

RELIGIOUS DISCRIMINATION IN WESTERN EUROPE

HEARING
BEFORE THE
SUBCOMMITTEE ON
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTH CONGRESS
FIRST SESSION

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JULY 11, 2001
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RELIGIOUS DISCRIMINATION IN WESTERN EUROPE

WEDNESDAY, JULY 11, 2001

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL
OPERATIONS AND HUMAN RIGHTS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to call, at 1:04 p.m. in Room 2154, Rayburn House Office Building, Hon. Ileana Ros-Lehtinen (Chairperson of the Committee) presiding.

Ms. ROS-LEHTINEN. The hearing will come to order.

Some have asked why the Subcommittee is holding this hearing. Why, when there are so many egregious cases of religious persecution and oppression, are we dedicating a session to this issue. The answer is relatively simple.

When we receive reports of more than 1,000 hate crimes against Muslims documented over a 2-year period in Germany. When we obtain substantiated evidence of continued government surveillance and harassment of Scientologists also in Germany.

When we see countries such as Belgium classifying Southern Baptists, Quakers, Hasidic Jews' communities and Quakers as "sects" in an attempt to justify or legitimize violations of the fundamental rights of these groups and their follows.

When countries, such as France, pass legislation such as the About-Picard bill, it is imperative for this Subcommittee to act—to address the root causes of the problem; to investigate abuses; and, most importantly, to dissect the policies and laws, in order to assess the impact that these may have on the actions of other governments.

Upon passage of the French legislation on May 30, Ms. Picard, one of its authors, told the media that France was the "leader" in this field, and that "Foreign parliaments are closely observing our actions, such as Germany, Belgium, Italy, Spain, Portugal and former Eastern bloc countries." State Department officials have confirmed that many of these European countries are considering similar legislation.

It has been widely reported that China's Communist leaders are studying the French precedent for possible use against the Falun Gong movement.

And just yesterday, Joseph Bosco who teaches at Georgetown University's School of Foreign Service, wrote in an article in The Washington Post that "Chinese officials now triumphantly canvass

American academics, touting the French law as partial vindication for China's much-criticized human rights practice."

Why the fear about the French law will become the norm, rather than the exception? To reiterate, it creates new arenas for religious discrimination and violations of fundamental liberties.

Under the law's vague provisions concerning the dissolution of religious and spiritual groups, a new criminal offense of psychological or physical subjection is created which could be applied to virtually any organization involved in any matters of belief.

Innocent members of a group will be denied the ability to worship simply because a leading member of the group did something wrong. Among the offenses which would allow French authorities to dissolve a religious group are: causing a traffic accident resulting in bodily injury; failing to provide immunization or blood transfusions; or recommending vitamin therapy, if these were construed as illegal practices of medicine.

The other provisions of the new French law are the "mental manipulation" clauses. Jehovah's Witnesses who would reject blood transfusions and Christian Scientists, who teach reliance on faith healing, could easily fall under this new law.

Under the law, the Catholic Church could face prosecution for the strict conditions under which certain nuns, for example, live. Other, such as Father Francois, who has been a priest of a parish for over 35 years and who believes in healing through prayer, would also be affected. In testimony he provided to the Investigatory Commission for Violations of Human Rights in Paris in April of last year, Father Francois outlined the systematic harassment by French authorities because of what they called his "illegal practice of prayer."

The French Protestant Federation, which includes, Reformed, Lutheran and Pentecostal churches, as well as the Federation of the Evangelical Baptist Churches of France, are considering removing the word "evangelical" from their names. Even before passage of the law, the inclusion of the word evangelical in the name of a church, or its inclusion in a church mission statement, had resulted in various forms of discrimination against religious leaders and believers.

But what could have driven France and other Western European countries—bastions of democracy—to establish offices and commissions; to implement policies to deprive their citizens of the most basic human rights?

Some would argue that the Solar Temple suicides in Canada, France and Switzerland fueled the anti-sect movements.

Others will point to the language used by the anti-cult campaigners in the French parliament and the media who have promoted the notion that groups appearing on the sect list are a dangerous American import. Some newspapers in Europe have referred to these so-called sects as "American Trojan horses." During the debate in the French legislation on this bill, the French lawmakers spoke frequently about the perceived problems relating to U.S. churches and "evangelicals from America."

To reiterate, in order to effectively address the issue of religious discrimination in Western Europe, we must look at the causes or the variables fuelling the intolerance.

However, there is no—nor can there ever be—an excuse for violation or depriving human beings of the right to freedom of thought, of conscience, of religion, including the freedom to manifest their religion or belief in the teaching practice, worship and observance. These rights are enshrined in Article 18 of the Universal Declaration of Human Rights and cannot—indeed must not—be ignored.

Our distinguished panelists today will address the problems by country. They will provide personal and expert testimony on the forms of discrimination used and the patterns which are developing.

Lastly, I have asked them to offer recommendations on possible legislative actions—addressing tools currently available to the Congress through the International Religious Freedom Act, as well as new initiatives to bring about an end to religious discrimination and intolerance.

In conclusion, I would like to return to the question of why we are holding this hearing.

Just last week, we celebrated our country's independence and the principles upon which it was founded. In doing so, we honored those very first immigrants to America who came to these shores from Europe searching for the freedom to practice their faith.

With this history as our guiding principle, how could we sit idly by and do nothing? How could we not have a hearing to address these issues.

And now I would like to turn to the Ranking Member, my good friend, Congresswoman Cynthia McKinney, from Georgia, for her opening statement. Cynthia.

[The prepared statement of Ms. Ros-Lehtinen follows:]

PREPARED STATEMENT OF THE HONORABLE ILEANA ROS-LEHTINEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA, AND CHAIRWOMAN, SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

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When we see countries such as Belgium classifying Southern Baptists, Quakers, Hasidic *Jewish* communities and Quakers as "*sects*" in an attempt to justify or legitimize *violations* of the fundamental rights of these groups and their followers.

When countries, such as France, pass legislation such as the About-Picard bill, it is *imperative* for this Subcommittee to act—to address the root causes of the problem; to investigate abuses; and, most importantly, to dissect the policies and laws, in order to assess the impact these may have on the actions of other governments.

Upon passage of the French legislation on May 30th, Ms. Picard, one of its authors, told the media that France was the "leader" in this field and that "Foreign parliaments are closely observing our actions, such as Germany, Belgium, Italy, Spain, Portugal and former eastern bloc countries." State Department officials have confirmed that many of these European countries are considering similar legislation.

Further, it has been widely reported that China's Communist leaders are studying the French precedent for possible use against the Falun Gong movement.

Just yesterday, Joseph Bosco who teaches at Georgetown University's School of Foreign Service, wrote in an article in The Washington Post, that "Chinese officials now triumphantly canvass American academics, touting the French law as partial vindication for China's much-criticized human rights posture."

Why the fear that the About-Picard law will become the norm, rather than the exception? To reiterate, it creates new arenas for religious discrimination and violations of fundamental liberties.

Under the law's vague provision concerning the dissolution of religious and spiritual groups, a new criminal offense of psychological or physical subjection is created which could be applied to virtually any organization involved in matters of belief.

Innocent members of a group will be denied the ability to worship simply because a leading member of the group did something wrong. Among the offenses which would allow French authorities to dissolve a religious group are: causing a traffic accident resulting in bodily injury; failing to provide immunizations or blood transfusions; or recommending vitamin therapy, if this were construed as illegal practice of medicine.

The other pernicious provisions of the new French law are the "mental manipulation" clauses. Jehovah's witnesses who would reject blood transfusions and Christian Scientists, who teach reliance on faith healing, could easily fall under this law.

Under the new law, the Catholic Church could face prosecution for the strict conditions under which Carmelite nuns, for example, live. Others, such as Father Francois, who has been a priest of a parish for over 35 years and who believes in healing through prayer would also be affected. In testimony he provided to the Investigatory Commission for Violations of Human Rights in Paris in April of last year, Father Francois outlined the systematic harassment by French authorities because of what they called his "illegal practice of prayer."

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But what could have driven France and other Western European countries—bastions of democracy—to establish offices and commissions; to implement policies, which deprive their citizens of their most basic human rights?

Some would argue that the Solar Temple suicides in Canada, France, and Switzerland, fueled the anti-sect movements.

Others will point to the language used by anti-cult campaigners in the French parliament and media who have promoted the notion that groups appearing on sect lists are a dangerous American import. Some newspapers in Europe have referred to these so-called sects as an "American Trojan horse." During the debate in the French legislature on the About-Picard bill, French lawmakers spoke frequently about the perceived problems relating to U.S. churches and "evangelicals from America."

To reiterate, in order to effectively address the issue of religious discrimination in Western Europe, we must look at the causes or variables fueling the intolerance.

However, there is no—*nor can there ever be*—an excuse for violating or depriving human beings of the right to freedom of thought, conscience and religion, including the freedom to manifest their religion or belief in teaching practice, worship and observance. These rights are enshrined in Article 18 of the Universal Declaration of Human Rights and *cannot—must not—*be ignored.

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With this history as our guiding principle, how could we sit idly by and do nothing? How could we *not* have a hearing to address these issues?

Ms. MCKINNEY. Thank you, Madam Chair. I would like to thank you for holding this hearing on the subject of religious freedom, a fundamental human right that has been upheld throughout the world. Worship is an intensely private and personal commitment, and we must be vigilant in defending the right of all people to decide how to worship their God, or whether to worship at all.

Today our focus is on Western Europe, and, unfortunately, the evidence suggests that religious discrimination remains a threat even in this democratic and pluralistic region.

One trend that has recently appeared in Europe is the proliferation of so-called “anti-sect laws,” which are aimed at protecting the public from what are believed to be dangerous cults that attempt to engage in mind control or brainwashing. Countries that have adopted such laws include Austria, Belgium, Germany, and France.

These measure appear well-intentioned, but who has the right to determine for other what is a “cult” and what is an “acceptable” religion? When the government presumes to do so, it seems that a Pandora’s Box of state interference in religious life has been opened.

And furthermore, when the government becomes the arbiter of religious authenticity, which religions are likely to be targeted?

Certainly not the established religions that enjoy the support of the majority in a population.

Instead, the victims are going to be minority religions, the least well known and most misunderstood faiths; in short, the very groups that agreements like the Helsinki Accord were designed to protect.

Today, we are going to hear about the unfortunate position of Scientologists in German, where job applicants can be disqualified if they refuse to sign a declaration stating that they are not member of the Church of Scientology.

I look forward to hearing more about this state of affairs from our panel, because the situation in Germany sounds like an example of religious discrimination at its most blatant.

At the same time, I want to mention some other forms of religious discrimination in this region, the religious aspects of which we might forget because they are seen as parts of larger conflicts.

Sadly, the plight of Catholics in Northern Ireland remains a prime example. Although the Royal Ulster Constabulary adopted new measures to encourage the recruitment of Catholics and women, Amnesty International reports that the act failed to highlight the centrality of human rights protection and to include all the measures for increased policy accountability recommended by the Independent Commission on Policing for Northern Ireland October 1999.

Meanwhile, Catholics in the area are reportedly continue to be victims of violent attacks as The Washington Post reported last month.

In fact, as Europe becomes increasingly unified, it appears that the reactions of some to the cultural and economic upheaval that comes with this process has led to an overall increase in intolerance.

As Dr. Shimon Samuels of the Simon Wiesenthal Institute wrote,

“The expanding European Union has witnessed the replacement of customs and border control officers by skinhead gangs and hate mongers who use defectors of music and sport, racist rock groups and violence on the soccer fields, to recruit a frustrated generation of unemployable youth.”

Dr. Samuels reports a recent increase in Europe in the scapegoating of Jewish people for economic trouble, as well as an increase in the instances of holocaust denial and the desecration of Jewish cemeteries and memorials.

Muslims have also been targets. In France, anti-Muslim sentiment is closely tied to racism, and lingering resentments from the Algerian war for independence that ranged from 1954 to 1962.

Many Muslims of North African descent living in housing projects that are disproportionately non-white, although the government of France offers no affirmative action programs to combat this inequality.

As Dr. Laila al-Marayati, the president of the Muslim Women's League wrote,

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

However, Madam Chair, before we go any further in condemning our Western European allies for the discrimination that may be going on within their border, we as Americans need to question whether our own house is in order.

As the citizens of a nation that is founded upon the idea of religious freedom, we have set the standard for ensuring that all individuals have the right to worship as they please. If we are to take credit for being leaders on the religious freedom issue, then we need to recognize that with this leadership role comes responsibility.

This includes the responsibility of addressing our own failures to live up to the standards that we have set.

I am sorry to say that, as we speak, a serious religious discrimination issue in the United States remains unresolved.

I am talking about the secret evidence laws and the unfair imprisonment of Muslim individuals that these laws have led to. In 1996, in an effort to combat terrorism, Congress established the Anti-Terrorism Removal Procedures and the Alien Terrorist Removal Court. Under this system, the INS may detain suspected foreign terrorists on classified evidence, without ever showing that evidence to the suspects or their lawyers.

As Niels Frenzen, an attorney who has represented clients in secret evidence proceedings, wrote in the *Los Angeles Times*,

"The targets of secret evidence almost always are Arabs and Muslims."

Mr. Frenzen goes on to say that,

"When secret evidence is used, the INS has an almost perfect track record in convincing the judges who hear immigration cases that the targeted individual is a terrorist or poses some risk to national security.

"Yet all of the secret evidence cases tracked by advocacy groups in the past several years have unraveled the moment

the targeted individual gets a glimpse of the government's evidence or is granted a retrial in which the government cannot rely on secret witnesses or documents."

To take away the right of a defendant to confront his or her accuser is a travesty of American justice in and of itself, but the added fact that these laws have been targeted at Muslims makes this a religious discrimination issue as well.

On December, 15,2000, former Attorney General Janet Reno released on bond Mazen al-Najjar, a Palestinian who was held in a Florida detention center for more than 3 years without being charged with any crime. While this action came much too late, I hope that it is a sign that the days of the secret evidence laws are numbered. By rectifying this injustice, we in the United States have an opportunity to strengthen our position as advocates of religious tolerance and freedom, and to prove that through our ability to deal with problems at home we can more effectively combat religious discrimination in Western Europe or in any other part of the world.

Madam Chair, I look forward to hearing from our witnesses.
[The prepared statement of Ms. McKinney follows:]

PREPARED STATEMENT OF THE HONORABLE CYNTHIA A. MCKINNEY, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Madame Chair, I would like to thank you for holding this hearing on the subject of religious freedom, a fundamental human right that must be upheld throughout the world. Worship is an intensely private and personal commitment, and we must be vigilant in defending the right of all people to decide how to worship their God, or whether to worship at all. Today our focus is on Western Europe, and, unfortunately, the evidence suggests that religious discrimination remains a threat even in this democratic and pluralistic region. One trend that has recently appeared in Europe is the proliferation of so-called "anti-sect laws," which are aimed at protecting the public from what are believed to be dangerous cults that attempt to engage in mind control or brainwashing. Countries that have adopted such laws include Austria, Belgium, Germany, and France.

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Madame Chair, to take away the right of a defendant to confront his or her accuser is a travesty of American justice in and of itself, but the added fact that these laws have been targeted at Muslims makes this a religious discrimination issue as well. I

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I look forward to hearing from the witnesses.

Ms. ROS-LEHTINEN. Thank you, Cynthia. Thank you.

Now I am proud to recognize the Chairman of the Middle East Subcommittee and the former Chairman of the International Relations Committee, Chairman Gilman.

Mr. GILMAN. I thank the gentlelady for yielding, and I am pleased to yield to one of our Subcommittee Chairman who has to attend another meeting along with me at a later time. I would be pleased to yield to the Subcommittee Chairman from New Jersey, Mr. Smith.

Ms. ROS-LEHTINEN. Thank you, Mr. Gilman, and we will recognize you afterward, and Mr. Smith—

Mr. SMITH. Thank you, Chairman Gilman.

Ms. ROS-LEHTINEN [continuing]. Returned from a very successful mission abroad, along with our colleague, Mr. Tancredo, where they let him have it. Good for you, Chris.

Mr. SMITH. Thank you, Madam Chairwoman, for scheduling this very, very important hearing today on religious discrimination in Western Europe.

As you have noted, last evening Mr. Tancredo and I—and a delegation of Democrats and Republicans who make up the U.S. Delegation to the Organization for Security and Cooperation in Europe Parliamentary Assembly—returned from Paris. I was co-Chairman of that delegation. We had a number of robust and vigorous debates on issues from trafficking in human persons to the issue of police detention, torture, torture victims relief, Chechnya, and a whole host of other important—Chechnya issues were discussed. We also had a very focused discussion on the issue of freedom of religion.

