusion with the International Federation of Human Rights.

Based on these "testimonies," the US State Department has published an official report containing erroneous and unfriendly data on the situation of freedom in France.

In addition to the French Ministry of Foreign Affairs, anti-cult associations have strenuously protested this report.

Considering these circumstances, it is not considered opportune to maintain dialogue with the United States on this subject, as this dialogue constitutes only an "inquisition" based on "counter-truth."

MILS however will participate in an AFF conference in Seattle, United States, in April 2000.

MILS did appreciate a conference held in August in Paris for Ambassadors where the subject of sects was discussed but scholars contributed.

* * *

To deal with infiltration of sects in the business world the report makes a number of recommendations mostly centered around having MILS enter into partnership with businesses and provide information and detection methods.

The report proceeds to provide a definition of a "sect" or cult. The definition is broken down in three parts.

The definition of a sect is an association toalitarian structure, with or without expressed religious objectives that has a behavior that violates human rights and social equilibrium.

It establishes first that sects are usually legally formed per the 1901 assocation law. A sect is then defined as a totalitarian structure where any critics are disallowed and harassment of dissidents is permitted and even advised. This harassment includes diffamation, loss of employment, severance of personal ties, destruction of social responsibilities. The third part of the defining factor for a sect is that its behavior violate human rights and social equilibrium. Under this third clause, the report claims that sects systematically violate the laws that prevent proselytism, they destroy normal biological eating habits, keep childrend disconnected from the world and coerces adults to turn over its properties to the sects. Furthermore, cult members are educated into infiltrating society, the work place, etc. and systematically violate their vows of confidentiality and secrecy. Cult members are even stealing documents that could be compromising to their group.

The report further defines the concept of sect by referring to the 1995 sect report which provided 10 different criteria: mental destabilization, exorbitant financial obligations, disconnection from one's normal environment, physical abuses, emprisonment of children, anti-social discourse, violation of the public order, judicial investigations, bypass of the usual financial procedures, infiltration of government offices, refusal of the rights to change one's religious beliefs, inequality between men and women, anti-semitic and racist positions, protection

LE MONDE 3-23-00

TITLE: JACQUES GUYARD SENTENCED FOR CALLING THE ANTHROPOSOPHIC MOVEMENT A CULT

Sub title: Parliamentary investigation committee's work not considered "a serious investigation."

The president of the parliamentary investigation commission on cults, Jacques Guyard, was sentenced on Tuesday, March 21 to a fine of 20,000 Francs and to 90,000 Francs in damages for publicly calling the anthroposophic movement a cult on France 2 (a national TV station.) The Paris courts ruled that Mr. Guyard could not "justify calling his investigation serious."

Jean-Michel Dumay
Dumay@lemonde.fr
Updated Wednesday, March 22, 2000

IMPOSSIBLE to "claim the investigation was serious", evidence irrelevant or having "no convincing value", "report containing no opposing views"... The methods of the parliamentary investigation committee are in trouble (from the French expression "have lead in their wing" which means not quite shot down but definitely hurt) as can be seen in the ruling of the Paris Court's 17th correctional district which, on Tuesday March 21, condemned the committee's president, Jacques Guyard, member of parliament for the Socialist Party in the Essonne region, to a fine of 20,000 Francs and to 90,000 Francs in damages for libel against three anthroposophic movements inspired by Rudolf Steiner's philosophy.

On June 17, 1999, as the investigation committee published its second report on cults and money, Mr. Guyard was invited to speak during the news hour at 1pm on France 2. A documentary on an anthroposophic "communal home" was being shown. Anthroposophy, which was not listed as a cult in the committee's first report in 1995, is mentioned in the new report's list of cults. The question was: "What criteria was used to classify this movement as a cult?" His answer: "It's typical. All these movements are at first very attractive and then one finds out their main goal is either to funnel money or to exert absolute power over people.... In this case, it is quite clear there is indoctrination." Mr. Guyard further claimed there was an "alarming medical aspect to it" based on "specific testimonies from patients."

The Steiner School Federation (17 in France including 2 under contract, 180 in Germany) didn't appreciate this. Neither did La Nouvelle économie fraternelle (the New Fraternal Economy), an anthroposophic credit union, controlled by the Caisse Centrale du crédit Coopératif, and an official partner of the Ministry of Employment. And neither did the Mercure fédéral, the French anthroposophic medical associations union (400 medical doctors, 1,500 prescribers) which notes that anthroposophic medicine is recognized by the European authorities, which similarly recognize acupuncture, homeopathy and plant therapy.

"I didn't know the only subject we would talk about that day would be anthroposophy," Jacques Guyard said as he tried to defend himself and explain his statements during the TV show. The member of parliament maintained, however, the "cult" label, using as proof a "secret file" in the RG (Renseignements Généraux -- The French internal secret services.) Then he mentioned, several times, the "secret" character of the parliamentary committee's work which, according to him, did not allow him to reveal his source of information. "That's a lot of secrets when everyone should know what's happening!" Martine Ract-Madoux, president of the court, ended up exclaiming.

NO "OPPOSING VIEW"

In its ruling, the court concluded: "We are compelled to observe that Mr. Guyard formulated accusations on television against a movement on which he could not prove he had done a serious investigation. [His]

statements show [he] only knew of written reports from persons claiming to be victims of anthroposophy, but that neither the authors of these reports nor the leaders of the anthroposophic movement had been heard by the committee. They also show that, to obtain its opposing views, all the investigation consisted of was sending a questionnaire to be filled out to about 60 groups considered to be cults."

"None of the evidence was relevant to the accusations of mental manipulation, financial pressure, embezzlement and medical practices endangering the life of patients" added the court, which refused to grant the RG document any "proof value."

It also rejected that Mr. Guyard be granted the parliamentary immunity as opted for by François Cordier, deputy public prosecutor (apparently, the government prosecutor defending Guyard.) The judges ruled that the prejudice caused to the civil party was "important .... Since the libelous statements [had] been uttered by a member of parliament, president of [the] committee, and whose authority and competence were not able to be doubted by the general public."

Byline: Jean-Michel Dumay

Thursday, March 23, 2000

American Muslims for Jerusalem

208 G Street, NE, Suite 100, Washington, DC 20002
Phone1: (202) 548-4200 Phone2: (703) 869-3615 Fax: (202) 548-4201
E-mail: amj@amjerusalem.org WWW: http://www.amjerusalem.org

In the Name of God, the Most Compassionate, the Most Merciful

Brief on discrimination against Muslims in France

In 1994 French Education Minister Bayrou, "issued a decree banning Islamic veils in public schools, saying they were incompatible with France 's principle of strict secularism."[1] The ban was not applicable to, "crosses worn on necklaces or Hebrew yarmulkes (skullcaps)." [2] In 1999, France's highest court reaffirmed the ban.[3]

At the time the decree was issued there were approximately 1100 veiled (Muslim) schoolgirls in France.[4] In the wake of Bayrou's decree upwards of 100 Muslim girls were expelled from their schools. In order to observe their faith, hundreds of other Muslim students were forced to defy the ban.[5]

In an article printed on January 1, 1999 the Irish Times reported:

> The (French)Ministry of Education has employed a full-time mediator to deal with disputes involving the foulard Islamique for the past five years. The mediator, an Algerian-born former teacher named Hanifa Cherifi, says there are now 400 young women wearing veils in French schools. About 100 of them have become embroiled in legal battles, and a November 1998 report drawn up by Ms Cherifi noted with alarm that many schools now refuse to accept veiled girls. The reason most often cited for excluding them is 'the risk of contaminating other Muslim students'.

In March, 2000 the French Consulate in Chicago initially refused to allow a French citizen working in the area to wear her headscarf in a passport renewal photo. After public outcry by the American Muslim community this decision was reversed.

The French Constitution guarantees the right to wear a religious symbol. The UN Declaration of Human Rights also secures an individual's right to express their religion without fear.

In an article printed on June 11, 2000 The Washington Post found:

> Racial discrimination, even racism itself, remains a persistent fact of life in France --and the French themselves admit it under the anonymity of a

[1] Chicago Tribune, 02/03/1995
[2] The Globe and Mail, 01/07/1999
[3] Chicago Tribune, 04/06/2000
[4] The Age, 01/11/1995
[5] The Globe and Mail, 01/07/1999

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208 G Street, NE, Suite 100, Washington, DC 20002
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> pollster's survey. According to a Louis Harris opinion poll released in March, only 29 percent of those surveyed declared themselves "not racist." More than 6 in 10 said there were too many people of "foreign origin" in France, and they were specific about it: 63 percent said there were too many Arabs, and 38 percent said there were too many blacks.

Islam is the second-largest religion in France. There are between 5 and 6 million Muslims in France, primarily they are immigrants from Algeria, Morocco and Tunisia.[6]

[6] (Washington Post, 06/11/00)

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LONG ISLAND OUR STORY

Text of the Flushing Remonstrance

From the New York Historical Records

Remonstrance of the Inhabitants of the Town of Flushing

To Governor Stuyvesant December 27, 1657

Right Honorable,

You have been pleased to send up unto us a certain prohibition or command that we should not receive or entertain any of those people called *Quakers* because they are supposed to be by some, seducers of the people. For our part we cannot condemn them in this case, neither can we stretch out our hands against them, to punish, banish or persecute them for out of Christ God is a consuming fire, and it is a fearful thing to fall into the hands of the living God.

We desire therefore in this case not to judge least we be judged, neither to condemn least we be condemned, but rather let every man stand and fall to his own Master. Wee are bounde by the Law to Doe good unto all men, especially to those of the household of faith. And though for the present we seem to be unsensible of the law and the Law giver, yet when death and the Law assault us, if we have our advocate to seeke, who shall plead for us in this case of conscience betwixt God and our own souls; the powers of this world can neither attack us, neither excuse us, for if God justifye who can condemn and if God condemn there is none can justify.

And for those jealousies and suspicions which some have of them, that they are destructive unto Magistracy and Minssereye, that can not bee, for the magistrate hath the sword in his hand and the minister hath the sword in his hand, as witnesse those two great examples which all magistrates and ministers are to follow, Moses and Christ, whom God raised up maintained and defended against all the enemies both of flesh and spirit; and therefore that which is of God will stand, and that which is of man will come to nothing. And as the Lord hath taught Moses or the civil power to give an outward liberty in the state by the law written in his heart designed for the good of all, and can truly judge who is good, who is civil, who is true and who is false, and can pass definite sentence of life or death against that man which rises up against the fundamental law of the

States General; soe he hath made his ministers a savor of life unto life, and a savor of death unto death.

The law of love, peace and liberty in the states extending to *Jews, Turks,* and *Egyptians,* as they are considered the sonnes of Adam, which is the glory of the outward state of *Holland,* soe love, peace and liberty, extending to all in Christ Jesus, condemns hatred, war and bondage. And because our Saviour saith it is impossible but that offenses will come, but woe unto him by whom they cometh, our desire is not to offend one of his little ones, in whatsoever form, name or title he appears in, whether Presbyterian, Independent, Baptist or Quaker, but shall be glad to see anything of God in any of them, desiring to doe unto all men as we desire all men should doe unto us, which is the true law both of Church and State; for our Savior saith this is the law and the prophets.

Therefore, if any of these said persons come in love unto us, wee cannot in conscience lay violent hands upon them, but give them free egresse and regresse unto our Town, and houses, as God shall persuade our consciences. And in this we are true subjects both of Church and State, for we are bounde by the law of God and man to doe good unto all men and evil to noe man. And this is according to the patent and charter of our Towne, given unto us in the name of the States General, which we are not willing to infringe, and violate, but shall houlde to our patent and shall remaine, your humble subjects, the inhabitants of *Vlishing.*

Written this 27th day of December, in the year 1657, by mee

Edward Hart, *Clericus*

Long Island: Our Story | Top of Page

Biographical Sketch

The Reverend N. J. L'Heureux, Jr.

Executive Director, Queens Federation of Churches

The Reverend N. J. L'Heureux, Jr., is Executive Director of the Queens Federation of Churches, the ecumenical agency in the Borough of Queens, City of New York, which relates to over 700 Christian congregations in that Borough. As the chief executive officer, he provides oversight for the Federation's varied programs which include information services, consultations, training seminars and workshops for church leaders, and direct service ministries including the Emergency Food Service and the Campus Ministry at York College.

He holds degrees from Ohio Wesleyan University and from Boston University School of Theology where his studies focused on sociology of religion and social ethics. Ordained by The United Methodist Church in 1969, Pastor L'Heureux served churches in Northport, Long Island, and in Maspeth, Queens, before being called by the Queens Federation of Churches in 1978 to become its third executive director.

A special focus of his ministry with the Queens Federation of Churches has been the prophetic role of the church in the social order. His work emphasizes the inclusiveness of God's Covenant across the boundaries of race, nationality, or class. He is an advocate of the right of religious people to proclaim their message and to seek their adherents without the impediment of government-enforced sanction. He has exposed for remediation widespread government practices which interfere with the Church's ability to plan and manage its own ministry.

Pastor L'Heureux is an active religious leader in New York City. He is past chairman of the Committee of Religious Leaders in the City of New York and continues to chair the New York State Interfaith Commission on Landmarking of Religious Property. He is president of the Queens Interfaith Hunger Network, chairman of Tri-State Media Ministries, secretary of the Interfaith Assembly on Homeless and Housing, and secretary of the Board of Directors of the Council of Churches of the City of New York.

His national leadership includes service as moderator of the Committee on Religious Liberty of the National Council of the Churches of Christ in the U.S.A. He has participated in international conferences for religious freedom in Europe and an ecumenical delegation inquiring into accusations of the persecution of Christians in Egypt. He has served and continues to work with a number of other committees, organizations and task forces which seek to make justice the way of life for all of God's children.

Born and raised in Meriden, Connecticut, he makes his home in Richmond Hill, Queens, with his wife, Ruby, and children: Edward, 20, and David, 14.

6/2000

86-17 105th Street • Richmond Hill, NY 11418-1597 • 718/847-6764
FAX 718/847-7392 • e-mail: skip@ecunet.org

HEARING BY HOUSE COMMITTEE ON INTERNATIONAL RELATIONS
RAYBURN HOUSE OFFICE BUILDING
June 14, 2000

THE TREATMENT OF RELIGIOUS MINORITIES IN WESTERN EUROPE
Effect on Institutional Level and Personal Lives
Presented by Philip Brumley
General Counsel for Jehovah's Witnesses

INTRODUCTION

Fifty-seven years ago on this very day—June 14, the nation's annual Flag Day—the Supreme Court handed down one of its most historic decisions: *West Virginia State Board of Education v. Barnette.* Speaking for the Court, Justice Jackson stated: "If there is any fixed star in our Constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."[i] This ruling guaranteed religious freedom for Jehovah's Witnesses in connection with our Bible-based belief that saluting any flag violates God's demand for exclusive devotion.[ii]

Even though most citizens do not agree with our doctrinal stand on this issue, the fact remains that the United States has gone on record that it will defend our right to adhere to this belief. In contrast, many nations of Western Europe are becoming increasingly equivocal about whether they will protect genuine freedom of worship.

When governments determine that religious beliefs do not meet standards of "loyalty" to the State or constitute a breach of public order and withhold religious recognition or registration, where does that lead us? Will governments next dictate what beliefs are acceptable in democratic societies? When governments fail to acknowledge any distinction between commercial enterprises and voluntary, self-sacrificing endeavors to promote humanitarian, religious endeavors, what will happen to the concept of charities? Will volunteerism be taxed out of existence? Can a government legitimately assert that it protects religion freedom when at the same time it uses its taxing power to oppress those who belong to certain religions?

We will provide some details of these trends using France, Belgium, Germany, Austria, and Sweden as examples. The following facts speak for themselves and document the current state of the basic human right of religious self-determination in Western Europe.

DIFFERENTIAL TREATMENT IN FRANCE

Records show that Jehovah's Witnesses have been active in France since 1891. This spring more than 204,000 attended the most sacred celebration of the year for Jehovah's Witnesses, the Memorial of Christ's death. Certainly Jehovah's Witnesses are not a "new" religious movement and can hardly be called a "minority" religion when we are the third-largest Christian religion in France.

The recent attempt of the French government to officially deny religious status to Jehovah's Witnesses began with an adverse ruling by the Conseil d'Etat in a 1985 inheritance case.

(The French will aver that, under the rubric of the "wall of separation of Church and State," the French government grants official recognition to no religion. However, the facts speak otherwise. Recognized religions are extended benefits, such as being able to receive charitable bequests.) The Conseil d'Etat refused to allow one of Jehovah's Witnesses to leave a portion of her estate to the Association of Jehovah's Witnesses in France because the court did not agree with our doctrinal rejection of blood transfusions and refusal to participate in military service. The fact that there are 3,000 French doctors who are willing to operate without blood completely eviscerates the first basis for the court's ruling. The passing of a law on alternative non-military service in France that provides a conscientiously acceptable method for young Jehovah's Witnesses to render 'Caesar his due'[iii] does away with the other reason for the Court's refusal to recognize the legitimacy of the faith of Jehovah's Witnesses in France.

In spite of these favorable developments, the French Parliamentary Commissions on Sects have made the situation worse by issuing biased reports containing lists of supposedly "dangerous sects" and including Jehovah's Witnesses among them.

Institutional Consequences:

A direct result of the discriminatory treatment toward Jehovah's Witnesses in France is a 60-percent tax that has been levied on donations received by the Association of Jehovah's Witnesses in France. Next week, on June 20, 2000, a hearing is scheduled in Nanterre on this matter. Supreme Court Justice John Marshall wisely observed: "The power to tax involves the power to destroy."[iv] Although governments are fully authorized, both Biblically and secularly, to tax their constituents, this particular tax has no other purpose but to make it impossible for Jehovah's Witnesses in France to financially support the operations of their own faith. That means 60 cents of each dollar contributed to support our annual Bible conventions, operate our Kingdom Halls (houses of worship), and fund national relief measures will go to the French government. Only forty cents on the dollar will be left to use for the charitable reason for which it was given. No religion could financially continue to operate under such a punitive tax.

To our knowledge, no other religion is being taxed 60-percent on personal contributions made in good faith to their church. Instead, other religions enjoy tax exemptions granted by the Conseil d'Etat. Not even most minority religions are taxed—in fact, we are only aware of one other case where personal donations to a religious association have been questioned.[v] The French tax authorities have clearly indicated at the conclusion of their 1996 and 1997 audits that the association that is now being exorbitantly taxed "participates in the maintenance and practice of Jehovah's Witnesses' form of worship."[vi] Those audits established the not-for-profit nature of the associations used by Jehovah's Witnesses. Recently, an audit by the international firm of Grant Thornton likewise established the not-for-profit character of all associations used by Jehovah's Witnesses in France.

Upholding the religious nature of Jehovah's Witnesses' associations, there have recently been four favorable Courts of Appeals decisions exempting Kingdom Halls of Jehovah's Witnesses (houses of worship) from paying land (property) tax. This is part of the process established in France to grant religious recognition. Needless to say, French authorities have appealed all four cases which means that this issue will ultimately be heard by the Conseil d'Etat. Should

that court rule in favor of religious freedom as Justice Jackson's court did in this country in 1943, it will not be necessary for us to pursue this matter to the European Court of Human Rights.

Personal Consequences:

The negative effects on a personal level from the parliamentary mislabeling of Jehovah's Witnesses as a "dangerous sect" are widespread. Schoolteachers and day care workers who are Jehovah's Witnesses have been targets of smear campaigns, unwanted job transfers, or have been fired because they were perceived as being a threat to the safety, morals, and education of children under their care only because of belonging to a supposed "sect."

A new aspect of the consequences on a personal level is illustrated in the case of René Schneerberger, a minister of Jehovah's Witnesses, who has been corresponding regularly with inmates in the French prison system to provide spiritual guidance. Some prisoners, who are not Jehovah's Witnesses, requested subscriptions from René to *The Watchtower* and *Awake!,* the official journals of Jehovah's Witnesses. In October 1999, the prisoners advised Mr. Schneerberger that they were no longer receiving these religious magazines. The reason given by the director of the Bapaume prison was that the magazines were suspended because of the "sectarian" nature of Jehovah's Witnesses as "recognized by the parliamentary commissions." The suspension has not been lifted.[vii]

DIFFERENTIAL TREATMENT IN BELGIUM

Belgium's roots with Jehovah's Witnesses also trace back to 1891. At the Memorial celebration of Christ's death held this spring, there were more than 46,000 in attendance.

Belgium also had its parliamentary commissions and reports on sects in 1997 with ongoing consequences. Although Jehovah's Witnesses have no "institutional consequences" as a result of being included in the discriminatory list of sects that was published, there are effects on a personal level.

In some schools of the French-speaking community in Belgium, students who are Jehovah's Witnesses are feeling the effect of being perceived as belonging to a "dangerous sect." For example, a teacher in the Ecole des Pagodes[viii] issued a paper for class discussions that said: "In Belgium, there are 189 variable dangerous sects and 37 are hard-core ones, such as—Jehovah's Witnesses [among others]."

In child custody disputes, some judges have a high regard for Jehovah's Witnesses and have granted custody to the Witness parents and rejected the allegation of opposing parties who claim that Jehovah's Witnesses are dangerous. But note what was stated in two cases in the Flemish section of Belgium:

- "It constitutes a grave danger for the children taking into account the influence of the Jehovah-sect" of which the mother seems to be a member.[ix]
- "Jehovah's Witnesses are not to be viewed as a religion but as a movement of fanatics."[x]

DIFFERENTIAL TREATMENT IN GERMANY

In 1891, Jehovah's Witnesses became established in Germany. This year over 276,000 attended the Memorial of Christ's death—again not a new religion and not an insignificant minority. In the not-too-distant past, Jehovah's Witnesses survived the Nazi concentration camps and Communist persecution on German soil.

The right of Jehovah's Witnesses to remain neutral in politics has again become the focus of a legal struggle over our right to have the same legal status that is granted to other recognized religions. The denial of this favored status to Jehovah's Witnesses is based on our Bible-based and historical stand of not electing individuals to political office. Recall that Jesus told Pilate: "My kingdom is no part of this world."[xi] The German State has determined that this is not an acceptable belief in a democratic society. Since freedom of conscience and belief is one of the most basic and universally protected human rights, what should have been a mere logistical formality has transcended into a human rights struggle.[xii]

Institutional Consequences:

The Federal Administrative Court made a decision that has far-reaching consequences for Jehovah's Witnesses in Germany. They reversed two lower court decisions and refused recognition to Jehovah's Witnesses as a "public law" corporation. Jehovah's Witnesses had fulfilled all designated requirements, but the State introduced a new element when considering our application. It was decided that Jehovah's Witnesses do not have the degree of loyalty required by the German State to extend favorable-status treatment. This decision is based on the fact that historically Jehovah's Witnesses refrain from participation in political elections or holding political office. Not even the German Constitution requires mandatory participation by all citizens in the electoral process, but evidently the Federal Administrative Court requires this of Jehovah's Witnesses. We have contested this decision through a complaint to the Constitutional Court.

Due to this federal-level decision, the finance authorities then took the unwarranted step to rescind the permanent nature of tax exemptions granted to associations owning the houses of worship for Jehovah's Witnesses in Germany. These authorities, in anticipation of a negative outcome, are poised to declassify Jehovah's Witnesses' corporations as not being of "common benefit." If an adverse ruling is handed down, every Kingdom Hall in Germany will be taxed as though what goes on inside is not worship, an assertion so ludicrous that no nation could make it and still maintain that it guarantees religious freedom to those within its borders.

Personal Consequences:

The impact of the trend toward discrimination of members of minority religions is well illustrated by what happened to a family from Bergheim, where both parents are Jehovah's Witnesses. Over a period of 15 years, the Local Youth Office in Bergheim assigned about 20 foster children to this couple's care. After the chairwoman of an anti-cult-movement contacted the office, they refused to renew the Witness couple's permit for a baby girl to remain with them, although the baby had spent half her infant life in their care. This resulted in a two-year court battle, with the court ultimately defending the rights of the Witness parents to retain custody of the

foster child and rejecting the youth office's arguments as completely unfounded. However, after the court case, the Local Youth Office has not assigned any new foster children to the care of this family. Clearly, the courts cannot legislate an end to prejudice.

DIFFERENTIAL TREATMENT IN AUSTRIA

Jehovah's Witnesses began their preaching in Austria in 1891. In April 2000, over 33,000 joined them in their sacred annual Memorial of Christ's death.

After 20 years of seeking to be classified as a religion in Austria and just when the courts were close to obligating the government to do so, the government passed a new law setting up a special religious category called "confessional community." We are the only religion immediately affected by this law. Under this new law, we are now required to wait an additional 10-year probationary period before we may once again apply for recognition as a religion. As a result, this new law automatically and deliberately extends Jehovah's Witnesses' 20-year struggle into a 30-year wait. In the meantime, a new complaint by Jehovah's Witnesses is pending with the Austrian Constitutional Court concerning the new law that created this multi-tiered religious classification system.

Institutional Consequences:

The classification of "confessional community" does not allow for performance of marriage rites, pastoral visits to hospitals or prisons, recognition of ministers who are free from military and civil service, or tax advantages.

Showing that not all Austrian officials share the same viewpoint, last fall the Austrian Constitutional Court handed down a favorable decision regarding the pastoral care of a prisoner. This decision influenced the Federal Ministry of Justice to make a provision for Jehovah's Witnesses to visit prisoners who request assistance from us.

Personal Consequences:

To illustrate the impact on people's daily lives, we offer two examples from Austria. A woman who is one of Jehovah's Witnesses applied for an apartment in a village. The mayor of that village has a say on such decisions. At a meeting with the mayor, both parties came to an oral agreement. Upon departing the mayor asked in passing: "You do not belong to a sect, do you?" The woman said: "I am one of Jehovah's Witnesses." The mayor did not say anything, but was visibly shocked. Later the Witness was told that the apartment had to be given to someone else.