Madam Chair, increasingly by the day there are negative trends. The new French law, which was promulgated by President Chirac on June 13, is the latest effort in Western Europe to restrict religious freedom. Without a doubt, the law can be used as a legal tool, and I would suggest as a blunt instrument for state authorities to dissolve certain religious groups found to be unacceptable by state authorities.

The law vests the government with sweeping new powers for officials to fine and even liquidate, dissolve religious groups based on the condition of an individual member adhering to the law.

Secretary Craner will testify in a moment, and looking at his testimony, he provides some background regarding the differences between cultures, which should not become a pretext for allowing religious persecution. He points out that, on behalf of the Administration, we view the new legislation in France as placing religious freedom at risk. I think those words are very, very true.

Last Monday, Mr. Tancredo and I had the opportunity to meet with fellow parliamentarian, Madame Catherine Picard, who was one of the principal authors of the new French law. I can say without any fear of contradiction, I think Tom had the same view, her explanations as to why the law was necessary were deeply disturbing.

The mantra seems to be that there is a need for the state to respond to the mass suicides of the Solar Temple or even the Ghana suicides more than 20 years ago. They keep bringing out those events as if they justify this sweeping new crackdown on other religious groups and the free exercise of conscience.

Rather than allowing criminal provisions in the law to address those practices whenever and wherever they occur, these events

are being used to advance an insidious and an intolerant attack against religious practice.

As matter of fact, during our conversation, she asked why we were concerned about it. One of the most important aspects of the Helsinki process is that there are generally recognized individual rights that all OSCE participating states have agreed to. Most of the countries of the world have agreed to the Universal Declaration on Human Rights, but there are specific Helsinki principles about freedom of conscience that France has agreed to as well. The new law is indeed violative of those principles.

I think Tom and many of us would agree that the French law has had and will have a chilling effect on religious believers in France, because if they step across a very, very carefully circumscribed line, that they run the risk of harassment, perhaps imprisonment and fines.

Let me also point out to my colleagues that France is leading by bad example. The People's Republic of China is savoring what France is doing. There are very persistent reports that they are examining the model being promulgated by France with envy.

As we all know, the PRC cracks down often with total impunity. Yet, if they can overlay some sense of respectability since the French are doing the same, it gives them standing in the world community to argue they are following other Western democracies.

As a matter of fact, Joseph Boscow, in his *Washington Post* editorial points out China's communist leaders have finally found a Western human rights model they like, in France's new anti-cult law making mental manipulation a crime.

And finally, Madam Chair, if you look at the details of the law you become even more concerned. The idea of offending the public order can become an actionable offense to dissolve a religious association. I asked Madame Picard three times about this and got a very poor response. I asked what would happen if Martin Luther King used nonviolent civil disobedience in France. His efforts in trying to topple unjust U.S. laws and policies ultimately resulted in new legislation, like the Civil Rights Act of 1964, and many other good laws followed. However, he broke the law, was arrested many times and spent time in prison to accomplish this goal. He often used the pulpit to admonish believers to break the law.

Under the French legislation, if a Martin Luther King type in France were to stand up and say "This French law is unjust, we need to have nonviolent civil disobedience," their religious association could be dissolved, and criminal and civil penalties metted out against those people.

This is a very dangerous law. After having read the law and explanations of it several times, and after Tom Tancredo and I met with Madame Picard, I am very, very concerned that the intent is to dissolve religious organizations and associations with whom the government may have a disagreement. So this is a dangerous law, a horrible precedent. Hopefully this hearing and others like it, as well as a backlash by people who believe in religious freedom, will result in the short term non-implementation or weak implementation, and then total eradication of this law.

Thank you, Madam Chair.

Ms. ROS-LEHTINEN. Thank you so much, Congressman Smith, and thank you, Mr. Gilman for yielding your time, and I am proud to recognize you now.

Mr. GILMAN. Thank you, Madam Chairperson. I want to thank Congressman Smith and Congressmen Tancredo for having attended those recent sessions in France.

Chairperson Ros-Lehtinen, we very much appreciate your taking the time to review this extremely important issue, religious discrimination in Western Europe, and we welcome and appreciate the time that the witnesses who will be testifying today have taken to travel and come before us with their important testimony.

It is a particular pleasure to welcome our new Assistant Secretary of State for Democracy, Human Right, and Labor, the Honorable Lorne Craner, and we hope you will be before us on many other occasions—

Mr. CRANER. Thank you.

Mr. GILMAN [continuing]. Along with Scott Thayer.

This is not the sort of issue that necessarily attracts, as we know, a lot of favorable headlines for defending people who are not necessarily popular in some of the states that are the topics of our consideration.

But liberty is indivisible. The liberty interests of individuals in France are really of a piece with our own liberties. The French discriminatory example is spreading. Under the May 30th French anti-sect legislation, we recognize, of course, that no one is in danger of being tortured in France for their religious beliefs. However, the coercive power of the state does appear to be ready to impact minorities merely because they happen to be unpopular and disagree with many people in their nation.

It is regrettable that in places like China and the states of the former Soviet Union, where running afoul of the authorities can have far worse consequences, the discriminatory example of France and other Western European countries is now being cited and held up to be a model.

The religious discriminatory problem was reviewed by our Full Committee last year as part of the Full Committee's jurisdiction over Western Europe.

But Madam Chairman, your Subcommittee is even a more appropriate Committee to fully review this matter, and we look forward to today's testimony by our witnesses.

And Madam Chairman, you will forgive both Mr. Smith and I if we have to try to shuttle between the other Subcommittee on Europe and this Committee, but we will be returning if we have to leave a little early.

Thank you, Madam Chairman, again for pursuing this extremely important issue.

Ms. ROS-LEHTINEN. Thank you, Mr. Gilman, you have been a leader on this issue for many years, and we thank you for that.

And Mr. Tancredo, who travelled with Congressman Smith, will give us his personal experience about the hearings. Thank you.

Mr. TANCREDO. Thank you, Madam Chairman.

I must admit that it is incredibly fortuitous that we are holding this hearing, and it is one that I had not actually anticipated, and it is entirely my fault for not paying enough attention to my sched-

ule, but I did not know until today that the hearing was going to be held, and focusing on this particular topic. And I could hardly believe it because, of course, as Congressman Smith just told you, we just returned and had a very lengthy and very lively discussion with members of the French parliament, and in particular, with Madame Picard about this particular piece of legislation.

It is amazing in a way, and it is—that amazement we tried to share with our French colleagues, the incredible irony of having to bring to their attention a law of this nature, the attention of the French National Assembly, and the French government which prides itself, and rightly so, on having a history, a very rich history of a liberal attitude toward individual freedom, individual perspectives, people sort of doing their own thing, it is amazing that there we were in France having to bring to their attention the particular concerns that the world community, much of the world community share about a law that they have passed and that is, unfortunately, becoming, as has been mentioned, not just a model for other nations to follow, but an excuse for many nations to continue their practice of harassment and persecution of religious minorities. That alone should give the French cause to think again about their actions.

How this action taken by a government can affect individuals and church groups inside a country was brought to our immediate attention in a meeting and a subsequent dinner with a pastor of a Christian church in Nimes, France. His name is Pastor Louis De Meo.

Pastor De Meo has been there for 20 years. It is a conservative Christian church, and yet they have faced difficulties since the French parliamentary list of “sects” was published in 1996. The church is not typical of many French churches but is typical of many American evangelical churches. The pastor is actually an American, so there is a degree of distrust.

He gave us a booklet that is 2 inches thick documenting all the incidents and news articles about their congregation, because nobody would really believe their story. You are talking about a Christian church in France. How in the world can you really expect anybody to believe that there is persecution going on, and that the government approves of it?

But in fact there is a great deal of empirical evidence that he provided for us to prove that fact. Just to relay an interesting little aside, which goes to the heart of the matter, imagine this.

A dentist in Nimes who treats Pastor De Meo, his family, members of his church, was asking after a period of time to actually go to school and change his profession. But, he was not permitted to sit for the national law exam, because of his affiliation with Pastor De Meo and the school of the Grace Evangelical Church.

He was refused entrance to the exam, and the reason given him is because he treated this group. If this is not an indication of the way this law can play itself out, if the government sanctions this kind of activity, it allows for bigots in any community, of course, to bring their force to bear. They can do so with impunity because they can feel as though the law is really on their side.

And this is the point we tried to make over and over again to Madame Picard. I do not know to what extent we were successful

in our communication, but I do know that it was a heated debate, I can assure you of that. And there is a natural reluctance, as you all know, I am not telling you anything you do not know, there is sort of an anti-Western, specifically anti-U.S. bias that comes out often in dealing with the French. That bias certainly was there when we were bold enough, audacious enough to come to them and suggest that they should rethink a law of this nature, and even question them in terms of their human rights leadership.

Subsequent to this law being passed, Pastor De Meo has had a number of other incidents, and again is naturally concerned about how this will play out. I assure you that it is a church that many witnessed—a type of church many of us have attended. It is a Christian church, evangelical in nature, but can he be accused of mind manipulation because, of course, there are a number of people in France and all over the world who are anti-Christian in their bias and could suggest that that kind of activity has some nefarious purpose.

Well, of course, this could happen. Now, the French government told the U.S. do not worry, it probably will not have that effect. When the law was first proposed, it gave the bureaucracy a great deal of latitude as to actually how to deal with religious groups. If someone in the bureaucracy of the group were to have some incident, though, action could be taken to fine or in fact dissolve a church.

Madame Picard suggested that her changing of the law had a great advantage to it because the decision to dissolve a religious organization would go through a judicial process, and a judge would have to make that determination. It is true that a judge would have to determine whether the action taken by the organization's leader would rise to a certain level and allow the dissolution of the church.

But, she never could respond to Congressman Smith's example of Martin Luther King which is a great example of the potential detrimental effect of the new law. It is a perfect example of a time in the United States when the government, especially the local governments in the South and in many areas were quite hostile to his particular point of view, point of view that was being expressed in the church, motivated by deeply religious men and women.

Why would we think for a moment that someone would not have used this kind of law to stifle the ability of Martin Luther King and others to bring their concerns forward by dissolving their church? Not just arresting Martin Luther King and anybody else that actually broke a law, you know, sat in front of a counter or whatever kind of transgression it might be, but actually dissolve the church as a result of the infraction. This is just absolutely incredible to me.

I want to assure you that I am looking forward with great relish to the testimony here today, especially, of course, in light of the fact that it is all still very fresh in my mind.

So I thank—thank you, Madam Chair.

Ms. ROS-LEHTINEN. Thank you for a very moving opening statement, Tom. Thank you.

And we are very proud to have our first panel of witnesses. Our hearing starts today with the debut appearance of the Honorable

Lorne Craner, and I say this because he is a good friend before the Subcommittee.

Recently, on June 4, Lorne Craner was sworn in as the Assistant Secretary of State for Democracy, Human Right and Labor. Prior to this appointment, Secretary Craner served as the president of the International Republican Institute since 1995. There he worked closely with the issue of human rights as he oversaw programs to promote democracy free markets and the rule of law around the world.

During the first Bush Administration, Secretary Craner served as the Director of Asian Affairs at the National Security Council and as Deputy Assistant Secretary of State for Legislative Affairs. However, he got his start in the corridors of Congress as a foreign policy advisor to Senator John McCain and Congressman Jim Colby.

It's a pleasure to have you join us today, Lorne. Welcome.

Mr. CRANER. Thank you very much.

Ms. ROS-LEHTINEN. And we will put your entire statement into the record, and I am pretty fierce with my gavel for the 5 minutes. Cynthia can tell you. I will fling it at you. Thank you.

Mr. CRANER. I will be waiting to catch it.

STATEMENT OF THE HONORABLE LORNE W. CRANER, ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEPARTMENT OF STATE

Mr. CRANER. Well, Chairperson Ros-Lehtinen and Members of the Subcommittee, let me thank you for the opportunity to appear before you today to testify on religious freedom in Western Europe. This is my first testimony as assistant secretary and I am very proud that it comes before such great defenders of liberty.

We appreciate and share your commitment to religious freedom, and to effort to promote it around the world. We are here because we have some important differences with our friends and allies in Western Europe. But I also begin by placing the differences in perspective. Religious minorities are treated better in West Europe than in many other regions of the world, and civil liberties in general are respected and nourished by those nations.

In addition, some of our disagreements are the products of divergent historical experience. While America has long revered religious liberty and experienced religious diversity, most European states have longstanding ties to an official religion, and yet we are very concerned that in some European countries the process of regulating religion is being expanded.

In particular, new legislation in France, the About-Picard law, places religious freedom at risk. While much will depend on how the statute is implemented, we are concerned that it has established a precedent, not only because of its potential impact in France, but also because of its likely use as a model by undemocratic countries. The legislation is overly broad and ambiguous. It gives the government authority to fine and even dissolve any religious association based on two or more convictions of a prescribed list of offenses.

Many in France have registered their objections to the About-Picard bill, including the French Council of Churches and Jewish,

Muslim, Catholic and Protestant leaders. Indeed, the Council of Europe issued a declaration on April 26, citing its view that the legislation could be discriminatory and violate human right standards. We share that concern.

We are also very concerned that this model will be adopted and them misused by countries that possess neither the French rule of law nor France's history of generally protecting human rights. We have seen evidence that French officials are actually actively promoting this model in some of these countries and that some, such as Russia and other countries in Eastern Europe, are even considering its adaptation.

We are distressed at reports that the government Hong Kong, under pressure from China, may adopt a law based on the About-Picard in order to deal with the Falun Gong.

I also want to highlight an apparent expansion in the monitoring and regulation of religious minorities in Austria, Belgium and to a degree, in Germany. Typically, these policies involve the creation of government agency to protect citizens against dangerous cults.

In Belgium, the Center for Information on Advice on Harmful Sectarian Organizations collects and disseminates information on sectarian groups, and devices evaluative criteria to assess the risk for brainwashing, financial exploitation and isolation from family. A similar Center was established in Austria to monitor cults.

The German government does not have a formal commission to battle sects, and appears to have rejected the Belgium, French model to managing minority religions. Germany does not however recognize Scientology as a religion, but views it as an economic enterprise that is opposed to the German democratic state. This has contributed to the use of so-called sect filters for employment, and has led some firms and individuals to screen out Scientologists in some sectors of business and employment. We have expressed to the German government our view that these practices are discriminatory.

In closing, let me assure the Committee that the State Department and our embassies in West Europe have worked and will continue to work with each of these governments to ensure that they understand our concerns and to explore ways to move forward. In particular, we will be watching closely as this new French legislation, About-Picard, is implemented.

Despite our differences of view, the U.S. and the democracies of West Europe share a strong commitment to universal human rights. Today, we are in the process of expanding our transatlantic dialogue to, unfortunately, include religious freedom. I hope that this will enrich both the American and the European understanding of religious liberty.

Thank you.

[The prepared statement of Mr. Craner follows:]

PREPARED STATEMENT OF THE HONORABLE LORNE W. CRANER, ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEPARTMENT OF STATE

Chairman Ros-Lehtinen and Members of the Sub-Committee, it is an honor to appear before you today to testify on the status of religious freedom in Western Europe. We appreciate your own commitment to religious freedom, and your efforts towards our common goal of promoting religious freedom around the world.

SETTING THE CONTEXT

We have some important differences with our friends and Allies in Western Europe with respect to religious freedom. But we should at the outset place those differences in context. Minority religions are treated better in Western Europe than in most other regions of the world. While we are quite concerned with the trends that I will outline today, we must also acknowledge that the severity of religious persecution we see in areas like China and Sudan is simply not present in Western Europe. Civil liberties in general are respected and nourished by the nations of Western Europe.

It is also important to note that there are genuine historical and cultural differences that help explain the divergences between the U.S. and European approaches to the role of religion in society. While most European states had longstanding ties to an official religion—and some still do—colonial America was from its earliest days a haven for people who sought religious liberty. By the time our Bill of Rights was adopted, the principle of religious freedom was already understood, codified, and widely accepted throughout our country.

In the two centuries that have followed, the United States became the most religiously energetic and diverse society in history. Today, virtually every major religion in the world can be found in our country, and many of the smaller ones as well. This rich diversity reflects our conviction that the religious impulse is common to every human being, and that religion is a cornerstone of democracy and civil society. This belief is one of the motivating forces behind the President's Faith-Based Initiative.

In some European countries, public policy reflects the view that religions need to be regulated and controlled, notwithstanding their contributions to civil society and democracy. Europeans sometimes view these relatively new, minority religions as a source of disruption or even alarm, and appear to place a burden of proof on them to demonstrate they are not a threat.

Of course, every organization—religious or not—is subject to the law. Western European democracies, like our own, have ample statutory prohibitions on violence and fraudulent activities.