At times, when seeking work, a trial period or preliminary tests are required for all applicants. The results of such trial periods have often been very positive for applicants who are Jehovah's Witnesses. Employers have advised them that they are very pleased with their work. However, when employers learn afterwards that the applicant is one of Jehovah's Witnesses, all interest in hiring them is dropped. Most employers have only expressed their reluctance verbally, but one letter explicitly stated: "We thank you for your application but we are sorry to

have to tell you that based on our long experience we do not employ persons belonging to any kind of sect."

DIFFERENTIAL TREATMENT IN SWEDEN

The work of Jehovah's Witnesses began in Sweden in 1886. This year over 36,700 joined together in the annual celebration of the Memorial of Christ's death.

Sweden just instituted an arrangement for registering religions, thus ending the existence of one official State religion. We are pleased to report that on March 13, 2000, the government registered Jehovah's Witnesses as a religious community. However, Sweden's labor and tax laws evidently make no exceptions for members of religious orders or other religious workers. Because of a lack of any acknowledgment of "volunteerism" even based on religious devotion, the Swedish government is in effect dictating how much time and energy one can devote to godly endeavors within the context of a monastic arrangement. In fact, other religions in Sweden no longer have volunteers, but have to rely on an employed staff under central collective agreements with labor unions. For Jehovah's Witnesses, volunteering our time and energy to promote true worship is the whole-souled sacrifice that we desire to make to God.

Institutional Consequences:

In most nations Jehovah's Witnesses have a national office that coordinates, under the direction of the Governing Body in New York, the religious activities of adherents in that land. Those serving in these offices belong to a religious order and provide their services free of charge. This inures to the benefit of Jehovah's Witnesses worldwide by keeping the cost of our religious endeavors to a minimum. Instead of recognizing the monastic nature of our office in Sweden, the authorities there are obligating each member of that office to pay a tax on any service he or she receives from others who also serve there. Labors of love, such as cooking, cleaning, or doing the laundry, contribute to a family environment and expedite efforts of others to translate and distribute our religious literature, and organize the worship of Jehovah's Witnesses throughout Sweden. These helpful endeavors are being assessed at the current "market value," that is, what it would cost to commercially obtain such services. Thus, they have become prohibitively expensive to those benefiting from those services, although no one is being paid. For example, a volunteer member of our religious order in Sweden receives approximately $100 to reimburse him for personal expenses incurred during the month. The tax imposed adds up to $937, almost 10 times the cash income that he receives.

By requiring a tax for volunteer efforts—anything perceived as a personal service—the government has equated the self-sacrificing, religiously-motivated lifestyle of members of the coordinating office of Jehovah's Witnesses in Sweden with wealthy individuals who pay for such services. As a result of this attempt to secularize the religious activities of what takes place at our office in Sweden, we may have to drastically reduce the number of volunteers who serve there.

Keeping this situation in mind, you may recall a Biblical event involving Jesus and Mary, the sister of Lazarus. Matthew, Mark and John all record the event, which took place not long

before Jesus died. The account at Mark 14:3-8 states, in part: "A woman came with an alabaster case of perfumed oil, genuine nard, very expensive. Breaking open the alabaster case she began to pour it upon his head." Many of Jesus' followers objected to this act of kindness because of the cost of the gift. Jesus reprimanded them saying, "Let her alone. She did a fine deed toward me. She did what she could." The account estimates that Mary's gift of personal service cost 300 denarii, which was the equivalent of a year's wages.[xiii] If Mary had attempted to render such a service today, Sweden would require Jesus to pay a tax of 10 times the value of the gift for Mary's personal service, i.e., 3,000 denarii in cash. Mary would have been precluded from rendering the service to Jesus and our Lord would have been precluded from accepting it. What Jesus called "a fine deed" would never have taken place. This well illustrates the dilemma facing our religious order in Sweden.

Unhappily, this situation is not limited to Sweden, but is becoming more frequent throughout Western Europe.

Personal Consequences:

A case in point is a graduate of our missionary training school who has been serving voluntarily in Sweden since 1961. She has devoted her life to her religious work. She has acquired decades of experience as a translator of Bible literature. Now she has been forced to reduce the amount of time she formerly devoted to translation to cook her own meals, care for her own laundry, and clean her own room because she cannot afford the prohibitive tax that would be imposed if others were to care for those needs, as is routinely done in other branch offices of Jehovah's Witnesses throughout the world.

In another case, a skilled worker had to decline participation in a renovation project of a house of worship. He wanted to donate his time, all costs involved with travel, and use of his tools to the project, but decided he could not afford to pay the high daily tax for the simple meals that would be prepared and served for free by members of the congregation.

CONCLUSION

The concept of legally legitimizing religious discrimination is fraught with problems, legally and morally. Yet that is what happens when nations adopt a multi-tiered system of religious recognition. International agreements[xiv] have attempted to eliminate discrimination due to religious belief, but as we have seen, it still goes on. A new and worrisome trend in Europe is the refusal to recognize the religious nature of activities performed by volunteers. European labor and tax authorities are arbitrarily imposing an "employer/employee" relationship to the religious activities engaged in by those of Jehovah's Witnesses who are privileged to become members of the Order of Special Full-Time Servants, as our international religious order is known. Interestingly, the Supreme Administrative Court of Brazil ruled that members of our religious order in that land are not subject to taxes imposed on employees since the activities involved were religiously motivated rather than of a pecuniary nature.[xv] Are governments, who laud religious freedom and human rights on the one hand, acting consequentially when they limit "religious activities" to what they narrowly and arbitrarily define as "worship"? What is the solution?

Personally, I am eagerly awaiting the fulfillment of the promise contained here in the Bible, in Isaiah 32:16 through 18, which says: "And in the wilderness justice will certainly reside, and in the orchard righteousness itself will dwell. And the work of the [true] righteousness must become peace; and the service of the [true] righteousness, quietness and security to time indefinite. And my people must dwell in a peaceful abiding place and in residences of full confidence and in undisturbed resting-places."

Until that time arrives under God's Kingdom rule, I appeal to this committee to use its influence to protect and reinforce the universally recognized right of religious freedom in Western Europe.

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[i] Justice Robert H. Jackson, *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943).
[ii] See the Bible at Exodus 20:2-5 or Deuteronomy 5:6-9.
[iii] See the Bible at Matthew 22:21; also *Insight On the Scriptures,* (New York: Watchtower Bible and Tract Society of New York, Inc., 1988), Vol. 1, p. 382.
[iv] *McCulloch v. Maryland*, Wheaton (1819) p. 431.
[v] According to the report dated June 14, 1999, by the parliamentary commission under Mr. Brard on sects and money, "the Tax Department has availed itself of the possibility of inquiring about the source of gifts from hand to hand to sectarian associations in two cases: Jehovah's Witnesses and Mandarom." (p. 223).
[vi] Reassessment notices dated December 27, 1996, and December 8, 1997, from the Tax Department to the Association Les Témoins de Jéhovah.
[vii] Article D. 432 of the Criminal Procedure Code provides that "each prisoner should be able to meet the requirements of his religious, moral, and spiritual life" and Article D. 439 of the same code authorizes prisoners "to receive or keep in their possession those items for religious practice and books necessary for their spiritual life."
[viii] Ecole des Pagodes, 305, Av. des Pagodes, 1120 Bruxelles.
[ix] Juvenile Court, Twentieth Chamber of First Instance of Bruges - October 15, 1999.
[x] Justice of the Peace Court of the Fifth Canton, Antwerp - January 11, 2000.
[xi] See the Bible at John 18:36.
[xii] The Universal Declaration of Human Rights states in Article 18: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." Freedom "to manifest his religion or belief, in worship, teaching, practice and observance" is guaranteed by Article 9 of the European Convention on Human Rights. Also, the German Constitution in Article 4 states: "(1) Freedom of creed, of conscience, and freedom to profess a religious or non-religious faith are inviolable. (2) The undisturbed practice of religion is guaranteed."
[xiii] "In the days of Jesus' earthly ministry, agricultural laborers commonly received a denarius for a 12-hour workday." *Insight On the Scriptures,* Vol. 1, p. 614.
[xiv] Universal Declaration of Human Rights, Article 2; Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Proclaimed by General Assembly resolution 36/55 of 25 November 1981; International Covenant on Civil and Political Rights, Part II, Article 2 and Article 18:1.
[xv] National Social Security Institute, INSS/CAF-21,600,0 - Coordinator's Office, on 11.12.97, Ref.: Term of Debt NFLD No. 32.018.702-0, 03.22.96, Taxpayer: Sociedade Torre de Vigia de Bíblias e Tratados, Matter: Ministerial Avocation – Non-raising; and Ministry of Social Security and Support – MPAS, National Institute of Social Security – INSS, General Advisor's Office – Advisory, 01.200.13 – Collection Advisory Division, Brasilia, May 06, 1996.

Religious Freedom in Austria

A statement by Dr. Robert Hunt
Pastor of the English Speaking United Methodist Church of Austria
Hearing Date June 14, 2000
House Committee on International Relations

Printed: June 13, 2000

In this statement I represent only myself, and not the Methodistenkirche im Österreich, the English Speaking United Methodist Church of Vienna, or the United Methodist Church.

According to a statement of the Austrian Information Service, dated January 20th, 1998, Religious freedom has been guaranteed by the Austrian constitution since 1867. Austria is also legally bound to recognize the right of freedom of religion through its participation in the OSCE, and its adherence to the European Convention of Human Rights. According to this statement the laws which regulate the legal status of religious belief communities (1874 and 1998), while making distinctions among them, in no way infringes on the rights of individuals or groups to choose their religion and practice it in public and private.

I would like to suggest that the right of religious freedom cannot, however, be separated from the issue of the legal status of religious communities, or official and un-official bias against particular religious communities and practices.

The Methodist Church in Austria came to Austria in 1870, and opened its first assembly in 1875. It could not obtain state recognition under the 1874 law which recognized other "official" religions. A chronology of Austrian Methodism published in 1921 details incidents of government action against Methodists taken despite the supposed guarantees of the 1867 constitution. 1877: Sunday School and open worship forbidden. 1880: Police forbid closed assemblies and prayers. 1886: Methodist pastor convicted for giving a child a Methodist tract. 1896: a new government order forbidding religious work. 1915: renewed order forbidding assemblies. And so on. Only in 1956 were the Methodists officially recognized by the Austrian state so that they could feel secure in their community life. Clearly constitutional guarantees meant little apart from official recognition as a religion or church.

Naturally the modern situation is somewhat different from that before the Second World War. Methodists now participate fully in ecumenical endeavors, own property, and cooperate with government agencies in several forms of social work. As a state recognized religious group we can offer our own form of the required religious instruction courses for school children and our pastors have a right to minister within state institutions such as prisons and hospitals.

It is my experience, however, that even Methodists do not live free from both official and unofficial bias. I first encountered this when seeking to book a hotel for our church retreats. On several occasions the managers of the hotels I visited told me that they were not interested in having a "sect" stay in their hotel. I was a able to book a hotel associated with the "Sport and Culture Association of the Vienna Traffic Service", but only after assuring them that our organization was state recognized. I cannot say whether they would have booked the hotel to a religious group which wasn't so recognized.

I encountered the same problem again when I tried to visit a member of my congregation who was interned in the "Schubhaft" for illegal immigrants. Despite showing a letter from the head of the Methodist community in Austria which certified that I represented a state recognized church, the police would not allow me to visit the prisoner privately. I was told that only members of

Caritas, a Catholic social service agency, could make such visits. Ultimately I was able to visit my member only by going with a group from Caritas. In order to visit a prisoner in the Central Prison in Vienna I had to both demonstrate that I came from a state recognized religion and obtain permission from the Roman Catholic chaplain first. One should not, however, generalize I have been given access to prisoners in the Sonnberg Prison, and there the social workers have been very helpful in allowing our church to carry out a ministry among them, albeit after I showed I came from a state recognized religion.

Another type of bias has been reported to me by my members. In one case a member of our church felt that the judge in a child-custody case, as well as a court appointed psychologist, showed prejudice against him by referring to him as a "fundamentalist" and a member of a "sect". In another case a member was surprised to find that if, as a divorcee, he married a Roman Catholic religious instruction teacher she would lose her job. Although her education and salary are paid by the state, if she wishes to remain employed her right to marry (and thus his) hinges on a Roman Catholic marriage tribunal and presumably a priest's approval of her future spouse. Such a situation can hardly fail to be coercive – and puts the resources of the state at the disposal of a religious group purely for the enforcement of their own idiosyncratic beliefs.