I should also note that most states in Western Europe confer recognition on specific religious communities. In Belgium, Germany, Spain and Italy, for example, the government determines what is officially recognized as a religion. If the criteria set by the State are met, legal recognition of the new religion is granted and its relationship with society is codified and regulated. This usually entails things like prayer permits, tax benefits, the right to perform marriages, and chaplains in the military.

THE PROBLEM

With this background in mind, I want to call your attention to new legislation in France that we believe places religious freedom at risk. While much will depend on how the statute is implemented, we are concerned that it has established a precedent that is troubling, not only because of its potential impact in France, but also because of its potential use as a model by undemocratic countries, or aspiring democracies who look to Western Europe for guidance. The so-called About-Picard legislation, entitled "Prevention and Repression of Cultic Movements," is the most sweeping law on religious minorities which currently exists in Europe.

The law's overly broad and ambiguous language gives the government authority to fine and even dissolve any religious association based on two or more convictions from a list of offenses. These offenses include such actions as "endangering the physical/psychological well-being of a person" or "violation of another person's freedom, dignity, or identity".

We do not yet know how the legislation will be implemented. Many in France have registered their objections to the About-Picard bill, including the French Council of Churches, and Jewish, Muslim, Catholic and Protestant leaders. The Council of Europe issued a declaration on April 26 citing its view that the legislation could be discriminatory and violate human rights standards. We share this concern. We also hope that internal French and European voices will continue to be heard and will have an impact on implementation.

We are very concerned that the French Model of anti-cult legislation will be adopted and mis-used by countries that possess neither the French rule of law nor France's history of protecting human rights. We have seen evidence that French officials are actively promoting their model in some of these countries, and that some—such as Russia and other countries of eastern Europe—are considering its adoption. We are distressed at reports that the government of Hong Kong, under pressure from China, may adopt a law based on the French model in order to deal with the

Falun Gong. I do not believe that our French Allies would be pleased at such a prospect.

I want also to note an apparent expansion in the monitoring and regulating of religious "sects" in Austria, Belgium, and to a lesser degree in Germany. Poland, the Czech Republic, Romania, Bulgaria and Hungary are considering similar approaches to dealing with the activities of groups suspiciously viewed as "sects" or "cults."

Typically, these policies involve the creation of a government agency to protect citizens against dangerous cults. For example the French Inter-ministerial Commission to Battle Sects (MILS) was created to analyze the "phenomenon of cults." MILS publishes an annual report and is responsible for coordinating periodic inter-ministerial meetings at which government officials can exchange information and coordinate their actions. A similar center has been established in Austria. In Belgium, the "Center for Information and Advice on Harmful Sectarian Organizations" collects and disseminates information on harmful sectarian groups, and devises evaluative criteria to assess the risk for brainwashing, financial exploitation, and isolation from family. The Belgian list of sects includes Baptists, Mormons, Seventh Day Adventists, the Roman Catholic prelatry of Opus Dei, and the Young Women's Christian Association (YWCA).

The German Government does not have a formal "commission to battle sects" and appears to have rejected the French-Belgian approach to managing minority religions. It does not, however, recognize Scientology as a religion but views it as an economic enterprise that is opposed to the German democratic state. This has contributed to the use of so-called "sect filters" for employment, and has led some firms and individuals to screen out Scientologists in some sectors of business and employment.

We have and will continue to express concerns over allegations of discrimination because of religious affiliation.

THE U.S. RESPONSE

U.S. officials have consistently made our views known to authorities in these countries at every level. In late September 2000 the U.S. House of Representatives passed unanimously Resolution 588 which expressed "grave concern" about developments affecting religious freedom in Western Europe and called upon the President and the Ambassador-at-Large for International Religious Freedom to press the issue with the OSCE countries. In October the head of the U.S. delegation to the OSCE Human Dimension Implementation Review Meeting in Warsaw detailed U.S. concerns regarding religious freedom in Austria, France, Belgium and called upon those governments to close their "Sect Offices." The Director of the Office of International Religious Freedom traveled to Western Europe to express our views directly. U.S. Embassy officials at all levels have addressed the issue of religious freedom with their counterparts.

The Department's third Annual Report on International Religious Freedom, to be published this September, will detail the status of each country in the world, including those of Western Europe.

Despite our differences of view, the United States and the democracies of Western Europe share a strong commitment to universal human rights, including religious liberty. We have a relationship of cooperation in many areas, including defense and trade. While we have disagreements, we have developed, over the generations, the habit of cooperation. This has stood us all in good stead, and enabled us to overcome our differences.

Today, we are in the process of expanding our Trans-atlantic dialogue to include religious freedom. I am confident that this will enrich both the American and the European understanding of religious liberty. We look forward to a positive result from our dialogue and to working with our Western European partners to spread the blessings of religious liberty to every region of the world.

Ms. ROS-LEHTINEN. Thank you so much, and I would like to point out that Mr. Scott Thayer is here. He is the Director of the Office of Programs and Resources Planning of the Bureau of Europe and Eurasia Affairs, and is available to answer questions for our Members as well.

And we are very proud to have Congressman Joe Pitts join us. If you would like to make an opening statement, Congressman Pitts, please feel free.

Mr. PITTS. Thank you, Madam Chairwoman, and thank you for holding this important and timely hearing. Last night, I too returned from the OSCE, Interparliamentary Assembly in Paris, France. And as you know, the French parliament approved legislation which has the potential to greatly restrict religious freedom in that nation. And the legislation may have negative repercussions on religious freedom around the world as other nations, particularly Hong Kong, pattern their legislation after the French model. In Paris, we met with various groups to hear their stories, the impact of the legislation on them. I must say the outlook is not hopeful.

France, however, is not the only country whose laws raise concerns. The country Belgium was mentioned, which in 1997 issued a sect report listing 187 groups that they deem dangerous or disturbing. Reports suggest that the government parliamentary commission issuing the list used hearsay stories, never bothering to check the validity of such stories, to compile their list, which is currently used to discriminate against numerous religious groups—including mainstream groups such as Southern Baptists, Quakers, the YWCA, Hasidic Jews, Jehovah's Witnesses, and others.

The parliamentary commission actually believed the account of one person who said that Hasidic Jews were dangerous because they stapled their children's fingers together. It's absolutely ludicrous, but these kind of accusations have dangerous consequences. And so Belgium government has restricted religious freedom.

There are other Western European nations whose actions are disturbing. The laws and the attitudes are of great concern because Eastern European nations and developing nations model their legislation, their actions off of these advanced Western countries. Unfortunately, it seems that certain governments in Western Europe are sliding backwards, rejecting freedom and embracing the very thing supposedly they are supposed to prevent, which is absolute control over citizens' minds.

So as a Member of this Committee, as a member of the Commission on OSCE, I want to thank you for holding this important hearing—the most basic rights of many people in Europe are under threat, and I look forward to hearing the other testimony from our distinguished witnesses.

Thank you, Madam Chairwoman.

Ms. ROS-LEHTINEN. Thank you so much.

Mr. Secretary, given the election of France and Austria to the U.N. Commission on Human Rights, two countries whose policies and actions pose a threat to freedom of religion, the freedom of conscience and the freedom of belief, and the removal of our country, of the U.S., from this same Commission, what, if any, steps do you perceive the Commission will take against gross violators next year because of this law?

Mr. CRANER. Let me first say that we are still in the process of deciding whether or not we wish to rejoin the commission, and the commission's performance over the next year will be a factor in our decision.

I would say that it is quite obvious that the U.S., I think, has remained the prime defender of rights and liberties around the world. We have made clear to the Europeans, in particular, that is

now a burden that they must take up, at least for this next session. And we will be looking to them for leadership on human rights and democracy issues around the world.

Ms. ROS-LEHTINEN. The State Department authorization bill passed by the House includes provisions for staff at U.S. overseas posts dedicated as human rights monitors and investigators.

What guidelines will the State Department, and specifically, the DRL Bureau, provide our staff at our embassies in France, Belgium, Austria, and Germany, and other Western European countries that engage in religious discrimination? Is it on their radar screen, and will they take that seriously?

Mr. CRANER. No, it has been on their radar screen for sometime. We have been reporting for some years on religious freedom. That was, in a way, institutionalized in the Religious Freedom Act. That report will come out in September. But the embassies are certainly sensitized for the need to (a) find out, and (b) report truthfully on what is going on in terms of religious freedom, not just in some of the countries that I will call obvious offenders, like a Sudan, but in countries that, unfortunately, have now been added to a list that we must be concerned about.

Ms. ROS-LEHTINEN. And speaking of the International Religious Freedom Act that reaffirms, as we know, the longstanding U.S. position that human rights, and specifically the right to free exercise of religion are legitimate topics of normal international relations between states, do you believe that France shares this view?

Mr. CRANER. I think they have certainly engaged with us, and the fact that they are willing to engage most recently in the last few days with Members of Congress shows that they will talk about this issue.

My concern is kind of the flip side, that they are going out to other countries to sell their model, and it is countries that are certainly undemocratic that are looking at adopting that model. That is the kind of dialogue I am not looking for.

Ms. ROS-LEHTINEN. Secretary Powell, in other appearances before the House Committee on International Relations, has referred to what he calls "smart sanctions." And a little bit later we will hear from witnesses in our second panel making specific commercial and economic components to religious discrimination in Western Europe, including the lack of market access and problems with governmental procurement.

Would the Department consider targeted single import/export sanctions, such as French wine, contingent on changes in or repeal of the French law, for example? And would it consider reciprocal sanctions, for example, if the specific European country discriminates against a U.S. software company or a U.S. subsidiary for religious reasons? Would the Department work with other agencies to impose sanctions on European software companies?

Mr. CRANER. The Religious Freedom Act outlines a kind of escalating ladder of sanctions or actions that we can bring against other countries. We are currently on the fourth step when it comes to France. That is in section 405.

We have already gotten some reaction from Germany by bringing these issues to their attention, specifically in the contracting area. We have had a letter from them that addresses this issue. We are

going to follow- up to make sure they actually do what they tell us they are doing.

And we would look to the rest of the steps in that ladder of sanctions that could even come to what you are talking about today.

Ms. ROS-LEHTINEN. Thank you very much.

Congresswoman McKinney.

Ms. MCKINNEY. Thank you, Madam Chair. I do not have many questions our assistant secretary today, so he is going to luck out.

But Assistant Secretary Craner, you did mention Sudan. Could you tell me what your position on slavery in Sudan is?

Mr. CRANER. What the State Department's position on slavery in Sudan is?

Ms. MCKINNEY. Yes.

Mr. CRANER. We are against it, and we are looking—we are engaged, both myself, the Assistant Secretary for Africa, AID officials who, I think, you know some of them, but also Secretary Powell has made clear that there are a number of issues here, slavery central among them, the conflict is second, and the third is the political issue within Sudan that we are already engaged in and looking to help bring solutions to each of those problems, and then the overall contextual problem of Sudan.

Ms. MCKINNEY. Well, could you tell me if in that position is included a recognition of the fact that slavery is a crime against humanity?

Mr. CRANER. That it is currently a crime against humanity, yes.

Ms. MCKINNEY. Why did you say "currently"?

Mr. CRANER. We are currently engaged in efforts to bring about a forward-looking world conference against racism in Durban, an effort that would look to the current day and look forward to solving the problems of racism around the world.

Ms. MCKINNEY. So slavery today is a crime against humanity, but slavery yesterday is not a crime against humanity?

Mr. CRANER. No. As I said, we are looking for a forward-looking conference in Durban, and we will be approaching other countries on those issues, and looking to work out a formula which—

Ms. MCKINNEY. I was not talking about Durban. I am talking about slavery.

Mr. CRANER. I understand that.

Ms. MCKINNEY. Okay. The Ways and Means Committee is currently marking up charitable choice legislation, and you note in your testimony that the President's faith-based initiative is based on the President's belief that religion is a cornerstone of democracy and civil society.

Is discrimination also a cornerstone of U.S. democracy?

Mr. CRANER. Is discrimination a cornerstone of U.S. democracy?

Ms. MCKINNEY. Yes.

Mr. CRANER. I would say it is not.

Ms. MCKINNEY. Well, why then would the President promote legislation that encourage discrimination on the basis of religion?

Mr. CRANER. Congressman McKinney, you are getting into issues much broader than my purview. I will be happy to take your questions back to the State Department. But I am not working within the State Department on the President's initiative on faith-based help.

Ms. MCKINNEY. Thank you for those two non-answers.

Now, let me just further state that Martin Luther King's name has been invoked here today, and I do want the record to reflect that Martin Luther King, Jr. was not silenced with the law, but he was silenced with a bullet.

And I would further like the record to reflect that a jury, in December 1999, found that Martin Luther King, Jr.'s assassination was a part of a conspiracy that included some government officials.

I would also like the record to reflect that 1 month before Dr. King was killed the FBI restated in a memo, a COINTELPRO memo, a counter intelligence program memo, that the COINTELPRO program had as one of its targets the SCLC. Of course, that's the Southern Christian Leadership Conference, which was then at that time headed by Dr. Martin Luther King, Jr.

Also, a former FBI agent, Mr. Murta, who was stationed in one of the Georgia FBI offices, has said that there were 18 agents assigned to Dr. Martin Luther King, and that for the last few years of his life they knew everything about Dr. King, where he went, who he saw, who he talked to.

And so I would just want the record to reflect that the case, that the book is not closed on how Dr. King was killed, why he was killed, and who killed him.

Thank you, Madam Chair.

Ms. ROS-LEHTINEN. Thank you, Ms. McKinney.

Congressman Smith.

Mr. SMITH. Thank you very much, and let me apologize for having left. There is another hearing going on simultaneously with this one on Bosnia, and Assistant Secretary Jones is testifying and doing a great job. I apologize for not getting to hear your oral statement. However, I did read your written statement, and it is very good.

Let me ask you, Mr. Secretary, where do you think we go from here in terms of protesting this law?

I mean, as I indicated earlier, in my conversation with Catherine Picard, the animosity toward religion which had been cloaked by diplomatic niceties began to peel away the longer we spoke. As a socialist and as an apparent atheist, the reasons for introducing and enacting such legislation probably stems from her personal view and the view of those who supported it.

Yes, I understand the cultural context of protecting citizens, but the end game appears to be excluding people of minority faiths. As we know, prior to the law there was that list of 172—

Mr. CRANER. Right.

Mr. SMITH [continuing]. Groups that were listed, like Catholic charismatics, and Pastor Louis De Meo, who testified before the Helsinki Commission some years back, after which there was apparently genuine retaliation against him.

Why is the state so intent on controlling the thought processes and the freedom of conscience of these individuals? But where do we go from here?

We are calling on the French government to cease and desist in its implementation. In my conversation with Madame Picard, she asked, "Why are you interested?"

I replied "Why are Americans even at all interested? Well, the appeal toward internal affairs has been used by every dictatorship or even some democracies whenever a human rights principle is talked about." Certainly the Russians and the Soviets used it. The Chinese use it in every conversation about human rights. So we explained to her that it is a matter of international law, and it also establishes a precedent that could be used in other societies like China.

Where do we go?

There is the human dimension meeting coming up in Warsaw. Also, the U.N. Human Rights Commission certainly might be an area where this can be engaged, although they have shown in the past a profound propensity to not deal with human rights issues, which is a grave situation.

I plan on introducing a resolution on France specifically which I am sure they will not appreciate, but I think there has been a lack of attention.

Last year, Matt Salmon offered a resolution which passed, as you reference in your testimony, with regards to the lack of religious freedom.

If you could respond to that, I would appreciate it.

Mr. CRANER. Let me first say I do not—I do not think that there is a broad-based anti-religious freedom in France. My own personal view is that among some groups there is a feeling of anti-clericalism. I do not think—my guess is that this is not a law that is broadly supported in all of its—to every extent by the French public.

So my first suggestion would be that we try to engage the French public on this issue.

My second suggestion would be that we try to engage other nations, and I mean—I mean, I am going to come to the negative sense of that in a second, but in a positive sense that we try and engage other Western European, Latin American nations on this issue, so that it is not viewed in France as an American issue, but as an issue that they have to deal with internationally.

I think what you and Mr. Pitts and Mr. Tancredo and Mr. Hatch, and Senator Smith on the Senate side, have done is very important because it demonstrates to the French government that this is a broadly-held belief within the U.S. government.

And I think we also—we need to look at the kind of presidential actions that you and others outlined in the Religious Freedom Act as we move forward on this. But I think if we have that kind of broad-based strategy, we might start to get somewhere.

Mr. SMITH. I appreciate that, and I think you are correct, the French people should know our argument is not with them, but with a law that seeks to circumscribe and inhibit their ability to practice their faith, as they see fit.

Again, to reiterate briefly the idea of constantly thrusting the Solar Temple and Jones as the *raison d'être* for this law is weak, and it certainly does not hold water under scrutiny.