The problem of bias is, unfortunately, rooted in Austrian law. At a symbolic level it is telling the Austrian courts still display prominently a crucifix – a symbol hardly calculated to inspire confidence by non-Catholics in an unbiased judicial system. The Austrian government distributes a document entitled "Sects: Knowledge Protects" which attempts to define religion, and then distinguishes between three types of religious groups. Some are able to obtain legal entity status, but are not recognized as churches or religious organizations. Others are given legal recognition as churches whose activities are in the public interest and thus receive public support. Finally there are those regarded as dangerous sects. This document clearly reflects a conscious, official, bias against some religious groups and implicitly regards the activities of even those with legal status as not being in the public interest. One cannot escape the effects of this bias by simply keeping one's religious identity secret. Every Austrian resident must declare their religion on their "Meldezettle", or required residency registration. And a copy of this is required for every activity from signing a lease to opening a bank account to purchasing a mobile phone. And as I have indicated, bias based on religion affects relationships in both the public and private sphere.

It is possible to look at the anecdotal evidence I have given as simply highlighting the negative aspects of a generally positive situation. Yet ultimately freedom of religion depends not just on assurances that individuals and groups can assemble and worship freely. It hinges also on their being given equal protection from bias (particularly in the public sector). And it depends on making a distinction between the enforcement of laws which govern society and the enforcement of the religious judgments of any particular religious group. There is long historical precedent for believing that this can only happen when religion is thoroughly "dis-established" and the work of religious institutions supported by the government only in so far as they pursue their work for the benefit of individuals and society without bias and without promoting their particular sectarian goals.

In closing let me say that I am by no means unhappy to live and minister in Austria. As an American and a Methodist the vast majority of my relationships with Austrian society are happy and positive. If I represented only my personal experience I would have little enough about which to speak. Yet I think there is no room for apathy about this issue. No country is so far along in its social evolution that it cannot, given the right circumstances, revert to religious bigotry and intolerance. Our commitment to freedom requires of us continual and disciplined self-examination, and an honest appraisal of the conduct of those we would call friends.

WRITTEN TESTIMONY OF CRAIG JENSEN

Chairman and CEO of Executive Software

June 14, 2000 Hearing of the
House Committee on International Relations
on
The Treatment of Religious Minorities in Western Europe

German Embargo[1] of American Products

Mr. Chairman, and distinguished members of the House International Relations Committee:

Thank you for holding this hearing on religious intolerance in Western Europe, and for giving me the opportunity to tell you about an embargo of American products by the government of Germany.

My name is Craig Jensen. I am a citizen of the United States of America and a living example of the realization of the American Dream.

I am the founder, owner and chief executive of Executive Software, a company I founded in 1981 in California. Through hard work and ingenuity, my company has grown to be one of the top 200 software companies in the world, earning a great deal of success in the marketplace and numerous awards for the finest products and service in the computer software industry. Our products have been extremely thoroughly tested for safety and effectiveness by the National Software Testing Laboratories and by Veritest, the independent testing company responsible for granting certification of compatibility with Microsoft's Windows operating system. My company's products are in use in every sector of the American economy, including right here on Capitol Hill, and are sold extensively abroad as well.

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[1] **embargo:** any restriction imposed upon commerce by edict.

As you can see, I am proud of what I have accomplished in my own business. But I am not the only American software company that is a success. Let me be perfectly clear: *No German company, indeed no company in any other country on earth, can produce software of the quality and usefulness that American software companies produce. We Americans have a lock on this industry.* I cannot say why exactly, but computer software is something Americans do a far cry better than anyone else in the world. Accordingly, this is an industry contributing terrifically to America's economic greatness. In that setting, a foreign embargo, and particularly a German embargo, of American software products must be viewed as a hostile act.

Purchase of my company's software products is restricted in Germany by government edict and attempts are being made to forbid it entirely. This is a recent development, as my products have sold well in Germany for over a decade. What prompted the embargo is the announcement that Microsoft Corporation's new Windows 2000 computer operating system includes a component developed by my company.[2] This fact is being used to justify calling for a full-scale German government prohibition on the sale of Windows 2000 in Germany.

"Why?" you might ask. Well, here is the truly heinous part. The *official* reason given is that my company, Executive Software, is headed by an "admitted" member of the Church of Scientology -- me. Yes, it is true that I am a member of the Church of Scientology and have been for 25 years. I am proud of it and credit much of my success to what I have learned from my church and the writings of its founder, L. Ron Hubbard. But what does my religion have to do with selling software? Obviously, nothing. My point is this: the German government makes no attempt to hide the fact that their embargo is based on religious discrimination. In fact, the government officials who have imposed it see *nothing wrong* with religious discrimination, even though it violates both the German Constitution and Germany's international human rights commitments.

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[2] The component included in Windows 2000 is called "disk defragmenter," a tool for consolidati
es that have become fragmented through use. Defragmenting the files restores system performance
ike-new state, increasing the computer user's productivity, extending the life of the computer a
ucing the computer's total cost of ownership. Windows products have included components designed
implemented by Executive Software for six years. Why this recent announcement provoked such a
lent response is a matter for speculation.

As First Amendment loving Americans, we sometimes forget that other countries lack this all-important freedom. Germany, a signatory to the Helsinki Accords as well as the European Convention on Human Rights and the International Covenant on Civil and Political Rights, has a clause in its constitution stating, "The freedom of faith, of conscience, and the freedom of religious and ideological beliefs are inviolable." Yet the actions of the German government in their conduct towards me and towards American businesses, their social ostracism and stigmatization of Scientologists and members of other minority religions clearly contravene all these accords and conventions.

Simply put, I come here today not to complain of just a trade embargo or religious discrimination, but to alert your attention to a combination of the two -- a trade embargo *justified* on the grounds of government-mandated religious discrimination.

Let me give you the background. In December, 1999, the German computer magazine *C'T* published an article entitled "Windows 2000 In Danger of Being Banned." The article discussed a proposed boycott of Microsoft Corporation's Windows 2000 operating system, on the grounds that I, as owner and CEO of Executive Software, am a Scientologist. The article came out a few weeks before the release of Windows 2000 in February and was apparently timed to interfere with the release of Windows 2000 in Germany.

It was alleged in the *C'T* article that the Church of Scientology had made a "brilliant move" to introduce a computer program into practically every desk in companies, government offices and church institutions. The article went on to insinuate that the computer program had a hidden purpose to filch information from its German customers. These insinuations are completely false and easily shown to be so. It is patently incredible that even a semi-competent software engineer could believe such things. But, of course, the software itself was not the real reason for the attack. It was being targeted solely because of my religious affiliation.

The article even conceded that *C'T* experts had examined the program and found no evidence of

any peculiarities, but this led the magazine to conclude (naturally) that the Americans were so clever that the hidden purpose could be carried out without the German experts being able to detect it!

In response to the story, a Microsoft spokesman defended the company's choice of the program and stated that Microsoft does not refuse to do business with anybody based on their religion, race, or other personal characteristics. Microsoft has consistently maintained this position of nondiscrimination.

But the false and discriminatory allegation soon became *international* news. The German news agency *DPA* sent out a wire story quoting another alleged "expert" who said that Executive Software's involvement "is of interest to the Catholic church, the other German states, the Office for the Protection of the Constitution [German's domestic security agency] and German industry."

A government official from the Hamburg Ministry of the Interior fanned the flames by boasting in the press that in Bavaria and Hamburg, the government does not use the services of or products from companies owned by Scientologists. While such a blatantly discriminatory admission would be condemned immediately in this country, in the climate of intolerance created by the German government, it is allowed to pass.

That particular Hamburg official heads an office called "Working Group Against Scientology" which receives $1 million annually from the Hamburg government. This Hamburg government office, along with their counterparts from the Ministry of the Interior, created the so-called "sect filter" which forbids employment or contractual relations with individuals participating in the Church of Scientology. I have even seen a sect filter which makes a course in business training conditional on an individual declaring that he is not a member of a "sect or free church." Employment applications and contracts typically include a "sect-filter" clause requiring one to explicitly declare that he is not affiliated with my religion. And to make sure that government officials can identify and thereby actively practice discrimination against Scientologists, private businesses owned by members of my Church are entered into the German government's

computers with a chillingly evocative "S" notation. The extent and pervasiveness of governmental religious discrimination in Germany may be gauged by the decision of a U.S. federal immigration court to grant asylum to a German Scientologist on the grounds that she would face religious persecution if she had to return to Germany.

"Sect filter" declarations such as I have described are now in wide use by private and public companies throughout Germany, including Deutschebank, Daimler-Chrysler and Lufthansa. Indeed, in 1998, the New York branch of Deutschebank dismissed an employee for no other reason than that she is a member of the Church of Scientology. Fortunately, unlike in Germany, the United States has strong anti-discrimination laws, and Deutschebank was forced to pay the Scientologist $125,000 in damages. Indeed, upon being alerted to them, the American headquarters of Ford Motor Company, GE Capital and IBM instructed their German branches to discontinue use of these hateful "filters." Unfortunately, however, other American companies operating in Germany are being compelled to use these sect filters, to an extent not yet fully determined.

Since the first of the year, the German government attacks on American companies Executive Software and Microsoft have escalated. A spokesman for the Hamburg Ministry of the Interior stated that the Ministry would attempt to use Windows 2000 only after deleting the program produced by Executive Software. After further reports appeared in the news media, the Federal Office for Security and Information Technology (acronym "BSI" in German) informed Microsoft that the agency would not certify Windows 2000 for sale in Germany because part of the program was produced by a company owned by a Scientologist.

The events I describe have been widely reported in newspapers and magazines both here and abroad, by customers of my company, and by our European resellers and distributors. An article in the German magazine *Der Spiegel* indicated that the German government's Office for the Protection of the Constitution has asked the Ministry of the Interior to examine the intellectual property source code for the portion of Windows 2000 produced by the Scientologist-owned company. This article fueled the climate of suspicion and intolerance being generated against my

company and my church.

I find the circumstances maddening and frustrating. It is humbling for me to come before you and present this matter. In fact, if it were solely for my own benefit, I would not do it at all.

I come to you today on behalf of others who may not be able to shrug off a single market such as Germany and make up for the lost sales by redoubled efforts elsewhere. I come to you on behalf of my friends, partners and business associates who are suffering at the hands of official German bigots. I also come before you on behalf of all Scientologists, both American and German, who are forbidden employment, political party affiliation and even schooling for their children because of their religious beliefs.

The U.S. State Department has criticized the German government for religious discrimination against Scientologists and members of other minority religions in each of its last seven annual human rights reports. The State Department's first annual report on international religious freedom, published last September, reiterated those criticisms, and particularly criticized the use by German state and federal governments of the "sect filters." Indeed, there are now more than 30 reports criticizing governmental religious discrimination in Germany from bodies including the United Nations Special Rapporteur on Religious Intolerance, the U.N. Human Rights Committee and the Commission for Security and Cooperation in Europe.

This year, for the first time, the U.S. Trade Representative, in her report on discriminatory foreign procurement practices, placed Germany on the watch list over its abuse of Scientologists' rights. The report states that upon learning of German government clauses excluding Scientologists from contractual relations, "the Administration raised its concerns to the German government and continues to press the Germans to repeals this discriminatory policy." According to Executive Order 13116, signed by President Clinton on March 31, 1999, identification in the report indicates that a foreign country "maintains, in government procurement, a significant pattern or practice of discrimination against U.S. products or services which results in identifiable harm to U.S. businesses...." The inclusion of Germany in the Trade Representative's report therefore shows

that, in the view of the U.S. government, Germany's discriminatory practices are not only a blatant violation of human rights but a threat to American trade as well.

But despite all these condemnations of German government policy targeting American and German citizens because of their religious beliefs, there is no discernable change in German government practices. In fact, as the German government has continued to flagrantly violate its international human rights commitments, the discrimination has worsened. Official German discrimination broadened from individuals to private corporations and now to corporations who use *suppliers* who employ or are owned by members of minority religions – while official statements from the German government have confirmed that public bodies expressly ban purchases from companies owned by or associated with Scientologists, effectively prohibiting the purchase of U.S. products. Indeed, the circumstances involving my company and Microsoft are precisely as set forth in the Trade Representative's report.

We had hoped that the election of a new government in Germany a year and half ago would mark a more liberal approach to human rights, one sensitive to the requirements of democracy and international law. While the Schroeder government is less outspoken in attempting to justify its discriminatory practices than the discredited Kohl administration, it has not only shown no interest in ending the discrimination, but is escalating it. The Federal Economics Ministry, which already employs a so-called "sect filter", is in the process of exporting it to all federal government ministries of Germany. Thus, the German government is neck-deep in these human rights abuses, and is the source of the climate of intimidation and intolerance that minority religious members face.

Mr. Chairman, I am thankful for your actions and those of other members of your committee such as Congressmen Salmon and Payne, who have shown themselves to be sensitive to this issue. I am also thankful for the actions of the Administration, but, unfortunately, these have not yet ended or curtailed the German government's discriminatory policies and practices. So, Mr. Chairman and distinguished members of the Committee, I ask you to take up this matter as one that is vital for the preservation of basic human rights in Europe. Perhaps the most effective action that you can

take at this time is to give your full support to the Resolutions on Germany – HR. 388 and S. 230 – which call upon Congress and the President to demand that Germany abide by international human rights law. Through these Resolutions, I ask you to send a message to the German government that the Congress and the people of the United States will not tolerate either human rights violations of a religious nature or discrimination against American trade or American products such as our computer software, the pride of our new economy.

Mr. Chairman, thank you for the opportunity to appear before this Committee.

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TESTIMONY OF CATHERINE BELL

The Treatment of Religious Minorities in Western Europe

June 14, 2000 Hearing of the

House Committee on International Relations:

Mr. Chairman, distinguished members of the Committee:

Thank you very much for holding today's hearing, and for the opportunity to testify.

In fact, I am here at the request of my friend and fellow-actress, Anne Archer, whose professional commitments unfortunately prevent her attendance at this hearing, to speak on her behalf. With your permission, Mr. Chairman, I would like to present the testimony she would have given had she been here today.

First, a word about my interest in this issue. Having been born in London to an English father and a Persian mother, then becoming an American citizen at a young age and spending most of my life in the United States, I have learned that *difference* is best celebrated, and never made a reason for division or discrimination.

Therefore, when I first heard that government officials in Germany were canceling the exhibitions and concerts of artist friends of mine solely because of their religion, I was shocked that such intolerance could be enacted by a western government which loudly proclaims its commitment to democracy.

Ms. Archer has undertaken two fact-finding missions and has been committed to combating religious discrimination against members of minority religions in Germany for several years. In addition to her fact-finding visits to Germany, she has addressed large rallies for religious freedom and human rights in Berlin, Frankfurt and Hamburg. In October 1998, she raised the problem before the plenary session of the Organization for Security and Cooperation in Europe, and she has also taken up the issue with various members of the European Parliament.

Last October, she visited Congress again to welcome the introduction of House Resolution 388 and Senate Resolution 230 – Resolutions which now have a combined total of more than 50 sponsors in the House and Senate. The Resolutions call upon the German government to comply with its obligations under international human rights laws and to respect the rights of minority religions. On behalf of Anne Archer, I would like to thank you, Sir, as Committee chairman, as well as Congressmen Salmon and Payne for introducing the Resolution in the House, and Senator Enzi, the principal sponsor in the Senate. Our thanks go also to the many members of this Committee who have co-sponsored the Resolution. I trust that after today's hearing, those members who have not yet signed onto House Resolution 388 will be motivated to do so.

Present in this room today are nearly two dozen German citizens who have come here to witness the fact that an official body would care enough to hear their personal grievances and provide an open forum to air the facts about governmental religious discrimination in Germany. I would like to introduce some of them to you, and briefly recount their personal stories of discrimination.

Mr. Carl Röhrig is a very talented graphic artist whose work has been exhibited internationally and has appeared on the covers of leading international magazines. He is here today with his daughter, Marlene. Because of his religious beliefs, Mr. Röhrig has been blacklisted and has had exhibits boycotted or canceled. His bank accounts were closed without explanation and his family threatened. He was compelled to send his family abroad to rescue them from the discrimination and intolerance they faced in Germany and his children are now being schooled in Denmark, not in their native country. In addition to the disruption of Carl's pursuit of happiness, he has suffered economic damage totaling hundreds of thousands of dollars.

As a recent example: In early January this year, Mr. Röhrig held an exhibition of his works in Neuberg, Bavaria. The town's cultural director learned that Mr. Röhrig is a Scientologist and demanded that the gallery director cancel the exhibition. When the director refused, the city government publicly called for a boycott of Mr. Röhrig's exhibition, resulting in a financial loss to him of more than $20,000 because several clients canceled their purchases of his paintings and prints.

Mr. Hans Bschorr, another Scientologist who is here today with his family, worked for 20 years as a journalist, producing highly regarded reports for Bavarian and national German television on the central issues of the day. After his religious affiliation became known, all work suddenly dried up. In the end, he had no choice but to leave Germany, and he and his family now live here in the United States.

Finally, I would like to introduce Ms. Antje Victore, who in 1997 became the first German Scientologist to be granted asylum by a U.S. immigration court on the

grounds that she faced ruinous religious persecution if she had to return to Germany.

I understand that on behalf of all those experiencing discrimination in Germany, the members of my religion who are here today wish to present a petition to you, Mr. Chairman, asking for the full support of your Committee behind House Res. 388.

In addition, Mr. Chick Corea, who had hoped to be here today but is prevented from attending by a physical impairment, has requested that his written testimony and evidence regarding German officials' continuing denials of his right to perform in Germany be included in the record.

Hearing these accounts of discrimination, you may well ask: What remedies are available through the courts? Though the German courts do act to some degree as guardians of the Constitution, Germany's want of anti-discrimination legislation leaves them poorly armed to remedy a pattern and practice of religious intolerance that has soaked into the bureaucratic culture. By contrast, due to the efforts of Congress, we are fortunate in the United States to enjoy strong anti-discrimination laws. When Deutsche Bank in New York fired an employee solely because of her membership in the Scientology religion, she was able to obtain not only financial compensation, but to extract an apology from the Bank. In Germany, no comparable remedy would have been possible against Deutsche Bank.

In German schools today, children are taught, by order of the government, that members of certain religions are evil. I have seen some of the so-called teaching materials that are used. They are highly offensive and calculated to breed

intolerance and hate. On a personal note, I receive a lot of letters from people in Germany who watch JAG, the TV series in which I play a U.S. Marine Corps attorney. I would hate to think that due to reading such hateful propaganda, they might be made to think less of the program or of me.

Nor is discrimination in Germany a problem only for Scientologists. Mormons, Charismatic Christians, Jehovah's Witnesses, Orthodox Jews and others also suffer a climate of religious intolerance in Germany. Officials of both state and federal governments there continue to discriminate against thousands of law-abiding members of minority religions, many of them American in origin.

It is unfortunate that the German Ambassador has chosen not to appear today. It is my understanding, Mr. Chairman, that the Ambassadors of Germany, France and Austria were all invited. I further understand the German government also refused to appear before the Commission for Security and Cooperation in Europe when it held a hearing into religious intolerance in September 1997. However, the Ambassador has not hesitated to discuss his government's position on Scientology with members of the press and with certain members of this Committee *in private*. It is my view, and that of Anne Archer, that the Ambassador's repeated refusal betrays the fact that there is neither defense nor justification for his government's position.

Following the hearing on German official discrimination conducted by the Helsinki Commission in September 1997, the German government said it would deploy its foreign intelligence agency on U.S. soil to inform Americans about my religion. We have of course no way of knowing yet if this legally impermissible plan was carried out, but we hope not. Our point is that if German officials had a clean human rights record vis-a-vis minority religions such as mine, they would not shy

away from the scrutiny of a public forum.

As I have looked deeper into these issues and have studied the extent of the discrimination, I have become alarmed to learn that intolerance has been carried across the border from Germany into some other countries of Europe, notably France. French officials have stigmatized members of 173 religious minorities – including the Baptists – as "sects." The French government has set up a special unit to "fight against" minority faiths, headed by an individual with a long history of intolerance who has described our precious First Amendment as "crazy." His self-professed goal is to legislate which religions a person may and may not believe.

Today's growing religious discrimination in Central Europe was spawned several years ago in Germany by the Kohl administration. Unfortunately, the government of Chancellor Schroeder has taken no steps to reverse those divisive policies and propagate religious freedom and pluralism. Forums such as today's are essential to drive home that we will not only speak out against these governmental abuses, but take firm action against them. The Resolutions in Congress – House Res. 388 and Senate Res. 230 – deserve the full support of this Committee. And given the spread of religious intolerance to other European countries, I believe a Resolution is needed calling upon countries such as France, Austria and Belgium to respect international human rights laws, especially as regards religious freedom. I ask you, Mr. Chairman, to give serious consideration to a Resolution of this kind in the near future.

While we continue to speak out, of course we must keep open the doors to a dialogue. Anne Archer and I share the desire of many here today to bring the

governments of Germany and France to the discussion table, and persuade them to open a genuine dialogue with the minority religions whose members worship in those lands. In the end, only dialogue can resolve this problem.

Mr. Chairman, members of the Committee – thank you!

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Embassy of Austria
Washington, D.C.

The Ambassador

The Honorable
Benjamin A. Gilman
Chairman of the Committee of International Relations
U.S. House of Representatives
Washington, DC 20515

202-225-2035 FAX

13 June, 2000

Dear Mr. Chairman:

Thank you very much for your letter dated June 1, 2000 in which you have invited me to appear before the Committee of International Relations on June 14, 2000 at a hearing on "The Treatment of Religious Minorities in Western Europe." Unfortunately I will not be in Washington on that day and thus will not be in the position to appear before the Committee.

Let me, however, assure you that Austria shares the view of all democratic states that the right to freedom of thought, conscience and religion constitutes a fundamental human right. In Austria, the exercise of this right has enjoyed the protection of the Austrian constitution (Staatsgrundgesetz 1867) for more than a century. The right of recourse to the Austrian Supreme Court (Verfassungsgerichtshof) in case of an alleged infringement of this right, is also enshrined in the Austrian Constitution.

In Austria, the right to freedom of religion is not only nationally but moreover internationally protected, not only in view of the political engagements entered into by Austria in the framework of the OSCE, including the 1989 Vienna Concluding Document, but also in a legally binding manner through Austria's adherence to the European Convention on Human Rights. This Convention which has in Austria the status of a constitutional law, guarantees the right of everyone (not just citizens!) to practice his or her religion or belief individually or in community with others in private or in public. According to the provisions of the Convention this freedom can only be restricted by law to the extent absolutely necessary for public order and for the prevention of abuse in a manner consistent with the practice of democratic states. Individuals or groups have the possibility to lodge a complaint with the European Court of Human Rights in Strasbourg which then decides on the matter. If it declares a complaint admissible, the decision of the Court is binding for the parties to the legal

dispute. Should the Court decide against Austria, an obligation to change the law in question or its application might be the final result, as has happened in the past in human rights cases brought against Austria (as well as in many other cases brought against other states which are parties to the Convention).

A new law regarding "The Legal Personality of Religious Belief Communities" has been adopted by the Austrian Parliament in 1998. The purpose of this law was to regulate, in a manner consistent with historically grown traditions, the various forms of organization of religious belief communities. The law has actually improved the legal position of a number of religious groups which so far could not obtain the status of a "Recognized Religious Community" under the existing "Law concerning the Legal Recognition of Religious Communities" dating from 1874 by bestowing them a clearly defined legal status. The communities recognized under the new law will forthwith enjoy legal personality and will be able to call themselves "Publicly Registered Religious Belief Communities". Thus, the groups will have legal status which will enable them to engage in certain contractual obligations which until now was only possible for their individual members. The law furthermore provides that the new law shall also apply to that proceedings for recognition already pending before the authorities so that it will not be necessary to submit new applications for recognition.

Much confusion about the new "Law on Legal Personality of Religious Belief Communities" seems to stem from the historically grown concept of "recognition" of religious communities. At present, twelve religious communities are "recognized" in accordance with the provisions of the "Law on Recognition of Religious Communities". The fact that a religion enjoys the status of a "recognized religious community" entails a number of privileges which are in the domain of public law and relate in particular to certain subsidies that the State is obliged to grant to the community in question. This status however—and this cannot be stressed often enough—has nothing to do with the right to practice a particular religion or belief in private or in public, individually or together with others as long as no law is violated. As far as the exercise of the fundamental human right of freedom of religion is concerned, there exists no difference whatsoever between a recognized religious community and a religion or belief that has not obtained such specific recognition. There is no reason to assume that religious communities that would fall under the new law should be in any way considered inferior or of a lesser significance than those formerly recognized according to the old law.

Summing up, it is the considered view of the Austrian Federal Government that the new "Law on Legal Personality of Religious Belief Communities" not only fulfills all legal requirements under the Austrian Constitution but also corresponds fully with all international obligations of Austria in this field. As with any other Austrian law, the

constitutionality of the new law can be challenged before the Austrian Constitutional Court as well as before the European Court for Human Rights.

With regards to the question of access to prisoners and hospital patients for various religious groups I would like to point out that this question has come up before the Austrian Constitutional Court in October 1999 (GZ 7836/7-9c/99 dated October 8, 1999). In its decision, the Constitutional Court made it clear that every prisoner has the fundamental human right to a visit by a representative of his own "religious group." Whether or not this "religious group" is a "recognized religious community" under the above mentioned Austrian law does not make any difference. The mere fact that a prisoner feels "attached" to a certain religious group is enough to guarantee his individual right to a visit by a representative of his group. This decision of the Constitutional Court thus once again reconfirms the fact that the freedom of belief is a fundamental human right which will be safeguarded—if need be—by the Austrian court system.