My hope is that we could try before it spreads in the European community, as well as elsewhere, to contain this rising tide of intolerance. When they come for somebody else and we say that is not

my business, it is potentially only a matter of time before they come for your denomination or somebody else's.

This is a frightening precedent. Where will we be, in your view, 5 years from now if this law is implemented the way the language is actually written, with its punitive aspects?

Mr. CRANER. I take your point on containment and I think that is important, not only to go to the governments of the countries that are considering this, but also to go the French government and say it is really necessary to export this model. Thank you.

Mr. SMITH. I appreciate it. Thank you.

Ms. ROS-LEHTINEN. Thank you.

Mr. TANCREDO. Thank you, Madam Chairman.

Secretary Craner, the perception I had, during our discussions both preceding and after the meeting we had with Madame Picard, concerning the attitude on the part of the Embassy personnel that attended the meeting was that they were not completely objective observers.

I am going to tell you now, and hopefully therefore you can pass this message on to our personnel there, that, especially in terms of Pastor De Meo, a U.S. citizen, I do hope his concerns are addressed in a manner in which I think both Chris and I believe to be fair. I would hope he is given a hearing by our own people in the State Department, that he finds a sympathetic ear there to express his concerns. These are very specific concerns and I am not asking them to do anything out of the ordinary. As an American citizen he has the right at least to have a sympathetic hearing in the State Department, and in the Embassy of the United States when something happens of the nature we are talking about here.

I know we have toyed around in the past with legislation that included references to the need for sensitivity training for Embassy personnel on various issues, and we may very well find ourselves in the position of having to include this in the list of those things that we believe are people overseas have to be sensitive about because there is definitely—I will call it—an attitude problem there.

More specifically, what you laid out as a plan for our dealing with this now, where do we go from here, is an excellent plan. Certainly the idea of getting other nations to participate and bring their concerns to the French government is good. If our expressions of concern are only from an American perspective, you know, we may not make much progress. I am reminded of the fact that in Paris if an American wants to get a reservation at a nice restaurant, you have to get a Frenchman to call and make the reservation.

This situation is the same. When you want to raise a policy issue with France, it is better to get colleagues from Germany or some other country to do it.

But the issue of how you engage the French public on this needs another approach, as you said, and I agree with it. What do you mean by that? How do you do that?

Mr. CRANER. Well, I believe there is somebody from French TV here today. I know that French newspapers have correspondents in this town. I think it would be interesting for you and Mr. Smith to ask them, Mr. Pitts, to ask them to come in and maybe talk

about your trip. That way you are reaching—it is something we did a lot in the 1980s—

Mr. TANCREDO. I do not know who here is from French television, but you are invited, as soon as possible.

Mr. CRANER [continuing]. When we reached out to West European publics on a lot of issues that were very important to us at the time. And while the governments weren't always sympathetic to the people in those countries, our positions made a lot of sense.

Mr. TANCREDO. Thank you, Mr. Secretary. I have no other questions.

Ms. ROS-LEHTINEN. Thank you.

Mr. Pitts.

Mr. PITTS. Thank you, Madam Chairman.

Secretary Craner, what actions has the State Department taken toward the French government regarding this restrictive law, and for that matter, as far as the government of Belgium is concerned?

And then, what actions could you take with embassies, with specific countries to express our concern about freedom of religious, the restrictions and religious discrimination?

Mr. CRANER. What we have done over the past year is at every level to the top of the State Department we have raised this issue with the French publicly—privately and then publicly. We subsequently went public with the kind of statements I am making today, condemnations, and we have approached, we have begun to approach other multilateral institutions to try and get them involved in this issue, as I outlined before.

Mr. PITTS. Are there other options or venues that are available to the United States to address this issue of religious discrimination with our transatlantic partner?

Mr. CRANER. Yes, there are a variety, including the Human Rights Commission, including various European bodies that we can and will go to on these issues if the situation does not change.

Mr. PITTS. What directives, if any, have our new Ambassadors to these countries or ones to be appointed will they receive on this issue? And what guidelines will be given to the ambassador at large for the international religious freedom?

Mr. CRANER. I am going to let Mr. Thayer talk about what cables we have sent out to the Embassy. The new ambassador for religious freedom will be—he reports to the Secretary and the President, but he will know when he shows up that this is an issue. I suspect he already does know that this is an issue that we are going to have to pursue.

Mr. THAYER. Well, Mr. Pitts, we have not been sending out specific guidance to specific Ambassadors since the change of the Administration with regards to religious freedom. The religious freedom report itself, as Assistant Secretary Craner mentioned, is in preparation, and in that context there has been there has been quite a lot of information sent out to our embassies about the kind of issues that we are involved that we are interested in, and the kind of actions that we would like to see our embassies taking vis-a-vis many host governments, not just the French or the Belgians in this immediate case.

Mr. PITTS. Will guidelines be given to the staff of all of our embassies, all of the staff in these Western European countries.

Mr. THAYER. We have been telling our staff for a number of years, as Assistant Secretary Craner appointed out, of our policy interests on religious freedom issues. And in those countries where we have specific interests, and this hearing is looking at some of them, there has been much more specific both guidance from Washington and engagement by Washington participants and our staffs there, both in meeting with people who you have mentioned, and in representing to host governments our concerns about their protection of human rights and religious freedom, and the legislation that they have under consideration.

Mr. PITTS. Now, in our International Religious Freedom Act there are several options available in section 405, and I think you might have been referring to that.

For instance, would the Department be opposed to implementation No. 7 on that list, which is the denial of one or more working official or state visits to suspend the visas of the members of the sect offices throughout Europe?

What type of implementation and options would you consider recommending?

Mr. CRANER. I would consider recommending the kind of steps I have outlined here today, of going to other countries, going to international fora and working from that angle on trying to resolve this matter with the French.

Let me also mention the issue of the embassies meeting with people overseas has been brought up. Within my office, the Democracy, Human Rights, and Labor, we have an Office of Religious Freedom, and Mr. Tom Farr, who is with me here today, has met on a number of occasions with the pastor, and I can assure you he has gotten a sympathetic ear.

Mr. PITTS. Did the President raise the issue of the French law on his recent visit to Europe? Do you know?

Mr. CRANER. I will have to take that one back and find out for you.

Mr. PITTS. Thank you, Madam Chairman.

Ms. ROS-LEHTINEN. Thank you so much. Thank you, gentlemen, for being with us today.

And now I would like to present—did you have a follow-up question, Ms. McKinney?

Ms. MCKINNEY. No, I do not have a follow-up question, although I do have some materials related to the assassination of Martin Luther King, which I would like to submit for the record, Madam Chair.

[The information referred to follows:]

Submitted by Congresswoman McKinney

<http://www.icdc.com/~paulwolf/cointel.htm>

<http://www.icdc.com/~paulwolf/copap5a.htm>

Chapter 5 COINTELPRO - Black Liberation Movement

The COINTELPRO Papers

COINTELPRO - short for "counterintelligence program" - was the name for the FBI's secret campaigns against the civil rights, Black liberation, anti-war, American Indian, socialist, Puerto Rican independence, and other popular movements of the 1960's.

The FBI's tactics against such great people as Martin Luther King, Malcolm X, Black Panthers Huey Newton, Fred Hampton and Geronimo Pratt, Angela Davis, Leonard Peltier, Tom Hayden, Jane Fonda ... the list goes on and on included fabricating evidence & perjury to lock up activists on phoney charges, anonymous death threats, manipulating groups into feuds with each other through the use of informants, who also tried to incite these groups to acts of violence and terrorism and provided them with weapons and explosives ... the FBI's COINTELPRO tactics were simply unbelievable. In fact, they were indistinguishable from the CIA's counterinsurgency tactics used in Latin America and elsewhere.

The FBI did a good job documenting their work, and thousands of COINTELPRO documents have been declassified and made available to the public through the Freedom of Information Act. The story they tell would shock anyone who believes in democracy, an ideal the US claims to represent.

The COINTELPRO Papers, by Ward Churchill and Jim Vander Wall, is a fascinating book, containing over 150 original FBI documents. Covert operations against the above - mentioned groups and activists are analyzed and fully documented.

The King assassination: After three decades, another verdict
Christian Century, James W. Douglass, 3/15/00

The FBI and the Death of MLK; (c) 1996 ParaScope, Inc.
<http://www.parascope.com/articles/0197/mlk6.htm>

ROUTE IN ENVELOPE

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan *S/E*

DATE: May 22, 1968

FROM : Mr. G. C. Moore *GM*

SUBJECT: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS
RACIAL INTELLIGENCE
(POOR PEOPLE'S CAMPAIGN)

| | |
|------------|-------------------------------------|
| Tolson | <input checked="" type="checkbox"/> |
| DeLoach | <input checked="" type="checkbox"/> |
| Casper | <input checked="" type="checkbox"/> |
| Callahan | <input checked="" type="checkbox"/> |
| Conrad | <input checked="" type="checkbox"/> |
| Felt | <input checked="" type="checkbox"/> |
| Gale | <input checked="" type="checkbox"/> |
| Rosen | <input checked="" type="checkbox"/> |
| Sullivan | <input checked="" type="checkbox"/> |
| Tavel | <input checked="" type="checkbox"/> |
| Trotter | <input checked="" type="checkbox"/> |
| Tele. Room | <input checked="" type="checkbox"/> |
| Holmes | <input checked="" type="checkbox"/> |
| Gandy | <input checked="" type="checkbox"/> |

This is to recommend an item regarding the Poor People's Campaign be given a cooperative news media source on a confidential basis by the Crime Records Division. A source has advised that some leaders of the Poor People's Campaign (PPC) feel that the American Friends Service Committee (AFSC), a Quaker group, is trying to dominate the PPC in Washington, D. C. The AFSC has assisted the Southern Christian Leadership Conference in various phases of this campaign. This situation is so serious that Fred C. Bennetto, in charge of security for the PPC, refuses to go to the campaign office in Washington because of the presence of AFSC representatives.

An item has been prepared, copy attached, to show this jealousy on the part of PPC leaders. It is felt this should be given a cooperative news media source on a confidential basis by the Crime Records Division.

ACTION:

That attached item regarding the Poor People's Campaign be furnished a cooperative news media source on a confidential basis by Crime Records.

Hambly
5/23/68
TSD

Enclosure

(8)

- 1 - Mr. C. D. DeLoach
- 1 - Mr. W. C. Sullivan
- 1 - Mr. T. E. Bishop
- 1 - Mr. G. C. Moore

- 1 - (Mass Media)
- 1 - (Mass Media)
- 1 -

JUN 5 1968

WCS
DR
D.R. [unclear]
A. [unclear]

Handwritten notes:
1/18/64
1/18/64

| | |
|--------------|--|
| Mr. Tolson | |
| Mr. DeLoach | |
| Mr. Mohr | |
| Mr. Bishop | |
| Mr. Casper | |
| Mr. Callahan | |
| Mr. Conrad | |
| Mr. Felt | |
| Mr. Gale | |
| Mr. Rosen | |
| Mr. Sullivan | |
| Mr. Tavel | |
| Mr. Trotter | |
| Tele. Room | |
| Miss Holmes | |
| Miss Gandy | |

Date: December 1, 1964
 To: Mr. W. C. Sullivan
 From: J. A. Sizoo
 Subject: MARTIN LUTHER KING, JR.

Reference is made to the attached memorandum DeLoach to Mohr dated 11/27/64 concerning DeLoach's interview with [redacted] and to your internal memo, also attached.

[redacted] stated to DeLoach that he was faced with the difficult problem of taking steps to remove King from the national picture. He indicates in his comments a lack of confidence that he, alone, could be successful. It is, therefore, suggested that consideration be given to the following course of action:

That DeLoach have a further discussion with [redacted] and offer to be helpful to [redacted] in connection with the problem of the removal of King from the national scene;

That DeLoach suggest that [redacted] might desire to call a meeting of Negro leaders in the country which might include, for instance, 2 or 3 top leaders in the civil rights movement such as James Farmer and A. Philip Randolph; 2 or 3 top Negro judges such as Judge Parsons and Judge Easty; 2 or 3 top reputable ministers such as Robert Johnson, Moderator of the Washington City Presbytery; 2 or 3 other selected Negro officials from public life such as the Negro Attorney General from one of the New England states. These men could be called for the purpose of learning the facts as to the Bureau's performance in the fulfillment of its responsibilities under the Civil Rights statute, and this could well be done at such a meeting. In addition, the Bureau, on a highly confidential basis, could brief such a group on the security background of King [redacted] use of a tape, such as contemplated in your memorandum, together with a transcript for convenience in following the tape, should be most convincing.

The inclusion of U.S. Government officials, such as Carl Rowch or Ralph Bunche, is not suggested as they might feel a duty to advise the White House of such a contemplated meeting. It is believed this would give us an opportunity to outline to a group of influential Negro leaders what our record in the enforcement of civil rights has been. It would also give them, on a confidential basis, information concerning King which would convince them of the danger of King to the over-all civil rights movement. [redacted] is already well aware of this. This group should include such leadership as would be capable of removing King from the scene if they, of their own volition, decided this was the thing to do after such a briefing. The group should include strong enough men to control a man like James Farmer and make him see the light day. This might have the effect of increasing the stature of [redacted] who is a capable person and is ambitious.

There are refinements which, of course, could be added to the above which is set forth in outline form for possible consideration.

UNITED STATES GOVERNMENT
Memorandum

TO: DIRECTOR, FBI (100-418 000) DATE: 4-14-58

FROM: SAC, ST. LOUIS (157-2418) P

SUBJECT: COUNTER-INTELLIGENCE DESKTOP
 BLACK NATIONALIST - KATE GROUPS
 (BLACK LIBERATORS)

Enclosed for the Bureau are two copies and for Springfield one copy of a letter to [REDACTED]

The following counter-intelligence activities are being proposed by the St. Louis Office [REDACTED] and his wife and caused suspicion about the BLACK LIBERATORS that they have a dangerous troublemaker in their midst.

BACKGROUND:

[REDACTED] who [REDACTED] he occasionally funds her money and she appears to be a devoted, loving wife, who is apparently convinced that her husband is performing a vital service to the Black world and, therefore, must endure this separation without bothering him. [REDACTED] is an intelligent, respectable young mother.

Her husband, on the other hand, considers himself a "NORIE" and he frequently enjoyed the company of various Sisters of the BLACK LIBERATORS, including [REDACTED]

[REDACTED] actually feel [REDACTED] wife is a matter of conjecture, but it is highly probable that he wants no problems at home that would detract from his Black Nationalist work, or cast a reflection upon him with the white sisters in the area who are sympathetic and previously loyal to him.

1 - Bureau (Encl. 2) RM
 1 - Springfield (Encl. 2) RM
 1 - St. Louis
 JAW:md
 (5)

REC 44 77-1

SWT
 TSP

The U.S. Seals: Made Legally on the Patent Office Files

THE COINTELPRO PAPERS

AC, Albany August 25, 1967

~~Director, FBI~~

PERSONAL ATTENTION TO ALL OFFICES

COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST - HATE GROUPS
INTERNAL SECURITY

- 1 - Mr. C. D. Brennan
- 1 - [REDACTED]

Offices receiving copies of this letter are instructed to immediately establish a control file, captioned as above, and to assign responsibility for following and coordinating this new counterintelligence program to an experienced and imaginative special Agent well versed in investigations relating to black nationalist, hate-type organizations. The field office control file used under this program may be maintained in a pending inactive status until such time as a specific operation or technique is placed under consideration for implementation.

The purpose of this new counterintelligence endeavor is to expose, disrupt, misdirect, discredit, or otherwise neutralize the activities of black nationalist, hate-type organizations and groupings, their leadership, spokesmen, membership, and supporters, and to counter their propensity for violence and civil disorder. The activities of all such groups of intelligence interest to this Bureau must be followed on a continuous basis so we will be in a position to promptly take advantage of all opportunities for counterintelligence and to inspire action in instances where circumstances warrant. The sordid background of such groups, their duplicity, and devious maneuvers must be exposed to public scrutiny where such publicity will have a neutralizing effect. Efforts of the various groups

- Atlanta
- Baltimore
- Boston
- Buffalo
- Charlotte
- Chicago
- Cincinnati
- Cleveland
- Detroit
- Jackson
- Los Angeles
- Memphis
- Newark
- New Orleans
- New York
- 2 - Philadelphia
- 2 - Phoenix
- 2 - Pittsburgh
- 2 - Richmond
- 2 - St. Louis
- 2 - San Francisco
- 2 - Washington Field Office

MCT-34
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ALL INFORMATION CONTAINED
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Ms. ROS-LEHTINEN. Without objection. Thank you, Ms. McKinney. Thank you, gentlemen, for being with us.