Appreciating your interest in the freedom of religion and looking forward to remain in contact with you on that important issue I remain

Yours sincerely,

Peter Moser

Written statement of the Ambassador of Germany, Jürgen Chrobog, for inclusion in the official record of the hearing of the House of Representatives International Relations Committee on „Treatment of Religious Minorities in Western Europe", June 14, 2000

As in the United States, freedom of worship and conscience is a fundamental right in Germany. Our constitution, the Basic Law, stipulates that "Freedom of faith and conscience as well as freedom of creed, religious or ideological, are inviolable," and, further, that "The undisturbed practice of religion shall be guaranteed." These rights are fully respected by the German Government. Several recent U.S. Department of State Reports on International Religious Freedom confirm this fact.

Germany's 82 million residents profess some 600 faiths and creeds. The Catholic and Evangelical Churches each have around 28 million members. Germany is also home to sizeable Muslim (2.6 million) and Orthodox (1.1. million) minorities. Some of our smaller congregations include Mormons, Baptists, Jehovah's Witnesses, Methodists, Buddhists, Mennonites, and Christian Scientists, to name but a few. Jewish congregations are growing rapidly. Over 100,000 Jews, particularly from the former Soviet Union, have come to Germany since 1990 alone and, with state support, established new synagogues and schools.

Against the background of such religious diversity, the state is constitutionally obliged to maintain a position of neutrality. Religious organizations play an active role in German society and often cooperate with and support the state in areas such as education, counseling services, running of hospitals, nursing homes, day care centers and similar institutions in Germany as well as humanitarian assistance programs in developing nations.

Over 60 congregations are recognized as "corporations in public law" (*Körperschaften des öffentlichen Rechts*) which permits them to collect members' dues via the government's tax authority. Amongst them are Catholics, Lutherans, Jews, Mormons, Baptists, Methodists, and others. Religious groups may seek tax-free status as non-profit organizations. There are a number of such organizations (usually "registered associations" - *eingetragene Vereine*), including Muslims, Quakers, Buddhists, Bahai, and others. A religious group's freedom to worship or to carry out charitable activities in Germany, however, is not conditional upon recognition as a public law corporation or non-profit organization. Individuals and groups are free to worship as they please. Jehova's Witnesses enjoy the basic tax-exempt status afforded to most religious organizations, and are appealing to the Constitutional Court to be afforded public law corporation status. German authorities have recently encouraged Muslim groups to seek recognition as corporations in public law.

With evidence that a group's activities are profit-oriented, the state may reject a group's application for non-profit status. It is for this reason that Scientology has been declined tax-exempt status in Germany.

The Federal Labor Court ruled in 1995 that Scientology was not a religious congregation, but a commercial enterprise. The court quoted one of L. Ron Hubbard's instructions to "make money, make more money -- make other people produce so as to make money" and concluded that Scientology purports to be a "church" merely as a cover to pursue its economic interests. Therefore, Germany does not consider the Scientology organization a religion. It is not alone in this assessment; Belgium, France, Great Britain, Ireland, Italy, Luxembourg, Spain, Israel, and Mexico, to name but a few, share this view.

German authorities are also concerned about Scientology's documented history of taking advantage of vulnerable individuals, and that its totalitarian structure and methods may pose a risk to citizens and our democratic society. Testimony by former Scientologists confirms that membership can lead to psychological and physical dependency, financial ruin and even suicide. Considerable evidence has reinforced this view, including Scientology activities in the U.S, and three notable U.S. court cases in the early 1980s, 1994, and 1997.

In response to numerous petitions, including those from relatives and former members of Scientology, the German Parliament (Bundestag) established a commission on the goals, activities and practices of "so-called sects and psychological groups." Similar concerns have recently lead to the establishment of a task force by the Maryland State Assembly. The German commission did not focus exclusively on Scientology, nor did it examine religious and ideological views or prepare a list of groups active in Germany. Nevertheless, Scientology refused to cooperate with the commission, despite numerous invitations. In 1998, the commission concluded its business with a recommendation that the government continue to observe Scientology's activities.

Allegations that artists belonging to Scientology cannot perform in Germany are false. Freedom of speech and artistic expression is a fundamental constitutional right; artists are free to perform in Germany anywhere they please. For example, jazz pianist Chick Corea, who is very popular in Germany, performed on March 24, 1996 during a Jazz Week in Burghausen. The event was sponsored with $10,000 by the Bavarian Ministry of Culture. John Travolta, Tom Cruise and Isaac Hayes continue to be very popular stars in Germany.

Recent assertions about German governmental measures concern a small area of public procurement, specifically the awarding of government contracts for staff and management training. They are not focused on membership in Scientology but are instead designed to ensure that techniques which seek to psychologically manipulate or oppress individuals, are not used for training and consulting purposes. The measures are limited to government contracts; there are no regulations affecting bidding for private-sector contracts.

In conclusion, let me reiterate the importance of two fundamental principles of the German Constitution: human dignity and religious freedom. Article 1 of our Constitution makes the protection of human dignity the state's highest duty. Because of its experiences during the Nazi regime, Germany feels a particular responsibility to protect its citizens against totalitarian activities of extremist groups. If there is evidence that an organization exploits or endangers its members, the state has a constitutionally mandated responsibility to inform the general public about such activities. The German people, as many international observers, have been appalled by Scientology's aggressive public relations campaign, including comparisons of the treatment of Scientologists in modern 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. I am convinced that we all share this feeling.

Religious minorities in Germany fully enjoy religious freedom and the state's protection of their fundamental constitutional rights, as a core element of the German democracy. The German government does its utmost to guarantee this freedom also in the future, and, as a matter of course, will continue to look into concerns which might be raised.

TESTIMONY OF ARMANDO ANTHONY COREA

House International Relations Committee

Hearing: The Treatment of Religious Minorities in Western Europe

June 14, 2000

Mr. Chairman, Distinguished Members of the House International Relations Committee:

Let me first thank you, Chairman Gilman, for your continuous efforts on behalf of those suffering religious discrimination in Germany. Thanks also go to the staff and members of this Committee for conducting today's hearing into religious intolerance. I thank, also, the principal co-sponsors of the Resolutions criticizing governmental discrimination in Germany that are presently in Congress – Senator Michael Enzi, Congressmen Matt Salmon, Donald Payne, Ed Pastor and the other co-sponsors. I wish I could acknowledge them all personally.

You could say I'm somewhat of a veteran of this battle. Back in 1993, in a report entitled "Human Rights and Democratization in Unified Germany", the Helsinki Commission criticized the government of Baden-Wuerttemberg for canceling my contract to perform at a state-sponsored jazz concert because I am a Scientologist. That report, I believe, represented the first official criticism of governmental religious discrimination in Germany.

Today, there are more than 30 similar reports from governments and human rights bodies, including seven State Department annual human rights reports and last year's State Department report on international religious freedom.

As some of you may know, I have been traveling the world as an American jazz musician for over forty years. I have performed to audiences all over, including Brazil, Argentina, Britain, all through Europe, the Czech Republic, Poland, Armenia, Turkey, China, Japan, Korea, Canada and Australia.

But only in Germany have I *ever* been denied the right to perform my art

because of my religion.

The German government denies allegations of artistic and religious discrimination. Yet it does so with a kind of smiling arrogance that I find shocking.

For example, the official statement of the German government, for four years now, has included the following, and I quote:

"Artists are free to perform or exhibit in Germany anywhere they please. Jazz pianist Chick Corea performed in Germany on March 24, 1996, during the 27th International Jazz Week held in Burghausen, an event which received approximately $10,000 in funding from the Bavarian Ministry of Culture."

Well, the real story about that concert, and how to this day I am still banned from performing at that festival in Burghausen is this:

Prior to my performance taking place, the local government's so-called "sect expert" had demanded that it be canceled. In a rare defense by a German official of artistic and religious freedom, the Minister of Culture refused, on the grounds that my religion had nothing to do with my right to practice my art.

The concert sold out and went ahead. Soon afterwards, however, following severe criticism in the Bavarian parliament of the Culture Minister's decision to let me perform, the State Minister-President of Bavaria intervened and ordered the festival organizer to ban me from any future concerts at a state-subsidized event. That ban remains in force today. As I have mentioned in the past, being banned from state-funded events is equivalent to being blacklisted in Germany since most of the music festivals there are state-subsidized.

Nonetheless, in spite of the drastic reduction in my ability to perform in Germany, I have refused to allow the German government to deny music lovers there the opportunity to hear my music and intervene between myself and my German fans. Thus, I have been able to arrange a very small number of private tours. For example, through the supportive efforts of the U.S. Government, I was able to perform in Berlin in 1998.

But despite the State Department's encouragement and assistance, the German government is now attempting to sabotage my right to perform even at privately funded concerts, by threatening concert promoters and artists who dare to

schedule a performance for me.

A recent incident illustrates these intimidation tactics: I had been due to perform a piano concerto with the Deutsche Kammerphilharmonie in the state of Bremen this coming October. But it was not to be.

I have in my possession a copy of an e-mail sent by the German organizer of the concert. It says, and I quote,

"the Musikfest [music festival] had to cancel the orchestral concert due to immense political pressure."

It continues,

"there is a big coalition of the Christian Democratic and the Social Democratic parties in Bremen [the two major parties in Germany] -- the leader of the Christian Democratic party himself put a lot of pressure on the Musikfest threatening that the Musikfest would lose all the public subsidy if they invited Chick to Bremen -- moreover the artistic director of the festival would even lose his job." That threat to deprive the artistic director of his job was leveled because he had declared his intention to hold the concert privately, *without* government subsidy.

Although both the Deutsche Kammerphilharmonie and the Music Festival did everything they could to make my performance possible, the sheer weight of government pressure in the end forced the Music Festival to cancel my concert. This has been a recurrent pattern in Germany since 1993.

Such economic and career intimidation is frequently directed against concert promoters who wish to arrange performances for me in Germany. As a result, promoters have become increasingly reluctant to risk losing money by scheduling events for me and the number of my performances there has dwindled from 16 or 17 a year to a mere one or two.

The German government has consistently denied that religious discrimination in Germany is a federal problem, and have insisted that it is a problem for individual states to resolve. What we have found, however, is that the federal government is squarely behind these human rights abuses and is spreading them throughout both the public and private sector and into the states. This year, the U.S. Trade Representative placed Germany on the watch list over its government's use of their

hateful and odious "sect filter" – a particularly despicable form of discrimination designed to destroy the livelihoods and careers of thousands of German and American citizens, solely because of their religion. Sect filters mandate that an individual declare his non-membership of a targeted religious movement before he will be considered for employment or contractual relations.

The Economics Ministry is now developing a filter for use by all ministries of the federal government. With that precedent set at federal level, state governments will have even less compunction about implementing such flagrant discrimination. It is but a small step from filtering out companies because of the religious affiliation of their owners to filtering out artists because of *their* religion. Today, these filters infest the economic community in Germany. Tomorrow, government officials may decide to implement them throughout the artistic community as well. And so on. Blacklisting of artists who are Scientologists is already a fact in Germany, and unless we send a strong signal to the German government that such discrimination will not be tolerated, it is likely to worsen.

The climate of religious oppression that leads to these incidents is ignited and fueled by the German government. It invalidates and denies my right and those of other artists to freedom of artistic expression in Germany, yet the government has the power to bring an end to these fundamental human rights violations if it chose. Unfortunately, our hopes that under Chancellor Schroeder, the German government would assume the mantle of a truly democratic administration committed to non-discrimination have so far not been fulfilled.

I want to reiterate a point I made during my previous testimony before the Commission on Security and Cooperation in Europe in 1997, and which I have repeated in meetings where I have discussed the extent of the problem with congressional representatives. And that is this: The German government's abusive treatment of religious minorities is undemocratic, uncivilized and a violation of Germany's commitments under international human rights laws, specifically the Helsinki Accords and the International Covenant on Civil and Political Rights.

The freedom to think, believe and create are the very foundations of democracy and of civilization itself. Art and religion are among the most important and valued expressions of this freedom. People listen to my music not because of my religion, my politics, or my personal beliefs, but because they like it. German government attempts to prohibit and interfere with my performances and those of other artists simply due to our religious affiliation are chilling. These actions not

only infringe on my artistic and religious rights, but on the rights of all artists, all religious minorities, and all people who are denied the right to hear my music. What especially bothers me is that the German government is infringing the rights of the German people, whom I consider my friends and with whom I have enjoyed a long and wonderful musical relationship.

Mr. Chairman, I continue to be grateful for your actions and those of the other congressmen who, over the years, have tenaciously fought for the rights of American and German citizens targeted by governmental policies of intolerance. Your assistance has always meant a great deal to me, and I thank you deeply. But the job is not yet done, perhaps not even half done, and we must reiterate and reinforce the message that we send to the German government.

The thing to understand about this situation is that the German people themselves certainly don't want to live in this climate of religious and artistic intolerance but have been continually intimidated by the German government with the help of an unthinking and unethical press at its beck and call.

We must make it plain to the German goverment that a policy designed to censor, denigrate and stigmatize individuals because of their religious beliefs will not be tolerated. That intimidating individuals into not attending the concerts of certain artists, or promoters into not engaging their services, will meet with unequivocal condemnation by the U.S. government and Congress. I urge you to give your full support to the Resolutions presently in the House and Senate – H.R. 388 and S. 230 respectively – which call the German government back to its human rights commitments.