Our private panel will be presenting the experiences of various denominations across Western Europe. We begin with the testimony of Mr. Joseph Grieboski, the founder and president of the Institute on Religion and Public Policy.

Mr. Grieboski has worked for many years on the issue of religion and politics prior to founding the Institute on Religion and Public Policy in 1999. He had various leadership posts in the public and private sector. He currently serves as founder and Chair of the International Task Force on Religion and Law, and Vice Chair of the Board of Directors of the Mercury Foundation.

Mr. Grieboski works closely with young adults as a lecturer for the Close-Up Foundation, as well as the Washington Semester Program at American University.

Thank you for coming, and welcome.

Soon following, we will be hearing the testimony of Ms. Sameera Fazili, the Executive Director of Karamah: Muslim Women Lawyers for Human Rights, an American nonprofit organization committed to research, education and advocacy work on Islam and human rights.

Ms. MCKINNEY. Madam Chair.

Ms. ROS-LEHTINEN. Yes, Ms. McKinney.

Ms. MCKINNEY. I hate to interrupt, but it appears that Assistant Secretary of State Craner has something to say to say to me, and he could say it in public.

Ms. ROS-LEHTINEN. Okay, great. Thank you.

At Karamah, she has conducted several human rights education programs in the American Muslim community, and has investigated human rights abuses against Muslim women, particularly in France and Turkey. She has worked in Kashmir, India and with the United Nations High Commissioner for Refugees. Ms. Fazili is a graduate of Harvard University, and we welcome her today.

Our next panelist is a man who needs no introduction. While we all recognize the name, the face, and the voice of actor and musician Isaac Hayes, today he comes to us as a witness of intolerance and injustice.

Mr. Hayes is a frequent speaker and lecturer, particularly for young African-Americans, speaking out against civil and human rights violations everywhere. In 1992, Mr. Hayes became the international spokesman for the World Literacy Crusade, through which he advises young people of the need for higher education, worthwhile employment, and future hope without the need for violence.

In September 1997, Mr. Hayes testified before the Commission for Security and Cooperation in Europe about religious discrimination by the German government against minority religious members. Most recently, late last year, he traveled to rally against government intolerance in France.

We all look forward to your testimony, to your insight, and we welcome you today, Mr. Hayes. Thank you.

Next, we will be hearing from Mr. Patrick Hinojosa. Mr. Hinojosa is the Vice President and Chief Financial Officer for Panda Software in the United States. His company is the fourth largest producer of anti-virus software in the world. His testimony will en-

lighten us as to the commercial and economic impact of religious discrimination.

We look forward to your testimony and to your personal account. Thank you for coming and welcome.

And we have the best for last. If you are a fan of the show "JAG," you will that Catherine Bell is our final witness. Ms. Bell plays Lieutenant Colonel Sarah MacKenzie, a Marine Corps attorney, on the show. Like her colleague, Isaac Hayes, she too steps away from her public persona today and brings us her experience in battling religious discrimination in Europe.

Ms. Bell has worked extensively to bring attention to discrimination in Europe against her fellow Scientologists and members of other minority faiths.

Last June, Ms. Bell testified before the House International Relations Committee on this very subject. She is also an active supporter of several social betterment organizations including the Citizens Commission on Human Rights.

One interesting note about Ms. Bell is that she is of Persian descent and is fluent in Farsi.

We welcome your testimony and we thank you for your participation today, Ms. Bell.

And we will begin with Mr. Grieboski. Your full testimony will be made a part of the official record so feel free to summarize it.

Mr. GRIEBOSKI. Okay, thank you, Madam Chairman.

Ms. ROS-LEHTINEN. Thank you.

**STATEMENT OF JOSEPH K. GRIEBOSKI, PRESIDENT,
INSTITUTE OF RELIGION AND PUBLIC POLICY**

Mr. GRIEBOSKI. Thank you, Madam Chairman, and Members of the Committee for inviting me to testify at today's hearing on religious discrimination in Western Europe.

Before beginning, I wish to express my deep gratitude for your leadership in holding these important hearings on the status on freedom religion and for your personal dedication to ensuring that human rights and freedom of conscience remain a force in U.S. policy.

The countries of Western Europe are historic allies of the United States and partners in terms of shared commitment to democracy and human rights. These countries have ratified the United Nations' Declaration on Human Rights, International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and are all subject to the jurisdiction of the European Court of Human Rights, and are further, members of the Organization for Security and Cooperation in Europe, all of which are committed to the highest standards of freedom of conscience and belief.

Unfortunately, we are sadly observing many former havens of freedom and religious expression becoming new and subtle arenas for religious discrimination. The bill enacted by the French government is a perfect example of this new and potentially dangerous trend. Legislation like this limits and restricts the rights of all French people from practicing their beliefs according to the dictates of their consciences and serves as a dangerous model for other states worldwide.

The bill passed by the French parliament entitled "To Reenforce the Prevention and Repression of Groups of a Sectarian Nature" aims to restrict the free expression, growth and development of religious groups. Among the targeted groups are mainstream religious believers, many of whom enjoy the most basic human right of freedom of conscience and belief here in the United States.

While the legislation is specifically aimed at "sects and cults," the consequences of this bill are extremely dangerous, not only for religious groups, but also in the long run for democracy and religious rights in Europe and throughout the world.

There is no legal definition for the terms "sects and cult" in the French law, but these words do carry a derogatory meaning and characterizes what is seen to be a dangerous group. The legislation contains repressive measures which would have a chilling effect on the freedom of religion and belief, including the dissolution of targeted religious associations, the imprisonment of members of such groups, and infringements upon freedom of speech, including speech intended to persuade another person to a particular point of view, whether philosophical or religious.

The law gives the court the authority dissolve any group if it or any of its leaders have been found guilty of more than one vaguely defined criminal offense. It provides the for dissolution of any related group of a leader of that related group has at least one conviction against him.

The law also allows the government to decide who is a leader of a group. It provides for fines and jail sentences if there is any attempt made to reestablish the dissolved group under another name or corporation.

A particularly disturbing aspect of the legislation is the creation of a new criminal offense causing "a state of psychological or physical subjection resulting from serious and repeated pressures or from techniques which can alter a person's judgment, original titled mental manipulation."

Although this terminology has been replaced by a more acceptable phrase, the text of the crime remains unchanged.

While the legislation and its authors do not provide an exact definition of what is entailed in this process, the description could easily be applied to virtually any organization engaged in matters of opinion or belief. However, other legal entities, such as political parties, or business corporation are not subject to these drastic measures.

In essence, the law permits the government to prosecute any organization which establishes a seeming state of physical or psychological reliance such that the follower engages in or desists from acts that result in behavior apparently different from that person's usual past behavior.

A commentary from *La Figaro Magazine* points out the concern for Catholic religious orders, particularly cloistered orders quite clearly. A young girl who has chosen to live outside the world as a cloistered nun, who has given up her belongings, left her clothes, cut her hair, who obeys without a murmur to anything, works hard without any salary and gets up several times a night to recite prayers learned by heart may be considered one day by a judge as the victim of mental manipulation.

While very few of us would question the validity of the acts committed by these religious orders, under this law French authorities could potentially see techniques designed to alter someone's judgment close the monastery, arrest the Mother Superior, and charge her with a crime of mental manipulation. And in conjunction with the dissolution element of the legislation, the diocese in which the monastery was located can also be shut down, all under the auspices of the crime of causing "a state of psychological or physical subjection."

Additionally, any type of religious education or postulation can be suspect under this vague crime. An Orthodox Jewish teacher in a religious school, for instance, could potentially be charged with mental manipulation for "requiring that a student assume the first five books of the bible were written by Moses."

In a similarly inane example according to the French law, a Catholic religious school could potentially be charged with mental manipulation for "forcing its students to believe that common bread and wine becomes the flesh and blood of Jesus Christ."

After all, what is education but, to use the language of the law, "a technique designed to alter someone's judgment."

It is no wonder then that many traditional faiths, including the Catholic, Protestant, Jewish and Muslim communities are concerned about the lack of clarity regarding the laws of criminalization of mental manipulation.

The law provides for expedited dissolutions by requiring proceedings at a designated time and date in the court of first instance, requiring a 15-day time limit for entering appeal and establishing procedures for an expedited appeal.

An individual convicted under the law may also be denied civil and family right, such as child custody, and may be denied the right to participate in professional or social activity if it is determined that the activity led to the action at issue in the penal proceedings.

If the presumed crime takes place on the premises of a religious organization, it is subject to closure for 5 years or more. In addition, religious organizations themselves are liable under this provision. These are extremely drastic penalties for a "crime" couched in subjective, unscientific and arbitrary standards vague enough to encompass any religious activity, including teaching and proselytizing.

A variety of international standards are violated by the ambiguous and severe provisions for civil dissolution the legislation. The government is providing for the eradication of a religious group based on actions unrelated to the dealings of the group itself. The law penalizes the organization for its beliefs, along with the actions of one individual leader who can be named such by the decision of the court.

As Elizabeth Clark pointed out in testimony before the Senate Foreign Relations Committee in May, the law is inconsistent with recent European court decisions on freedom of association which recognized that the right to have a legal entity is an integral part of the right to freedom of association.

The fact that a leader may have done something illegal, regardless of the religion, does not deprive the rest of the group the right to associate.

The successful and maybe rightful prosecution of a Catholic priest should not lead to the dissolution of the entire Catholic Church in France, nor should it be so for those groups referred to as “sects and cults” in France.

This legislation violates several international principles and standards, all of which France has adopted. Among those violated are the nondiscrimination principles of the 1982 United Nations’ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Vienna concluding document.

Not only is this legislation a threat to believers in France, it also will have a significant effect on believers worldwide. The South China Morning Post reported on April 6, 2001, that the model proposed in France would almost certainly be studied by the Hong Kong government if it chooses to respond to recent pressure for the pro-Beijing camp over the Falun Gong’s local activities by considering and introducing criminal laws to deal with the sect.

Indeed, there were reports last month that the French anti-sect laws have already caught the eye of the Department of Justice, and the government may use French laws as a reference point in defining an evil cult. This was just one reference to the French model.

Participants of the international conference “Totalitarian Cults & Threat of Twenty-First Century,” which took place from the 25th to the 27th of April this year in Russia, also referred to the French legislation as a guide when it stated in its final report,

“We assume that the legislation of our country on freedom of conscience and religious activity up to now is not adequate. Traditional religions do not need any specific state protection from totalitarian sects, but citizens of Russia do. We put forward an initiative to introduce into Russian legislation alterations or amendments, or to adopt new legislation acts which by—use legislative experience of such European countries as France, Belgium, Germany and Austria.”

There are indications that we are confronted with a systematic effort by forces in the French government to export this repressive and discriminatory stance against religious groups overseas. Alain Vivien, President of the Interministerial Commission to Battle Sects and Cults in France, has become France’s Ambassador for anti-religiosity. Vivien and his staff have developed working relationships with some of the most egregious violators of religious freedom and human rights, a very unholy alliance.

No November 9, 2000, representatives of this inter-ministerial commission attended an International Symposium of Destructive Cults held in, of all places, Beijing. The People’s Daily reported that,

“The meeting is focus on promoting international cooperation . . . for the prevention and control of destructive cults . . . and call for more attention from various governments, the general public and civil organizations to the issue of destructive

cults, and to promote international cooperation in combating such evil forces and safeguarding human rights.”

From September 1999 to November 2000, press reports indicate that Mr. Vivien and his staff have traveled throughout Western, Central, and Eastern Europe. Even to the point of Haiti, China, Poland, Cyprus, Hungary, Germany and beyond, Ministerial cult—inter-ministerial staff have exported their anti-religiosity throughout the globe, even to the point of coming to an “anti-cult” conference here in the United States.

Aaron Rhodes, Director of the International Helsinki Federation, raised a very poignant question when he asked “Is this the international role the French people want?” We have tried to determine just what is the extent of MILS’ mission and mandate, but to no avail.

Members of the Committee, I would encourage you to use your influence and stations as Members of the International Relations Committee, and more importantly, as Members of the Human Rights Subcommittee, to investigate whether or not Alain Vivien is a member of the French Foreign Ministry and if, in his foreign trips, he is representing the official positions of the government of France and its vital interests. Does Alain Vivien and MILKS represent the official policies of the French government in the same way that Bob Seiple and Tom Farr represent the interests of the United States abroad?

In France itself, there has been serious and consistent resistance voiced by representatives of the civil society and the major monotheistic faiths. In May 2001, Pastor Jean-Arnold De Clermont, President of the French Protestant Federation, and Cardinal Louis-Marie Bille, President of the French Catholic Bishops, express their reservations about the legislation in a letter to Prime Minister Jospin. In response to the concerns of these religious leaders, a politician challenged Pastor de Clermont during a television program saying, “You must clean your own house.”

Paster de Clermont, along with Monsignor Jean Vernet, of the French Bishops Conference, Rabbi Joseph Sitruk, Grand Rabbi of France, and Delil Boubakeur, vice-chancellor of the Mosque of Paris, met with both Prime Minister Jospin’s office in October 2000 and with the Senate Law Commission of France in November 2000 to address their concerns regarding the legislation.

Internationally, the level of opposition to the legislation has been incredibly high.

Pope John II has spoken out against this devastating legislation. While formally accepting the credentials of the new French Ambassador to the Holy See, Mr. Alain Dejammett, Pope John Paul devoted an entire section of his speech to religious liberty, an unusual theme when receiving Ambassadors of Western democratic countries. The Pope reminded the Ambassador that,

“Religious liberty, in the full sense of the term, is the first human right. This means a liberty, which is not reduced to the private sphere only . . . To discriminate religious beliefs, or to discredit one or another form of religious practice is a form of exclusion contrary to the respect of fundamental human values and will eventually destabilize society, where a certain plu-

ralism of thought and action should exist, as well as a benevolent and brotherly attitude.”

From the Council of Europe to then Secretary of State Madeleine Albright who in a letter of January of this year expressed her concerns and that of the State Department regarding the dangerous trends of religious intolerance, “We have seen that there is intense opposition to this legislation.”

From Catholic groups around the world to Protestant groups throughout the world, we have seen that this repressive law makes the practice of one’s religious into a criminal offense.

In closing, the right of an individual to express his beliefs immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others within due limits, is the fundamental foundation and leading factor in the success of the American experiment.

Ladies and gentlemen of the Committee, a fundamental question of American credibility and legitimacy is tied directly to the passage to this legislation in France. The United States has stood strong and proud as a defender of human rights and religious freedom globally. We have stood up for the rights of religious, political, and civil minorities throughout the world. The reports of the United States Commission International Religious Freedom and the U.S. Department of State pinpoint the violation of human rights globally, and drive U.S. actions.

While we stand against tyranny in Sudan, oppression in China, and other violations, what credibility will the United States have if it does not address directly and indirectly the intolerance and discrimination taking place in the countries of Western Europe, our own allies?

Will the concerns I have raised today be carried out by authorities in France? I cannot answer that. However, we cannot delude ourselves into thinking that such actions cannot take place simply because the law was passed in a liberal, democratic state.

The Administration, the United States Congress, and the entire religious community must be vigilant in its defense of the fundamental freedom and right of all people to believe to the dictates of their hearts and their consciences.

As the Second Vatican Council stated in its document *Dignitatis Humanae* [On the Dignity of Man],

“. . . the human person has a right to religious freedom. Freedom of this kind means that all men should be immune from coercion on the part of individuals, social groups, and every human power, so that, within due limits, nobody is forced to act against his convictions in religious matters in public or in private, alone or in association with others.”

This right is based on the dignity of the human person both as an individual and as simultaneously as social being, as revealed by the Work of God and by reason itself.

Thank you again, Madam Chairman, for your commitment to the cause of religious freedom, and I will be happy to take questions from the Committee.

[The prepared statement of Mr. Grieboski follows:]

PREPARED STATEMENT OF JOSEPH K. GRIEBOSKI, PRESIDENT, INSTITUTE OF RELIGION
AND PUBLIC POLICY

Thank you, Madam Chairman, for inviting me to testify at today's hearings on religious discrimination in Western Europe.

Before beginning, I wish to express my deep gratitude for your leadership in holding these important hearings on the status of freedom of conscience and belief in Western Europe, and for your personal dedication to ensuring that human rights and freedom of conscience and belief remain a force in U.S. foreign policy.

The countries of Western Europe are America's historic partners in terms of shared commitment to democracy and human rights. These countries have ratified the United Nations Declaration on Human Rights, International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and are all subject to the jurisdiction of the European Court of Human Rights, and are members of the Organization for Security and Cooperation in Europe—all of which are committed to the highest standards of freedom of conscience and belief.

Unfortunately, we are sadly observing many former havens of freedom and religious expression becoming new and subtle arenas for religious discrimination. The bill enacted by the French Government is an example of this new and potentially dangerous trend. Legislation like this limits and restricts the rights of all French people from practicing their beliefs according to the dictates of their consciences, and serves as a dangerous model for other states worldwide.

The bill passed by the French Parliament, and signed into law last month, entitled, "To reinforce the prevention and repression of groups of a sectarian nature" aims to restrict the free expression, growth, and development of religious groups. Among the targeted groups are mainstream religious believers, many of whom enjoy the most basic human right of freedom of conscience and belief here in the US.

While the legislation is specifically aimed at "sects" and cults," the consequences of this bill are extremely dangerous, not only for religious groups, but also in the long run for democracy and religious rights in Europe and throughout the world. There is no legal definition for the terms "sect" and "cult" in French law, but these words do carry a derogatory meaning and characterizes what is seen to be a dangerous group.

The legislation contains repressive measures which would have a chilling effect on the freedom of religion and belief, including the dissolution of targeted religious associations, the imprisonment of members of such groups, and infringement upon freedom of speech, including speech intended to persuade another person to a particular point of view, whether philosophical or religious.

The law gives a court the authority to dissolve any group if it or any of its leaders have been found guilty of more than one vaguely-defined criminal offense. It provides for the dissolution of any related group, if a leader of that related group has at least one conviction against him. The law also allows the government to decide who is a "leader" of a group. It provides for fines and jail sentences if there is any attempt made to reestablish the dissolved group under another name or corporation.

MENTAL MANIPULATION

A particularly disturbing aspect of the legislation is the creation of a new criminal offense: causing "a state of psychological or physical subjection resulting from serious and repeated pressures or from techniques which can alter [a person's] judgment," originally entitled "mental manipulation." Although the terminology "mental manipulation" has been replaced by the more acceptable phrase of "abuse of a person's state of weakness," the text of the crime remains unchanged.

While the legislation and its authors do not provide an exact definition as to what is entailed in this process, the description could easily be applied to virtually any organization engaged in matters of opinion or belief. However, other legal entities such as political parties or business corporations are not subject to these drastic measures.

In essence, the law permits the government to prosecute any organization which establishes a seeming state of physical or psychological reliance such that the follower engages in or desists from acts that results in behavior apparently different from that person's usual past behavior.

A commentary from *Le Figaro* Magazine points out the concern for Catholic religious orders—particularly cloistered orders—quite clearly: "A young girl who has chosen to live outside the world [as a cloistered nun], who has given up her belongings, left her clothes, cut her hair, who obeys without a murmur to anything, works

hard without any salary and gets up several times a night to recite prayers learned by heart may” be considered one day, by a judge, as the victim of ‘mental manipulation.’”

While very few of us would question the validity of the acts committed by these religious orders, under this law French authorities could potentially see “techniques designed to alter someone’s judgment,” close the monastery, arrest the mother superior, and charge her with the crime of mental manipulation. And in conjunction with the dissolution element of the legislation, which we will address later, the diocese within which the monastery was located can also be shut down—all under the auspices of the crime of causing “a state of psychological or physical subjection resulting from serious and repeated pressures or from techniques which can alter [a person’s] judgment.”

Additionally, any type of religious education or proselytization can be suspect under the vague crime of “abuse of a person’s state of weakness.” An Orthodox Jewish teacher in a religious school, for instance, could potentially be charged with mental manipulation for “requiring” that a student assume the first five books of the Bible were written by Moses. In a similarly inane example according to the French law, a Catholic religious school could potentially be charged with mental manipulation for “forcing” its students to believe that common bread and wine become the Flesh and Blood of Jesus Christ. After all, what is education but, to use the language of the law, “a technique designed to alter someone’s judgment”?

It is no wonder, then, that many traditional faiths—including the Catholic, Protestant, Jewish, and Muslim communities—are concerned about the lack of clarity regarding the law’s criminalization of “mental manipulation.”

ACTS LEADING TO DISSOLUTION

The list of predicated penal acts set forth in the law is extremely broad. Moreover, the law does not even require that the convictions involve offenses committed when acting for the religious organization. It would subject a religious group to possible dissolution if two perceived leaders were, for example, convicted of relatively minor offenses, including:

- Causing a traffic accident resulting in bodily injury;
- Publishing an edited recording made with the spoken words or image of a person without his/her consent;
- Invasion of privacy by procuring, recording or disclosing, without the author’s consent, confidential remarks or remarks made in private or by procuring, recording or disclosing the image of a person in a private place without his consent;
- Violating data protection laws by failing to destroy address files on ex-parishioners when they leave a religious group;
- Breaching a professional secret;
- Recommending vitamins or other natural health measures which could be characterized as illegal practice of medicine;

The law provides for expedited dissolution 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.

An individual convicted under the law may also be denied civil and family rights (such as child custody) and may be denied the right to participate in professional or social activity, if it is determined that the activity led to the action at issue in the penal proceedings. If the presumed “crime” of “causing a state of subjection” takes place on the premises of a religious organization, it is subject to closure for five years or more. In addition, religious organizations themselves are liable under this provision. These are extremely drastic penalties for a “crime” couched in subjective, unscientific and arbitrary standards vague enough to encompass any religious activity, including teaching and proselytizing. Any form of education and any form of persuasion can be defined as “techniques, which can alter judgment.” Under this law individuals will be subject to imprisonment and religious associations themselves to conviction, closure for five years or more and then dissolution if a judge determines that the religious beliefs or practices are somehow harmful to a person—even if the practices and beliefs are lawful and freely consented to by the individual.

A variety of international standards are violated by the ambiguous and severe provisions for civil dissolution in the legislation. The government is providing for the eradication of a religious group based on actions unrelated to the dealings of the group itself: the law penalizes the organization for its beliefs, along with the actions of one individual leader, who can be named such by the decision of the court. As

Elizabeth Clark pointed out in testimony before the Senate Foreign Relations Committee in May, “the law is inconsistent with recent European Court decisions on freedom of association, which recognize that the right to have a legal entity is an integral part of the right to freedom of association. The fact that a leader may have done something illegal—regardless of the religion—does not deprive the rest of the group the right to associate.”

The successful—and maybe rightful—prosecution of a Catholic priest should not lead to the dissolution of the entire Catholic Church in France; nor should it be so for those groups referred to as “sects” and “cults” in France.

This legislation violates several international principles and standards, all of which France has adopted. Among those violated are the nondiscrimination principles of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Vienna Concluding Document.

PRIVATE ORGANIZATIONS MAY INITIATE CRIMINAL ACTIONS

Another repressive provision allows associations fighting against religious faiths to initiate criminal actions as civil plaintiffs on behalf of affected persons even if the “victims” have no complaint with the organization. In addition, “any association duly classified as being of public interest” organized in its bylaws and articles of incorporation to “defend” and “assist” individuals or protect “collective freedoms” may initiate a civil dissolution action against a religious organization. This will allow anti-religious groups with ingrained prejudices against faiths to first initiate criminal actions against targeted individuals and organizations, and then initiate dissolution actions. Placing such power in the hands of vested interest groups opposed to certain beliefs will inevitably lead to serious abuse and open the floodgates of suspect litigation. Small religious organizations could easily be forced into bankruptcy.

INTERNATIONAL CONSEQUENCES

Not only is this legislation a threat to believers in France, it also will have a significant effect on believers worldwide. The South China Morning Post reported on 6 April 2001 that, “. . . the model proposed in France would almost certainly be studied by the SAR [Hong Kong] Government if it chooses to respond to recent pressure from the pro-Beijing camp over the Falun Gong’s local activities by considering introducing criminal laws to deal with the sect. . . . Indeed, there were reports last month that the French anti-sect laws have already caught the eye of the Department of Justice and the Government may use French laws as a reference point in defining an ‘evil cult’.” This was just one reference to the French model.

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There are indications that we are confronted with a systematic effort by forces in the French Government to export this repressive and discriminatory stance against religious groups overseas. Alain Vivien, President of the Inter-ministerial Commission to Battle Sects and Cults in France (MILS), has become France’s ambassador for anti-religiosity. Vivien and his staff have developed working relationships with some of the most egregious violators of religious freedom and human rights, a very unholy alliance.

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From September 1999 to November 2000, press reports indicate that Mr. Vivien and his staff have traveled throughout Western, Central, and Eastern Europe. From Haiti to China to Poland to Cyprus to Hungary, Germany, and beyond, MILS staff have exported their anti-religiosity throughout the globe, even to the point of coming to “anti-cult” conferences here in the United States.

Aaron Rhodes, Director of the International Helsinki Federation, raised a very poignant question when he asked, “Is this the international role the French people want?” We have tried to determine just what is the extent of MILS’ mission and mandate, but to no avail.

Members of the committee, I would encourage you to use your influence and stations as members of the International Relations Committee, and more importantly, as members of the human Rights Subcommittee, to investigate whether or not Alain Vivien is a member of the French Foreign Ministry and if, in his foreign trips, he is representing the official positions of the Government of France and its vital interests. Does Alain Vivien and MILS represent the official policies of the French government in the same way Bob Seiple and Tom Farr represent the interests of the United States abroad?

DOMESTIC AND INTERNATIONAL OPPOSITION

In France itself, there has been serious and consistent resistance voiced by representatives of the civil society and the major monotheistic faiths. In May 2001 Pastor Jean-Arnold De Clermont, President of the French Protestant Federation, and Cardinal Louis-Marie Billé, President of the French Conference of Catholic Bishops, expressed their reservations about the legislation in a letter to Prime Minister Jospin. In response to the concerns of these religious leaders, a politician challenged Pastor De Clermont during a television program saying, “You have to clean your own house.”

Pastor Jean-Arnold de Clermont, Monsignor Jean Vernet, of the French Conference of Catholic Bishops, Joseph Sitruk, Grand Rabbi of France, and Dalil Boubakeur, vice-chancellor of the Mosque of Paris, met with both Prime Minister Lionel Jospin’s office in October 2000 and with the Senate Law Commission of France in November 2000 to address their concerns regarding the legislation.

Internationally, the level of opposition to the legislation has been incredibly high. Pope John Paul II has spoken out against this devastating legislation. While formally accepting the credentials of the new French Ambassador to the Holy See, Mr. Alain Dejammet, Pope John Paul devoted an entire section of his speech to religious liberty, an unusual theme when receiving ambassadors of Western democratic countries. The Pope reminded the ambassador that “religious liberty, in the full sense of the term, is the first human right. This means a liberty which is not reduced to the private sphere only . . . To discriminate religious beliefs, or to discredit one or another form of religious practice is a form of exclusion contrary to the respect of fundamental human values and will eventually destabilize society, where a certain pluralism of thought and action should exist, as well as a benevolent and brotherly attitude. This will necessarily create a climate of tension, intolerance, opposition and suspect, not conducive to social peace.”

The Council of Europe had appointed a Parliamentary Assembly Rapporteur to “investigate the provisions of the law and determine whether they are in line with the European Convention on Human Rights and other Council of Europe and international human rights standards” and to “investigate complaints concerning religious discrimination” in France.

In April, 50 members of the of the parliament of the Council of Europe wrote to the French Senate urging it to stop the vote on the then-draft law, commenting on its potential to create religious discrimination in France.”

In a January 2, 2001 letter, then-Secretary of State Madeleine Albright expressed her concerns regarding the dangerous trend of religious intolerance advancing across Europe. Secretary Albright stated that, “. . . the proposed legislation is part of a disturbing trend in western Europe where some states have adopted, or are considering, discriminatory legislation or policies that tend to stigmatize legitimate expression of religious faith by wrongfully associating them with dangerous ‘sects’ or ‘cults.’ Such laws and policies pose a danger to freedom of religion . . . We are concerned that legislation or policies that stigmatize these religious groups contravene international—and European—norms of religious freedom . . . We have made clear to our friends and allies in Europe that we are concerned about these trends.”

In his testimony before the Senate Foreign Relations Subcommittee on Western Europe, Acting Assistant Secretary of State for Democracy, Human Rights, and Labor, Michael Parmly, commented that, “Although the proposed bill does not apply exclusively to religious groups, it is clearly intended to target the new and less fa-

miliar religions in France. We are concerned that the language in this context is dangerously ambiguous and could be used against legitimate religious endeavors, such as religious schools, seminaries, monasteries or retreats.”

Aid to the Church in Need, an international Catholic charity under papal jurisdiction, included France among the countries with discriminatory laws in its “2001 Report on Religious Liberty Worldwide.”

The International Helsinki Federation for Human Rights has stated that, “We need for France to show respect for international standards . . . But this law contradicts France’s obligations undertaken in the Helsinki process. It contradicts the standards of the Council of Europe . . . The law is a threat to religious tolerance and basic liberties that are central to French political values. The law reflects a demonizing attitude toward minority religions and will increase the sense of insecurity felt by members of minority religions.”

CLOSING

This repressive law makes the practice of one’s religion into a criminal offense. The right of an individual to express his beliefs immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others within due limits, is the fundamental foundation and leading factor in the success of the American experiment.

Ladies and gentlemen of the committee, a fundamental question of American credibility and legitimacy is tied directly to the passage of this legislation. The United States has stood strong and proud as a defender of human rights and religious freedom globally. We have stood up for the rights of religious, political, and civil minorities throughout the world. The reports of the United States Commission on International Religious Freedom and the US Department of State pinpoint the violations of human rights globally, and drive US action. While we stand against tyranny in Sudan, oppression in China, and other violations, what credibility will the United States have if it does not address directly and indirectly the intolerance and discrimination taking place in the countries of Western Europe, our own allies?

Will the concerns I have raised today be carried out by authorities in France? I cannot answer that. However, we cannot delude ourselves into thinking that such actions cannot take place simply because the law was passed in a liberal, democratic state. The Administration, the United States Congress, and the entire religious community must be vigilant in its defense of the fundamental freedom and right of all people to believe according to the dictates of hearts and consciences.

As the Second Vatican Council stated in its document *Dignitatis Humanae* (On the Dignity of Man), “. . . the human person has a right to religious freedom. Freedom of this kind means that all men should be immune from coercion on the part of individuals, social groups, and every human power, so that, within due limits, nobody is forced to act against his convictions in religious matters in public or in private, alone or in association with others.”

This right is based on the dignity of the human person both as an individual and as simultaneously a social being, as revealed by the Work of God and by reason itself.

Thank you again, Madame Chairman, for your commitment to the cause of religious freedom. I would be happy to take questions from the committee.

Ms. ROS-LEHTINEN. Thank you so much.

Ms. Fazili.

STATEMENT OF SAMEERA FAZILI, EXECUTIVE DIRECTOR, KARAMAH: MUSLIM WOMEN LAWYERS FOR HUMAN RIGHTS

Ms. FAZILI. Thank you very much. Thank you, Madam Chairman and Members of the Subcommittee. Thank you for this opportunity to speak to you.

Unfortunately, these are not recent developments, religious discrimination, in Western Europe, as the Muslims for decades have faced discrimination, religious discrimination in Western Europe, and I am encouraged by the attention your Committee is paying to this situation.

My name is Sameera Fazili, and I am the Executive Director of Karamah: Muslim Women Lawyers for Human Rights. Our found-

er, Dr. Azizah al-Hibri, could not be present today as she is Qatar on a Fulbright Fellowship. The following testimony was co-authored by Dr. al-Hibri and myself. Karamah's board consists of professional women, some of whom wear headscarves and others who do not. I do, Dr. al-Hibri does not. In accordance with the Islamic jurisprudential tradition of tolerance, we view this as a matter of personal choice and belief.

By virtue of my position, I receive e-mail from Muslim women around the world who want to draw Karamah's attention to their situation. For this reason, my statement will focus primarily on examples of intolerance toward Muslim in Western Europe, and in particular, on the issue of wearing headscarves.

I do not believe that this is the most pressing issue for Muslims in Europe who face discrimination, endure hate crimes and in general suffer from what Britain has termed "Islamophobia." According to the highly acclaimed British Runnymede Commission report on Islamophobia,

"Muslims are frequently excluded from the economic, social and public life of the nation . . . and are frequently victims of discrimination and harassment."

Nonetheless, my remarks today will focus on the issue of wearing headscarf, for I do believe that it provides an excellent metaphor for both the intolerance and the resulting suffering therefrom.

Centuries ago, waves of Christians left their European homelands to this continent in order to escape a religious intolerance. The French Revolution ushered in a sea of change in Europe toward liberty, fraternity and equality. Unfortunately, these lofty ideals do not seem to apply to Muslim women in France.

Today, in France, Islam stands as a second largest religion next to Christianity, with a population of four to five million Muslims. And yet Muslim French students who choose to wear headscarves continue to suffer for their religious choices.