Thank you very much for accepting my testimony.

oOo

Documentation of German Sales Lost Due to Discriminatory Procurement Practices

Executive Software sales in Germany in the year 2000 vs. 1999

1999 monthly average = $132,115
2000 monthly average = $71,115 (down 46%)

Suppression of advertising:

In October 1999, Executive Software's Diskeeper product was awarded first place in comparison testing by Germany's "PC Intern" magazine and, as a result, a promotional version of the product was included in a CD-ROM attached to the cover of the magazine. In February 2000, Diskeeper was deleted from the magazine's CD-ROM and from that of sister publication "PC Praxis." One of the editors, Axel Vahldiek explained that the publisher's reason for removing the software was a fear that readers would boycott these magazine titles as a result of what he described as "being associated with Scientology-linked software." He stated that the publisher, Data Becker, could not afford to risk their market share.

Cutting lines of distribution of Executive Software products in Germany:

On 9 Dec. 1999, Mr. Rainer Gerhards of Adiscon GmbH, a distributor of Executive Software products in Germany, wrote to Executive Software, saying "We have big, big trouble with Diskeeper in the German market based on an article on the very important German magazine c't. It is related to Execsoft's relation to scientology." In another communication of the same day, Mr. Gerhards reported, "In my opinion this has major impact on the German market. We ourselves got notified on the article from a customer who is stopping orders. As far as I see it, this problem will most probably bring sales to government agencies to a stop." (ATTACHMENTS 1 & 2)

On 15 Dec 1999, Mr. Helmut Lieb of Lieb EDV-Beratung, a distributor of Executive Software products in Germany, wrote to Executive Software, saying "If you want to have public orders, you often have to sign that you have nothing to do with Syntology. Syntology has been in so many □iscussions about gaining power, undermining companys…that there are great concern here." (ATTACHMENT 3)

On 20 December 1999, Thomas Schuy of dolphIT GmbH, a distributor of Executive Software products in Germany, wrote to Executive Software, saying "is our information correct, that your owner is an scientologist? Your answer on this question is very important for us an our customers." (ATTACHMENT 4)

On 21 December 1999, Thomas Schuy of dolphIT GmbH, a distributor of Executive Software products in German,y wrote to Executive Software, saying "Unfortunately, this is a reason to stop immediately our partnership and business cooperation with your company. We will inform our customers about the official connection between ESI and Scientology." (ATTACHMENT 5)

On 28 June 2000, distributors of Executive Software products in Germany responded to a market research survey as follows:

Question: What, if any, obstacles or barriers have you encountered in selling Executive Software's Diskeeper or Undelete products?

Answers:

Mr. Joerg Wege, Marketing Director for Megasoft GmbH—"As you know there was a big discussion in Germany about your CEO Craig Jensen being a leading scientologist. Selling Diskeeper to authorities or to the church seems to be impossible since the start of this discussion." (ATTACHMENT 6)

Mr. Helmut Lieb, NetCologne—"In Germany Executive is being connected to Syntology (sic) Church - which has a bad name in Germany. That goes as far as orders not to buy diskkeeper by all government agencys, officials... Therefore a big share of the market is not willing to buy diskkeeper at all." (ATTACHMENT 7)

Mr. Rolf Gallman, OFFICE KOMPLETT Computer Service GmbH—"In Germany a lot of costumers are heard about the problem of scientology church and Executive Software Boss. So they think with their heart and not think technical." (ATTACHMENT 8)

—END—

ATTACHMENT I

Subject: Re: AW: Follow Up
Date: Sun, 12 Dec 1999 15:50:45 +0000
From: Sarah Lake <slake@execsoft.co.uk>
Organization: Executive Software UK Inc
To: slake@execsoft.co.uk
CC: "'MJohnson@execsoft.co.uk'" <MJohnson@execsoft.co.uk>

Dear Rainer,

Thanks very much for your reply - I am glad that you are happy and secure with Diskeeper! The information I gave you in my last mail was to help you answer any questions that might come up from your customers etc.

Please do go ahead and send your mailing to the target audience that you feel would be of most benefit.

In the meantime I hope you have a good Christmas and a GREAT 2000!!!!

Best,

Sarah

Gerhards, Rainer wrote:
>
> *Dear Sarah,*
>
> *many thanks for coming back to me.*
>
> *Please do not misunderstand me - I have no doubt in the reliability*
> *and security of Diskeeper. After all, that's one of the primary*
> *reasons we decided to invest into promoting the product.*
>
> *All I am saying is that it might be wise to not address an audience*
> *when you know it would be bad timing. I am very sure that addressing*
> *that audience right now will be a failure while doing so in 3 month*
> *time will be much more promising.*
>
> *So my approach is to change the target audience for the first mailing*
> *and come back to the intial audience at a slightly later date.*
>
> *It is important to me that I clearly communicate that approach.*
> *Sometimes language issues might introduce some misunderstandings. If*
> *so I will happily try to resolve them.*
>
> *Again, many thanks for all the good collaboration!*
>
> *Best regards,*
> *Rainer Gerhards*
>
> *-----Original Message-----*
> *From: Sarah Lake*
> *To: Gerhards, Rainer*
> *Cc: MJohnson@execsoft.co.uk*
> *Sent: 10.12.99 15:17*
> *Subject: Re: AW: Follow Up*
>
> *Dear Rainer,*
>

> Thanks for your reply.
>
> I do understand you concern re the mailing - and I will leave this to
> you to decide on the best action - but you must also realise the
> following.
>
> Microsoft is one of the largest and most powerful companies in the
> world
> today. They have been working with Executive Software for over 5 years
>
> now and have included Diskeeper as part of their new operating system
> because they believe that it is a highly valuable tool.
>
> Diskeeper is the ONLY utility that has passed the 500 PAGE checklist
> that covers everything from compatability to security and reliability
> -
> to become Windows 2000 certified - no other utility has this!
>
> Microsoft is not going to work with a company who they are not 100%
> happy with and secure in the knowledge that the software they supply
> is
> of the highest quality.
>
> So - although it is always possible for the media to create 'scares'
> and
> rumours - please remember that the truth is clearly visable for anyone
>
> who wants to see it.
>
> I hope that this helps.
>
> Best,
>
> Sarah
>
> Gerhards, Rainer wrote:
> >
> > Hi Sarah,
> >
> > glad to hear from you again - although the cause of it is that
> > negative....
> >
> > We will go ahead with our promotion. However, we need to stop the
> > initial mailing as it was targeted towards the regional police
> > organizations and I do know that government bodies are currently
> > discussing the article *very* intensly (as far as I know) and it
> would
> > be the worst timing to do the mailing now. We try to find another
> > suitable audience for the first mailing.
> >
> > I would appreciate if you could keep me updated on the issue.
> >
> > Best regards,
> > Rainer Gerhards
> > Adiscon GmbH
> >
> > -----Ursprüngliche Nachricht-----
> > Von: Sarah Lake [SMTP:slake@execsoft.co.uk]
> > Gesendet am: Donnerstag, 9. Dezember 1999 16:13
> > An: RGerhards@adiscon.com
> > Betreff: Follow Up
> >

> > Dear Rainer,
> >
> > Hello - it's been a while since we spoke!
> >
> > Marketa has forwarded me the mail you sent her today regarding
> > the
> > article in c't.
> >
> > We are fully aware of this - but thank you for sending us the
> > information anyway.
> >
> > Here is the official statement from Microsoft on this issue -
> > which you
> > can forward on to any of your customers who raise questions on
> > this.
> >
> > "Inquiries at our mother company in the US did not indicate in
> > any way
> > that this software restricts the security of the operating
> > system."
> >
> > "Microsoft acts according to the principles of rule of law",
> said
> >
> > company spokesman Kurt Braatz to c't. "Without a valid ruling
> of
> > a judge we cannot exclude anybody from doing business with us
> > because of
> > his religion, race or other characteristics".
> >
> > While I understand your concern about your mailing I would
> > strongly
> > recommend that you go ahead with this as planned - it is
> > important to
> > continue your promotion activities.
> >
> > Please do let me know if you need any more assistance in this
> > matter.
> >
> > Best,
> >
> > Sarah
> >
> > Subject:
> > Big Trouble: c't 25-99, S. 58 Scientology
> > Date:
> > Thu, 9 Dec 1999 10:11:02 +0100
> > From:
> > "Gerhards, Rainer" <RGerhards@adiscon.com>
> > To:
> > "Johnson, Marketa" <marketa@execsoft.co.uk>
> >
> > Hi Marketa,
> >
> > we have big, big trouble with Diskeeper in the German market
> > based on an
> > article on the very important German magazine c't. It is
> related
> > to
> > Execsoft's relation to scientology. I *strongly* suggest you
> get
> > the

> > article at the following URL translated into English:
> >
> >
> > <http://www.heise.de/ct/99/25/058/default.shtml>
> >
> > In my opinion this has major impact on the German market. We
> > ourselfs
> > got notifed on the article from a customer who is stopping
> > orders.
> >
> > As far as I see it, this problem will most probably bring sales
>
> > to
> > government agencies to a stop. We are right now reconsidering
> how
> > we
> > act. For
> > sure we need to at least delay the test mailing and target
> > another
> > audience....
> >
> > Best regards,
> > Rainer Gerhards
> > Adiscon GmbH - The Customer Delight Corporation.
> > Adiscon is a Microsoft Certified Solution Provider
> > Product Support available at news://news.adiscon.com
> > See us at http://www.Adiscon.com
> > EvntSLog 3.1 final has been released - see
> > http://www.adiscon.com/evntslog
> > Want to change your NT password via the web? See
> > http://www.adiscon.com/PasswordManager

Subject: **[Fwd: Big Trouble: c't 25-99, S. 58 Scientology]**
Date: Thu, 09 Dec 1999 09:49:55 +0000
From: Marketa Johnson <marketa@esuk.mail>
Organization: Executive Software UK Inc
To: sarah
CC: chris

Dear Sara and Chris,

Here is email from Adiscon. The mailing he is mentioning was to 1000 customer (he wanted to do this in January).

ML
Marketa

Subject: **Big Trouble: c't 25-99, S. 58 Scientology**
Date: Thu, 9 Dec 1999 10:11:02 +0100
From: "Gerhards, Rainer" <RGerhards@adiscon.com>
To: "Johnson, Marketa" <marketa@execsoft.co.uk>

Hi Marketa,

we have big, big trouble with Diskeeper in the German market based on an article on the very important German magazine c't. It is related to Execsoft's relation to scientology. I *strongly* suggest you get the article at the following URL translated into English:

<http://www.heise.de/ct/99/25/058/default.shtml>

In my opinion this has major impact on the German market. We ourselfs got notifed on the article from a customer who is stopping orders.

As far as I see it, this problem will most probably bring sales to government agencies to a stop. We are right now reconsidering how we act. For sure we need to at least delay the test mailing and target another audience....

Best regards,
Rainer Gerhards
Adiscon GmbH - The Customer Delight Corporation.
Adiscon is a Microsoft Certified Solution Provider
Product Support available at news://news.adiscon.com
See us at http://www.Adiscon.com
EvntSLog 3.1 final has been released - see http://www.adiscon.com/evntslog
Want to change your NT password via the web? See http://www.adiscon.com/PasswordManager

<<c't 25-99, S. 58 Scientology.url>>

c't 25-99, S. 58 Scientology.url	**Name:** c't 25-99, S. 58 Scientology.url **Type:** Internet Shortcut (application/x-unknown-content-type-InternetShortcut

Subject: Syntology
Date: Wed, 15 Dec 1999 19:01:07 +0100
From: lieb-edv@t-online.de (Helmut Lieb)
To: <slake@execsoft.co.uk>

Dear Sarah,
last week two of my costumers asked me about Executive Software belonging (if only in part) to the syntology Church. The so called church has a very bad standing in Germany. If you want to have public orders, you often have to sign that you have nothing to do with Syntology. Syntology has been in so many diskussions about gaining power, undermining companys ... that there are great concerns here.
Last week there was a TV report, about the president of Executive Software in the USA, that he is a Syntology member. I was asked if this is the same company producing Diskkeeper. Diskkeeper has unlimited access to all data on a server - which makes this question an important one for those people.
He even placed this statement on the official Executive Web-Page. This might be a good idea in the US or UK, but in Germany this can kill your reputation.
It might be a good idea to make up same kind of certificat, or make some Independent institution test, that there are no hidden bugs within diskkeeper which would allow Syntology to gain access to data.
There even started a diskussion if public institutions will be allowed to buy Windows2000 if Diskkeeper is installed with it. Microsoft was asked to remove the programm.
ALL THIS IS BAD NEWS - And i hope it will not stop diskkeeper from selling in Germany. Those two who asked me already stopped their orders for the new version until this sorts out.
If you have any information about this please let me know, so i can tell my costumers something. I looked up that website myself - it seems to be true.
Thanks for your time
Helmut Lieb

Lieb EDV-Beratung
Helmut Lieb
Im Mondsröttchen 37a
51429 Bergisch Gladbach

Tel.: +49 2204 917860
Fax: +49 2204 917861
Mobil: +49 171 3591654
Email: lieb-edv@netcologne.de

ATTACHMENT 4

Subject: AW: Follow Up
Date: Mon, 20 Dec 1999 19:03:28 +0100
From: Thomas Schuy <thomas.schuy@dolphit.de>
Organization: dolphIT GmbH
To: "'slake@execsoft.co.uk'" <slake@execsoft.co.uk>

Dear Sarah,

our customers read in some newspapers (i.e. c´t), that your company is owned and managed through a scientologist. This customers have a codex, that they didn´t work with scientology-companys or their products. This customers are i.e. confessional hospitals (managed by the both churchs), parts of the government or international companys.