Perhaps the most famous case of this intolerance took place in 1989 in the Parisian suburb of Creil. A headmaster sought to ban two girls from school after they refused to remove their headscarves. He claimed that the wearing of the headscarf violated the secular nature of government schools. The matter was referred to the Conseil d'Etat, the State Council, the nation's highest administrative court, which decreed that, "While wearing religious symbols was not in itself incompatible with principles of secularity in state schools, anything that could be a provocation, proselytism, or undermining the liberty or dignity of pupils was." The actual decision about who is to be excluded from school was left for local school authorities to determine on case-by-case basis.

In 1994, the Ministry of Education issued a directive to clarify guidelines on this matter. The circulated noted that, "discrete" signs of religion were acceptable. However, "ostentatious" symbols should be banned. But the Catholic cross worn around the neck was deemed acceptable as was a Jewish yarmulke worn by males. The jab, the Muslim headscarf, was still in question.

Since 1989, numerous causes have reaffirmed the exclusion of veiled students in public schools, denying proper French education

to Muslim girls and depriving them from their best chance to become part of the French civil and political society.

Furthermore, as indicated in our government's 1992 Annual Human Rights Reports, in France, "no national decision has been reached on whether denying some Muslim girls the right to wear head scarves in public schools constitutes a violation of the right to practice their religion."

According to the 2000 State Department Report on Religious Freedom, students may resort to the French judicial system to pursue their rights. This is not much comfort given the costs in time and money to the family of the students, the emotional stress of having to fight for these rights, and the conflict-ridden atmosphere that engulfs the community as a whole during times when this issue is in the media.

And I would also like to point out, as Congressman McKinney had earlier, that the Muslim community in France tends to be of a lower socio-economic status and a lower education level than the rest of—the general French population.

Let me highlight here another case involving two Muslim sisters, this time of French origin, i.e., their families had converted to Islam so they were ethnically French.

In 1998, two girls, age 12 and 11, were blocked from school when they started to wear the headscarf. While their parents sought redress from the appropriate local authorities, a temporary solution was devised for the two girls as they appealed their case.

The temporary solution was for the girls to spend their school time alone in a room without being taught as they waited for their case to be decided. The girls ended up spending 15 months waiting for a final decision, and all the while sat in a room without being taught.

In January 2000, they were finally readmitted to the school. However, once the order was given to readmit the girls teachers and parents in the school protested the decision to readmit the students, and the school was closed for 1 week due to the protests.

The French Constitution requires that state schools must be strictly secular and neutral in all areas. But the act of wearing a headscarf has been viewed by authorities as in itself ostentatious, in violation of the law prohibiting proselytizing in schools. At the same time it has been viewed by teachers as "a negation of the ideals of critical faculties which are the basis of secular education," according to the French Academician Giles Kapel, the former Interior Minister critiqued the headscarf as a mark of the woman's inferiority to men.

In light of these collective statements, one may rightly conclude that "ostentatiousness" is in the eyes of the beholder. Ostentatiousness is that which the alien Other wears.

In reality, what we are seeing is an Orientalist construction of the headscarf, which neglects the fundamental fact that the headscarf is an act of religious devotion, not a tool for proselytizing any more than a Christian crucifix worn around the neck may be, nor is it necessarily a tool of gender discrimination anymore than a Jewish yarmulke may be.

Clearly, the weight of the French Orientalist behavior and its frenzied attempt to "liberate" Muslim women against their own re-

flects not only a colonialist attitude but also a patriarchal one, which is disrespectful of women and their objections.

France has failed to recognize a simple fact, that if it really wanted to liberate these women, the fastest path is that of education and intercommunication, not isolation, deionization, and humiliation. What France needs to discover is the benefits of a truly democratic society which respects and celebrates the breathe of its own diversity instead of resisting and limiting it.

As Karamah stated in a letter to President Chirac dated October of 2000,

“The attempts to prohibit the wearing of headscarves in French public schools have evidenced a gender and religious double standard in French society, and we urge you to guarantee all school children in France, religious and non-religious, boys and girls, the right to an education.”

In German, the situation has crystallized around a closely related issue, that of Muslim women teachers wearing headscarves. Whereas German students may wear the headscarf, German public school teachers are not allowed the same right. Women wearing headscarves are allowed to teach in public schools only if necessary to get their teaching degrees, but are not allowed to take a permanent teaching position.

Last year, a teacher in Baden-Wuerttemberg was denied a teaching post because she wore a headscarf. The Ministry of Education there took position that the scarf was a political symbol of female submission rather than a religious practice prescribed in Islam.

It is simply inappropriate that, while thoughtful Muslims themselves refuse to pass judgment on each other about this issue of the headscarf, but the Ministry imposes its version of Islam on believers who disagree with the stat’s interpretation. In the meantime, the Ministry’s foray into religious interpretation and its violation of the constitutional requirement of religious neutrality appear to have gone unnoticed.

Furthermore, according to the State Department Report on Religious Freedom for the year 2000, the German authorities claimed that “the political act of wearing a scarf was unacceptable for a teacher as a role model.” This misconception has long marked European attitudes toward the headscarf. In its essence, the headscarf is a symbol of religious expression. To call it a political—to call it a political act undermines the constitutional and international protections for religious freedom. German and other Western authorities must stop dehumanizing Muslim men and women by identifying them as either passive and submissive, or violent and extremist. It would serve them better to revert to the great tradition of Goethe and other German luminaries who had a deep understanding of and respect for Islam.

The most egregious treatment of Muslim women is taking place currently in Turkey, a predominantly Muslim country, and the implications for the French example can be seen in the way that it has spread to Germany and to Turkey as well, in terms of restrictions on women who wear the headscarf.

Turkey appears to be trying very hard to Europeanize in the style of France, in the hopes of winning a seat in the European

Union. But it appears that Turkey is attempting to prove its strict to secularism, even at the cost of democracy and human right.

For the past 3 years, prohibitions on wearing the headscarf in civil service employment and educational institutions has been applied severely. A video documenting these injustices committed toward women was shared by Karamah with the State Department about 2 years ago, after the Turkish women themselves made it and smuggled it out of Turkey.

In the video, we see students being prevented from graduating medical school or taking state examinations because they chose to wear a headscarf.

Women who suffer most from this prohibition are from rural families who adhere to the practice of wearing the headscarf and poor families who sold everything they owned to send their daughters to school, only to see them expelled. The prohibition has also changed the balance of power within the Turkish family, since many women could no longer work and have their own income. This has created an economic crunch in families that depend on two incomes, and increased a sense of helplessness and frustration amongst women who are unable to assert control over their own bodies and lives.

In the end, women were being forced to choose between their economic needs and their faith and dignity. As a result, many Turkish women who have been subjected to this harsh policy have experienced severe forms of depression, and families have experienced increased economic and psychological strain.

As mentioned at the outset, our focus on women's rights in this statement is but a metaphor for the state of intolerance in Western Europe with respect to all Muslims, citizens and immigrants, male and female.

In England, for example, which provides public support for religious schools, it has historically denied—

Ms. ROS-LEHTINEN. Excuse me, Ms. Fazili. I am so, so very sorry. I was hoping that we would hear the testimony of one more individual before we are going to have to recess our Subcommittee.

I apologize Ms. Hinojosa and Ms. Bell. We have a series of three votes. It is wonderful to live in a democracy, so we celebrate those interruptions, but I was wondering if you could wrap yours up, and then we would listen to Mr. Hayes, and then recess and come back.

Ms. FAZILI. Okay. I am on the last few paragraphs.

I am going to restate my paragraph.

As mentioned at the outset, our focus on women's rights in the statements is but a metaphor for a state of intolerance in Western Europe with respect to all Muslims, citizens and immigrants, males and females.

I can give example of in England with state funding of religious schools which historically has denied Muslim schools the same right to access state funding.

In all Western European countries, Muslims continue to face job and housing discrimination, police profiling, harassment on the streets, poor media portrayals, and, particular in France and Germany, difficulties in establishing places of worship often due to resistance by local authorities.

In short, religious freedom for all remains a sought after dream for Muslims in European, especially women. But does that mean that the clash of civilizations and religions is inevitable as Samuel Huntington appears to predict? Not quite.

Throughout history civilizations have been in constant dialogue and the sooner we all realize the fundamental interconnectiveness—

Ms. ROS-LEHTINEN. Thank you.

Ms. FAZILI [continuing]. Of our liberties, the happy and more liberated we all will be.

Thank you very much.

[The prepared statement of Ms. Fazili follows:]

PREPARED STATEMENT OF SAMEERA FAZILI, EXECUTIVE DIRECTOR, KARAMAH:
MUSLIM WOMEN LAWYERS FOR HUMAN RIGHTS

Madame Chairwoman, Members of the Subcommittee:

My name is Sameera Fazili, and I am the Executive Director of Karamah: Muslim Women Lawyers for Human Rights whose name means “dignity” in the language of the Qur’an. Our founder, Dr. Azizah al-Hibri, could not be present today as she is in Qatar on a Fulbright Fellowship. The following testimony was co-authored by Dr. al-Hibri and myself. Karamah’s board consists of professional women some of whom wear headscarves and others who do not. I do, Dr. al-Hibri does not. In accordance with the Islamic jurisprudential tradition of tolerance, we view this as a matter of personal choice and belief.

By virtue of my positions, I receive e-mail from Muslim women around the world who either have problems, or want to draw our attention to problems in their or other jurisdictions. For this reason, my statement to you today will focus primarily on examples of intolerance towards Muslim women in Western Europe, and in particular on the issue of wearing headscarves. I do not believe that this is the most pressing issue for Muslims in Europe, who face discrimination from housing to employment to education, who endure hate crimes from mosque arsons to murderous attacks by neo-Nazis, and in general suffer from what Britain has termed “Islamophobia.” According to the highly acclaimed British Runnymede Commission report on Islamophobia, “Muslims are frequently excluded from the economic, social, and public life of the Nation . . . and are frequently victims of discrimination and harassment.”

Nonetheless, my remarks today will focus on the issue of wearing the headscarf, for I do believe that it provides an excellent metaphor for both, the intolerance and the resulting suffering there. A civilization is always best measured by the status of its women. Similarly, intolerance is always best exposed in its manifestations towards the most vulnerable part of a community, its women and children.

Centuries ago, waves of Christians left their European homelands to this continent in order to escape religious wars of intolerance there. The French Revolution ushered in a sea of change in Europe towards Liberty, Fraternity and Equality. Unfortunately, these lofty ideals do not seem to apply to Muslim women in France. Rather, the French republic appears to continue its crusade against Muslim women, which it started centuries earlier in North Africa as a ruthless colonialist power. One wonders about the historical French fixation on the veil of Muslim women. In Algeria, soldiers tore veils by force, thus denying covered Muslim women not only their religious freedom, but also their privacy and modesty, even the right to control their own bodies. Today in France, which has a population of 4–5 million Muslims, Muslim French students who choose to wear headscarves continue to suffer for their religious choices.

Perhaps the most famous case of such intolerance took place in 1989 in the Paris suburb of Creil. A headmaster sought to ban two girls from school after they refused to remove their headscarves. The matter was referred to the Conseil d’Etat (State Council), the nation’s highest administrative court. Finally the council decreed that: “While wearing religious symbols was not in itself incompatible with principles of secularity in state schools, anything that could be a provocation, proselytism, or undermining the liberty or dignity of pupils was.” The actual decision about who is to be excluded from school was left for local school authorities to determine on a case-by-case basis.

In subsequent cases we have seen young girls being blocked from school while their parents seek redress from the local authorities. In 1998, a case in southern

France devised a “temporary solution” for the two girls as they appealed their case—to spend their schooltime alone in a room without being taught as their case was decided. The girls, aged 12 and 11, ended up spending 15 months waiting for a final decision, and all the while sitting in a room without being taught. In January 2000, they were finally re-admitted to the school.

The French constitution requires that state schools must be strictly secular and neutral in all areas. But the act of wearing a headscarf was viewed by authorities as in itself ostentatious, and violative of the law prohibiting proselytizing in schools. At the same time, it was viewed by teachers as a “negation of the ideals of critical faculties which are the basis of secular education,” and by then Interior Minister Jean Pierre Chevenement as a mark of the woman’s inferiority to men. Furthermore, then Prime Minister Balladur assured the Jewish community that the yarmulke would not be affected and the Ministry of Education stated that “discrete” signs of religion, such as a Catholic cross, were acceptable. In light of these collective statements, one may rightly conclude that “ostentatiousness” is in the eye of the beholder. It is that which the alien Other wears.

It is ironic that the land which produced John Paul Sartre and Simone de Beauvoir has failed to note with its superb critical faculties the Orientalist heritage it is still laboring under. It also failed to recognize the simple fact that if it really wanted to “liberate” these women, the fastest path is that of education and inter-communication, not isolation, demonization and humiliation. What France needs to discover is the benefits of a truly democratic society which respects and celebrates the breadth of its own diversity, instead of resisting and lamenting it. Unfortunately, it appears that France has adopted a Huntingtonian attitude about the interaction among religions, cultures, and civilizations on its own soil.

The 1999 Annual Human Rights Report of our government notes that in France “no national decision has been reached on whether denying some Muslim girls the right to wear head scarves in public schools constitutes a violation of the right to practice their religion.” Nevertheless, in October of that same year, an important development took place. The State Council decided to reaffirm the ban on headscarves in public schools, again denying proper French education to Muslim girls and depriving them from their best chance to become part of the French civil and political society. According to the 2000 State Department Report on Religious Freedom, however, students may resort to the judicial system to pursue their rights. That is not much comfort, given the costs in time and money to the family of the student, the emotional stress of having to fight for what every other French child takes for granted, and the conflict-ridden atmosphere that would engulf the community as a whole. In fact, there have been several reported cases of parents and teachers striking in protest of official orders allowing girls with headscarves to re-enter the classroom. As recently as January 2000, in La Grand-Combe the secondary school was closed for a whole week due to protests by the teachers and parents against official orders to re-admit two veiled girls.

Furthermore, this situation does not appear to be getting better. Instead, it is spreading to other areas. For example, in 1996 a Muslim woman was denied a French resident permit because she was wearing a scarf, and in 1997 a Moroccan national was denied citizenship, again because of her attire. Clearly, the weight of the French Orientalist behavior and its frenzied attempts to “liberate” Muslim women against their own will reflect not only a diseased colonialist attitude, but also a patriarchal one which is disrespectful of women and deaf to their objections. As Karamah stated in a letter to President Chirac, dated October 17, 2000:

“The attempts to prohibit the wearing of headscarves in French public schools have evidenced a gendered and religious double standard in French society, and we urge you to guarantee to all school children in France, religious and non-religious, boys and girls, the right to an education.”

In Germany, the situation has crystallized around a closely related issue, that of Muslim women teachers wearing headscarves. Last year, a teacher in Baden-Wuerttemberg was denied a teaching post because she wore a headscarf. The Ministry of Education there took the position that the scarf was “a political symbol of female submission rather than a religious practice prescribed in Islam.”

This is an admirable attempt by the Ministry to understand what true Islam is. But Muslims themselves believe that no one has the right to make such a determination, because all humans are subject to error and that the Muslim’s relationship with God is direct and unmediated. Consequently, when a woman understands her religion as mandating a headscarf, that understanding must be respected by all, those who agree and those who disagree. It is simply inappropriate that, while thoughtful Muslims themselves refuse to pass judgment on each other about this issue, that the Ministry in its great wisdom has no problem announcing the “true”

answer in no time, and imposing it on believers who disagree with the state's interpretation. In the meantime, the Ministry's foray into religious interpretation and its violation of the constitutional requirement of religious neutrality appear to have gone unnoticed.

Furthermore, according to the State Department Report on Religious Freedom for the year 2000, the German authorities claimed that "the political act of wearing a scarf was unacceptable for a teacher as a role model." In making this statement, the state shifted the grounds of its objections with a sleight of hand from the religious to the political. As a result, the constitutional and international protections for religious freedoms magically disappeared. The modest religious woman is now revealed as a dangerous political activist that must be removed from interaction with impressionable children, lest they decide to become modest as well. German and other Western authorities must stop dehumanizing Muslim men and women by reifying them as either passive and submissive, or violent and extremist. It would serve them better to revert to the great tradition of Goethe and other German luminaries who had a deep understanding of and respect for Islam.

Incidentally, the teacher in this case did resort to the judicial system, but the administrative court upheld the action of the school. It said that the teachers had a legal responsibility of "neutrality" which overrides considerations of religious freedom. Given that "neutrality" is usually a social construct, it follows that the court is not sympathetic to any significant expressions of religious diversity. That is the problem; religious freedom becomes empty when conditioned on a litmus test of "neutrality" by a basically homogeneous majority.

Unlike France, German students are allowed to wear head scarves. Women wearing headscarves are allowed to teach in public schools only as necessary to get their teaching degrees, but are not allowed to take a permanent teaching position. In other words, this policy places a "career ban" at a later stage in the professional development of Muslim women who wear headscarves. The French do it earlier.