Th. Schuy

> -----Ursprüngliche Nachricht-----
> Von: Sarah Lake [SMTP:slake@execsoft.co.uk]
> Gesendet am: Montag, 20. Dezember 1999 18:52
> An: thomas.schuy@mail.intern.dolphit.de
> Betreff: Follow Up
>
> Dear Thomas,
>
> Thank you for your mail - I am very glad that you contacted me about
> this and I will be happy to supply you with the information that you
> need.
>
> Could you let me know exactly what it is that your customers are
> concerned about so that I can send you an answer that will reply to
> their queries.
>
> I hope to hear soon.
>
> Best,
>
> Sarah
> Executive Software Europe
>
> Subject:
> questions about scientology
> Date:
> Sat, 18 Dec 1999 23:18:14 +0100
> From:
> Thomas Schuy <thomas.schuy@dolphit.de>
> Organization:
> dolphIT GmbH
> To:
> "'tips@executive.com'" <tips@executive.com>
> CC:
> ""l.mcnocher@execsoft.co.uk'" <l.mcnocher@execsoft.co.uk>
>
>
> Dear ladies and gentlemen,
>
> is our information correct, that your owner is an scientologist?
> Your answer on this question is very important for us an our customers.
>
>
> Th. Schuy

ATTACHMENT 5

Subject: Follow Up
Date: Tue, 21 Dec 1999 12:40:03 +0100
From: Thomas Schuy <thomas.schuy@dolphit.de>
Organization: dolphIT GmbH
To: "'slake@execsoft.co.uk'" <slake@execsoft.co.uk>

Sarah!

Unfortunately, this is a reason to stop immediately our partnership and business-cooperation with your company. We will inform our customers about the official connection between ESI and Scientology.
Nearly all of our customers (who used Diskeeper) gave us the order to uninstall and destroy all licenses on their IT-Equipement in this case. We will follow this wishes and we will do it on our systems as well.

If Microsoft will sell Windows 2000 with your Tool in Germany, we will boycott this product also.

Remove us immediately from your newsletter / article list. Our adress is "th.schuy@schuy.com".
We will not have any contact with your company or any other, which is related to Scientology!

Th. Schuy

> -----Ursprüngliche Nachricht-----
> Von: Sarah Lake [SMTP:slake@execsoft.co.uk]
> Gesendet am: Dienstag, 21. Dezember 1999 11:53
> An: thomas.schuy@dolphit.de
> Betreff: Re: AW: AW: Follow Up
>
> Dear Thomas,
>
> Oh - I'm sorry, I didn't realise that this was a question - it is no
> secret that Craig Jensen, the owner, is a Scientologist - he has his own
> web page regarding this!
>
> Best,
>
> Sarah
>
> Thomas Schuy wrote:
> >
> > Dear Sarah,
> >
> > thanks for your fast reply. But we need a definately answer on the
question: "Is your company managed through or with scientology?"
> >
> > Th. Schuy
> >
> > > -----Ursprüngliche Nachricht-----
> > > Von: Sarah Lake [SMTP:slake@execsoft.co.uk]
> > > Gesendet am: Dienstag, 21. Dezember 1999 11:13
> > > An: thomas.schuy@dolphit.de
> > > Betreff: Re: AW: Follow Up
> > >
> > > Dear Thomas,
> > >
> > > Thanks for your reply - I do understand your situation - and would

> > > suggest that you tell your customers the following:
> > >
> > > The manual defragmenter built into Windows 2000 is called 'disk
> > > defragmenter,' not 'Diskeeper'. 'Diskeeper' is a trademark owned by
> > > Executive Software and used only on the defragmentation products we
> > > manufacture. While we assisted Microsoft with the development of
'disk
> > > defragmenter,' we are not involved in its manufacture.
> > >
> > > Microsoft chose to partner with Executive Software due to its quality
> > > products and leadership in the enterprise defragmentation market (80%
> > > share in the USA). For over a decade, Executive Software has
pioneered
> > > the development of defragmentation technology for the OpenVMS,
Windows
> > > NT and now the Windows 2000 operating systems. During the last six
> > > years, both companies have worked together to create the safe and
> > > effective defragmentation software to increase system performance.
> > >
> > > I hope that this helps but please let me know if there is anything
else
> > > that you need.
> > >
> > > I wish you a Happy Christmas and a GREAT 2000!!!!
> > >
> > > Best,
> > >
> > > Sarah
> > >
> > >
> > > Thomas Schuy wrote:
> > > >
> > > > Dear Sarah,
> > > >
> > > > our customers read in some newspapers (i.e. c´t), that your company
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> > > > owned and managed through a scientologist. This customers have a
codex,
> > > > that they didn´t work with scientology-companys or their products.
This
> > > > customers are i.e. confessional hospitals (managed by the both
churchs),
> > > > parts of the government or international companys.
> > > >
> > > > Th. Schuy
> > > >
> > > > > -----Ursprüngliche Nachricht-----
> > > > > Von: Sarah Lake [SMTP:slake@execsoft.co.uk]
> > > > > Gesendet am: Montag, 20. Dezember 1999 18:52
> > > > > An: thomas.schuy@mail.intern.dolphit.de
> > > > > Betreff: Follow Up
> > > > >
> > > > > Dear Thomas,
> > > > >
> > > > > Thank you for your mail - I am very glad that you contacted me
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> > > > > this and I will be happy to supply you with the information that
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> > > > > need.
> > > > >
> > > > > Could you let me know exactly what it is that your customers are
> > > > > concerned about so that I can send you an answer that will reply

Up

to
> > > > > their queries.
> > > > >
> > > > > I hope to hear soon.
> > > > >
> > > > > Best,
> > > > >
> > > > > Sarah
> > > > > Executive Software Europe
> > > > >
> > > > > Subject:
> > > > > questions about scientology
> > > > > Date:
> > > > > Sat, 18 Dec 1999 23:18:14 +0100
> > > > > From:
> > > > > Thomas Schuy <thomas.schuy@dolphit.de>
> > > > > Organization:
> > > > > dolphIT GmbH
> > > > > To:
> > > > > "'tips@executive.com'" <tips@executive.com>
> > > > > CC:
> > > > > "'l.mcnocher@execsoft.co.uk'"
<l.mcnocher@execsoft.co.uk>
> > > > >
> > > > >
> > > > > Dear ladies and gentlemen,
> > > > >
> > > > > is our information correct, that your owner is an scientologist?
> > > > > Your answer on this question is very important for us an our
customers.
> > > > >
> > > > >
> > > > > Th. Schuy
> > > > >
> > > > >
> > > > >
> > > > > dolphIT GmbH
> > > > >
> > > > > Tel.: +49 / (0)661 / 96 28 226
> > > > > Fax: +49 / (0)661 / 96 28 227
> > > > > mailto:thomas.schuy@dolphit.de
> > > > >
> > >
>

ATTACHMENT 6

Subject: AW: Are You Being Served!
Date: Wed, 28 Jun 2000 09:57:01 +0200
From: Joerg Wege <JWege@megasoft.de>
To: "'info@execsoft.co.uk'" <info@execsoft.co.uk>

Dear Sirs,

please find the answers to your questions below.

Kind regards,
Joerg Wege
Megasoft GmbH
Marketing Director
+49-212-3392-76 (phone)
+49-212-3392-56 (fax)

-----Ursprüngliche Nachricht-----
Von: info@execsoft.co.uk [mailto:info@execsoft.co.uk]
Gesendet: Dienstag, 27. Juni 2000 18:15
An: jwege@megasoft.de
Betreff: Are You Being Served!

Dear Channel Partner,

As a key distributor or reseller of Executive Software products (Diskeeper & Undelete)
we would appreciate your time in taking just a few minutes to answer the following
questions and then returning your answers to us at mailto:info@execsoft.co.uk. The
purpose of this survey is to ensure that Executive Software Europe can better support
its channel partners in the future, and thus provide what is really needed and wanted
in the way of service and backup.

1. In a score between 1-10, with 1 being the lowest and 10 the highest, how would you
grade Executive Software Europe's service and support to you, as a channel partner,
over the last 6 months?

Score: before June: 2
after Mr. Karlheinz Schneider had contacted us: 9

2. Is there anything that you consider has changed in the quality of service you have
received from Executive Software Europe over the last 6 months?

If yes, please explain:

see above

3. In your opinion, how could Executive Software Europe immediately improve its
performance and quality of service to you?

Please explain: It would be nice having access to (German) marketing

material
like product descriptions, boxshots, logos, etc.

4. What, if any, obstacles or barriers have you encountered in selling Executive
Software's Diskeeper or Undelete products?

If applicable, please explain:
As you know there was a big discussion in Germany about your CEO Craig Jensen
being a leading Scientologist. Selling Diskeeper to authorities or to the
church seems to be impossible since the start of this discussion.

5. Is there anything else that you would like to tell us?

Thank you for your time.

Best regards,
Customer Services
Executive Software Europe

Subject: AW: Are You Being Served!
Date: Wed, 28 Jun 2000 10:11:59 +0200
From: "Helmut Lieb" <lieb-edv@NetCologne.De>
To: <info@execsoft.co.uk>

1. In a score between 1-10, with 1 being the lowest and 10 the highest, how would you
grade Executive Software Europe's service and support to you, as a channel partner,
over the last 6 months?

Score: 9

2. Is there anything that you consider has changed in the quality of service you have
received from Executive Software Europe over the last 6 months?

If yes, please explain: personal touch

3. In your opinion, how could Executive Software Europe immediately improve its
performance and quality of service to you?

Please explain: Service is great

4. What, if any, obstacles or barriers have you encountered in selling Executive
Software's Diskeeper or Undelete product?

If applicable, please explain:
In Germany Executive is being connected to Syntology Church - which has a bad name in Germany. That goes as far as orders not to buy diskkeeper by all goverment agencys, officials...
Therefore a big share of the market is not willing to buy diskkeeper at all.

5. Is there anything else that you would like to tell us?

Thank you for your time.

Best regards,
Customer Services
Executive Software Europe

ATTACHMENT 8

Subject: AW: Are You Being Served!
Date: Wed, 28 Jun 2000 07:55:23 +0200
From: rolf.gallmann@oknet.de
To: <info@execsoft.co.uk>

Dear Excecsoft,

with kind regards
Rolf Gallmann
OFFICE KOMPLETT Computer Service GmbH
Storchenstr. 5
D-79664 Wehr
Tel. 07762/7088-60
Fax. 07762/7088-88
Internet http://www.oknet.de
E-Mail rolf.gallmann@oknet.de

-----Ursprüngliche Nachricht-----
Von: info@execsoft.co.uk [mailto:info@execsoft.co.uk]
Gesendet am: Dienstag, 27. Juni 2000 18:17
An: rolf.gallmann@oknet.de
Betreff: Are You Being Served!

Dear Channel Partner,

As a key distributor or reseller of Executive Software products (Diskeeper & Undelete)
we would appreciate your time in taking just a few minutes to answer the following
questions and then returning your answers to us at
mailto:info@execsoft.co.uk. The
purpose of this survey is to ensure that Executive Software Europe can better support
its channel partners in the future, and thus provide what is really needed and wanted
in the way of service and backup.

1. In a score between 1-10, with 1 being the lowest and 10 the highest, how would you
grade Executive Software Europe's service and support to you, as a channel partner,
over the last 6 months?

Score: 9

2. Is there anything that you consider has changed in the quality of service you have
received from Executive Software Europe over the last 6 months?

If yes, please explain: Information and tips per email are a good help for us.

3. In your opinion, how could Executive Software Europe immediately improve its
performance and quality of service to you?

Please explain: A lot of costumers think they do not need the full version of Diskkeeper because W2k have Diskkeeper inside. Please try to promote buying the full version in your official papers.

4. What, if any, obstacles or barriers have you encountered in selling Executive
Software's Diskeeper or Undelete products?

If applicable, please explain: In Germany a lot of costumers are heard about the problem of scientology church and Executive Software Boss. So they think with their heart and not think technical.

5. Is there anything else that you would like to tell us?

Thank you for your time.

Best regards,
Customer Services
Executive Software Europe

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