The most egregious treatment of Muslim women is taking place in Turkey, which appears to be trying very hard to Europeanize in the style of France. The stories flowing out of that country are exceptional in their intolerance towards Muslims. This state of affairs is quite odd, given the fact that Istanbul was the seat of the Ottoman Empire and Turkey has a population which is overwhelmingly Muslim. But it appears that Turkey is attempting to prove its strict adherence to secularism, even at the cost of democracy and human rights.

For the past three years, prohibitions on wearing the headscarf in civil service employment and educational institutions have been applied severely. For example, many Muslim women who wore headscarves were not permitted to graduate from medical school unless they removed their scarves. As a result, many pious women ended up losing a career they had worked for very hard. A video documenting the injustices committed towards these women was shared by Karamah with the State Department about two years ago after the Turkish women themselves made it and smuggled it out of Turkey.

Women who suffer most from this prohibition are rural families who adhere to the practice of wearing headscarves and poor families who sold everything they owned to send their daughters to school, only to see them expelled. The prohibition has also changed the balance of power within the Turkish family, since many women could no longer work and have their own income. Furthermore, they could not even get passports or drivers licenses for the same reason. This created an economic crunch in families that depended on two incomes. It also created a feeling of helplessness and frustration among women who were unable to assert control over their own bodies and lives. In the end, women were being forced to choose between their economic needs and their faith and dignity. As a result, many Turkish women who have been subjected to this harsh policy have experienced severe forms of depression, and families have experienced increased economic and psychological strain.

As mentioned at the outset, our focus on women's rights in this statement is but a metaphor for the state of intolerance in Western Europe with respect to all Muslims, citizens and immigrant, male and female. England, for example, provides public support for Religious schools but denied it to Muslim schools which were viewed as a challenge to the British political authority. So, here again, a political cover for an Orientalist bias against Islam is used to deny Muslims their religious rights. This state of affairs prompted Muslims to demand that they be given the same rights as Christians and Jews in establishing separate schools. In 1997, when the Runnymede Trust published its Islamophobia report, it noted that there were 7,000 state schools with an explicit religious affiliation, 4,800 were Church of England, 2,140 were Roman Catholic, 28 were Methodist, and 23 were Jewish. All applications made by Muslim schools to access the same funding were turned down by the

central Government, despite the fact that the students performed exceedingly well on the State standardized tests.⁶ Due to lobbying efforts by the Muslim community, led by former pop star Cat Stevens, two Muslim schools received funding in 1998, and a third in 2000.

In all Western European countries, Muslims continue to face job and housing discrimination, police profiling, harassment on the streets, poor media portrayals, and, particularly in France and Germany, difficulties in establishing places of worship often due to resistance by local authorities.

One recent example of a flagrant violation of religious freedom deserves special mention. In its unending attempt to prove its commitment to strict secularism, Turkey has recently arrested in Izmir an American Muslim sufi for praying in a small group in a private home without a permit, and for wearing banned religious dress in public. Incidentally, our Muslim American troops in Turkey also suffered from this hostile attitude to religious attire when they left their base wearing a head cap.

In short, religious freedom for all remains a sought after dream for Muslims in Europe, especially women. But does that mean that the clash of civilizations and religions is inevitable as Samuel Huntington appears to predict? Not quite, according to Mr. John Snethen. He notes in a law review article that Ireland provides a promising example of interfaith dialogue. Although a few Muslims live there, the nation hosts Islamic cultural centers and Irish educators practice tolerance and work together with their Muslim students to establish greater understanding. This example, Mr. Snethen concludes, suggests that the integration of Eastern values and Western public education is possible, and that such integration provides an opportunity for establishing a pedagogical bridge between East and West. This is a reasonable conclusion, especially if we take note of a recent law review article by Professor John Makdisi, which traced important Islamic legal contributions in Medieval times from Sicily to Norman England. Throughout history, civilizations have been in constant dialogue; and the sooner we all realize the fundamental interconnectedness of our liberties, the happier and more liberated we will all be.

One last note: American Muslims are also facing increasingly serious human rights problems in this country, but that is a discussion for another day.

Thank you.

Ms. ROS-LEHTINEN. Thank you so much. Thank you.

Mr. Hayes.

Mr. HAYES. Thank you, Madam Chair, Ranking Member—

Ms. MCKINNEY. Love that voice.

Ms. ROS-LEHTINEN. That is enough right there. You are losing us fast here. It is going to be difficult to come back here.

Mr. HAYES. No harm intended.

STATEMENT OF ISAAC HAYES, ACTOR/MUSICIAN

Mr. HAYES. Ranking Member McKinney, and distinguished Members of the Committee.

I want to thank you very much for giving me the opportunity to speak to you today about the harm being done in France by prejudice—the bitter prejudice of intolerance.

But before I go any further, I would like to give my respect and admiration to Congressmen Smith, Tancredo and Pitts because they went to Paris, went to France, and confronted and took the issues right to the belly of the beast, and I appreciate that.

Now, last October, I flew to France to take part in a marching rally for religious freedom in Paris. We were a grateful and peaceful gathering, waving flags and singing songs for freedom. Yet unlike other gatherings the Paris Prefecture would not allow us to march through the streets of Paris. Instead, under pressure from the local government, the Prefecture sent out 300 riot police to order us to disperse.

And I cannot help being reminded of 1989 when Chinese tanks advanced on the students in Tiananmen Square. Fear drove those tanks. In Paris, thankfully, no one was hurt but it took me back

to the times when I was marching in Memphis with Dr. Martin Luther King, that last march before he was shot down. And it wasn't a good feeling. I know what suppression is I felt it.

But the French officials showed that same fear and that same intolerance of basic human rights. The intolerant mind-set fostered by the French officials can be clearly seen in a recent incident. A French citizen who was a member of a minority religion visited a member of the French National Assembly to seek his help in opposing legislation designed to shut down minority faiths. The MP was not present, but the MP's assistant was wholly indifferent to the visitor's concerns. When she protested that as a French citizen, she had had a right to be heard, the MP's assistant replied, and I quote, "You are not a citizen. You are a member of a sect."

As an artist, I am particularly concerned about the deterioration of human rights in France. It threatens the freedom of artistic expression and the ability of artists to survive economically.

In 1999, a talented young singer who belongs to a minority religion was selected out of more than 700 candidates to represent France in the internationally renowned Eurovision song contest. When her religious affiliation became known, her producers cancelled 16 TV shows where she was scheduled to perform, and they also cancelled album contracts and tours.

Government intolerance of minority faiths has even been introduced into French schools. A member of the church there where—let me get my thing right here. Okay, I'm sorry. A member of the Church of Scientology, of which I too am a member, unexpectedly discovered that her 13-year-old daughter's sports class had been cancelled and replaced by mandatory conference on cults.

Her daughter was extremely upset by the hurtful bigotry and prejudice spread in this conference, which was conducted with the support of the Ministry of National Education, and the infamous Interministerial Mission to Fight against Sects, a body that has nurtured religious intolerance in France.

As you have heard, France has now passed the most oppressive legislation in Western Europe targeting religious organizations. During the debate on the law in the National Assembly, one MP stood up and said that he regretted, and I quote, "A great night of sects unfortunately cannot take place which would allow us to handle it all at once."

Nobody spoke up in protest when this MP uttered those words of violence associated with actions of the Nazis. It is a symptom of the worsening human rights situation in France when no one objects to this outrageous appeal to hate, and by an elected official.

Ms. ROS-LEHTINEN. We are so sorry, but we only have about 5 minutes to—Cynthia and I are very fast but we are going to have 1 minute to wrap up, Isaac, if we could.

Mr. HAYES. I want to ask permission to resume when you return.

Ms. ROS-LEHTINEN. That would be wonderful. Our Committee will just be adjourned, recess for about 25 minutes.

Mr. HAYES. All right. Thank you.

Ms. ROS-LEHTINEN. Thank you.

[Recess.]

Ms. ROS-LEHTINEN. The Subcommittee will commence and we will be taking things a little out of order. We apologize first for those series of votes, but if we could have Mr. Hinojosa give his testimony, the President of Panda Software, then when Mr. Hayes come back he will finish his testimony and then we will wrap up our panelist with Ms. Bell.

So we appreciate it, Mr. Patrick Hinojosa, and your statement will be made part of the record, so please summarize. Thank you, Patrick.

STATEMENT OF PATRICK HINOJOSA, PRESIDENT, PANDA SOFTWARE

Mr. HINOJOSA. Thank you, Madam Chairwoman and distinguished Member of the Subcommittee. I am grateful for the opportunity to be able to speak here today.

I'm the Chief Financial Officer and Vice President of Panda Software US, which is part of Panda Software International, the fourth largest producer of anti-virus software in the world. The biggest markets for Panda are the United States, Great Britain, France, our third largest market, and Germany. Panda clients include DaimlerChrysler, Panasonic and the Boeing Corporation. Our software product has won countless awards and commendations. It is widely recognized that in Europe our company is the industry leader.

Until several months ago, Panda Software's main customers in France included major French and multi-national companies, and a host of government agencies, such as the French Ministry of the Interior and regional educational authorities. They have all reneged on their contracts with Panda. As a result, our French operation has suffered a devastating 50 percent drop in revenue. Panda Software France is a subsidiary of Panda Software U.S.

This governmental campaign of defamation, and unfounded accusations against Panda has only one cause. The French government does not like the religious choice of Panda's founder. It has placed his religious denomination on a list of 1972 "disfavored" religions, along with Baptists, Jehovah's Witnesses, Buddhists, Hindus and others. Panda's founder, Mr. Urizarbarrena, and his wife have for many years been members of the Scientology religion.

In April 2001, the rumor surfaced without a shred of evidence to justify the accusation that Panda's anti-virus software might be somehow able to access the confidential databases of the French Ministry of the Interior, and if this could happen, then the information would be sent to the Church of Scientology.

It was also alleged that buying Panda's product was tantamount to funding the Church of Scientology, another patent falsehood.

Testimony before the International Relations Committee last year revealed that similarly unfounded allegations were made against American software producer, Executive Software, by German government officials, also solely because CEO Craig Jensen is a member of the Church of Scientology.

As the U.S. State Department's Annual Human Rights Report for 2000 noted, the allegations against Executive Software proved completely unfounded.

Returning to Panda, a French Ministry of Education official pronounced on national television that, “We are asking the heads of schools not to acquire [software produced by Panda] and for those who already have it, to stop using this software.”

In a letter the Ministry of Education sent to French colleagues, the Ministry wrote, “Even though this material [Panda software] presents no danger in its present form, I am asking you to cease using it.” Obviously there is no technical difficulties with the software as they announced, so it must be other reasons.

And from there the government’s campaign really took off, with some 15 major newspaper articles attempting to discredit Panda software as a so-called “sect” company, whatever that means. The Education Ministry’s trade boycott was followed by the Ministry of the Interior. Numerous regional governmental bodies then announced that they were terminating their agreements with Panda because of its founder’s religious adherence.

Not surprisingly, the public—excuse me—the private sector soon felt the pressure of governmental intent. All the major supermarket chains in France—Carrefour, FNAC, Auchan, Cora, Leclerc and Casino—announced that they are canceling their agreements with Panda. Likewise, the software wholesaler Ingram Micro has cancelled its contract. Ingram Micro is a major distributor for the retail computer market. So Panda Software is now effectively barred from this market segment also. Because of the discrimination campaign, the plan by Panda US to bid for governmental security contracts in France has to be shelved. Having a major European government spread the false accusation that our software can lead to security breaches on a computer system has also had a very chilling effect worldwide for our company.

I therefore implore, Mrs. Chairwoman, that you and the U.S. Congress give serious consideration to the means available under existing legislation or other available instruments and vehicles to make the French government realize that discriminating against U.S. companies and persons based upon the religious affiliation of their founders or executive staff is a violation of international public policy and France’s international treaty commitments, and that it will not be tolerated by the United States.

Thank you for hearing my testimony.

[The prepared statement of Mr. Hinojosa follows:]

PREPARED STATEMENT OF PATRICK HINOJOSA, PRESIDENT, PANDA SOFTWARE

Chairwoman Ros-Lehtinen and distinguished members of the Subcommittee.

My name is Patrick Hinojosa. I am the Chief Financial Officer and Vice President of Panda Software US, which is part of Panda Software International. Panda is the fourth largest producer of anti-virus software in the world. The market for computer anti-virus software has grown to approximately one billion dollars per year and continues to expand. The biggest markets for Panda are the United States, Great Britain, France and Germany. Panda’s American clients include DaimlerChrysler, Panasonic and the U.S. and international offices of Boeing Corporation. It is widely recognized that in Europe our company is the industry leader.

Madame Chairwoman, I greatly appreciate your invitation to testify today about the practice of religious discrimination in European Union countries, and how such discrimination can act as a trade barrier to U.S. and other foreign companies doing business in the European Union. As Panda Software’s recent experiences in France illustrate, governmental religious discrimination can have a serious commercial impact in the public and private sector on companies whose ownership or employees belong to a disfavored religious minority. Panda Software in France, which is major-

ity-owned by Panda USA, has had government and private contracts cancelled, been permanently precluded from future procurements, and has been the subject of damning and false public accusations by French officials. Since Panda became the target of such religious and economic discrimination in France, which has been our third largest market after the United States and Great Britain, our French subsidiary operation has suffered a devastating 50% drop in revenue.

In a matter of only a few months, a governmental campaign of defamation and unfounded accusations against Panda has taken hold—solely because the French government does not like the religious choice of Panda’s founder and so placed his religious denomination on a list of 172 “disfavored” religions along with Baptists, Jehovah’s Witnesses, Buddhists, Hindus and others. Panda’s founder, Mr. Urizarbarrena, and his wife have for many years been members of the Scientology religion. This French government discrimination has resulted in the current situation whereby Panda Software is now effectively barred from access to the French governmental and major private markets.

Until several months ago, Panda Software’s main customers in France included major French and multi-national companies, and a host of government agencies such as the French Ministry of the Interior and regional education authorities. They all have reneged on their contracts with Panda.

You might ask how can such devastating government-sponsored economic discrimination take place in an apparently modern industrial democracy such as France? At Panda Software, we have been asking the same question. We create and sell an excellent software product that has won countless awards and commendations from software industry groups and publications. I have attached a sample of these awards to my testimony and request that they be included in the record. Our product and our record, like that of any company, should be all that matters; however, a stack of cancelled French government and French private sector contracts proves otherwise.

Being forced to investigate the motivation of the French government, I discovered that various commissions and ministries within the French state have been engaged in a systematic campaign of discrimination and intolerance against a wide range of minority religions and their members. Indeed, there is a list of 172 targeted religious groups, many of them American.

Out of the blue, in April 2001 the allegations surfaced—without a shred of evidence to justify the accusation—that Panda’s anti-virus software might be able to somehow access the confidential databases of the French Ministry of Interior and if this could happen then the information would be sent to the Church of Scientology. This allegation is patently absurd. All of the major international anti-virus certifying organizations have rigorously tested Panda’s products and given them their highest available levels of certification. It was also alleged that buying and leasing Panda’s products was equivalent to funding the Church of Scientology via the company, another patent falsehood. Panda and the Church of Scientology have no connection whatsoever; what religion our company’s founder belongs to is his personal and private decision, a protected democratic right enshrined in many an international human rights instrument.

As you may have heard, similarly wild and unfounded allegations were made in early 2000 against American software manufacturer, Executive Software, by government officials in Germany. Executive Software CEO Craig Jensen testified about this nightmarish experience before the International Relations Committee just about a year ago. In short, he too happens to be a member of the Church of Scientology, a religion fully recognized by the government and courts in the United States. This was the sole reason that his company, and in fact the entire Microsoft Windows 2000 Operating System for which Executive Software supplies a component, was attacked causing serious and costly delays in the release and use of Windows 2000 in Germany. Indeed, an article in the French news magazine *L’Express* stated that the German Ministry of the Interior, quote, “had also had to confront a similar problem.”

However, *L’Express* omitted to mention the fact that the allegation against Executive Software was disproven when a year of German governmental inspections declared them completely unfounded—an outcome that was noted in the U.S. State Department’s 2000 Annual Human Rights Report.

Back to Panda’s own story of trade discrimination in France. A French Ministry of Education official, stated on national television that “We are asking the heads of schools not to acquire [software produced by Panda] and for those who already have it, to stop using this software.” From there the government’s campaign really took off.

Some fifteen major articles have been published, which are attempting to discredit Panda Software as a so-called “sect company.” The media are amply supplied with material. The Education Ministry was followed by

the Ministry of the Interior, and the regional governmental bodies of Créteil and Montpellier announced that they were terminating their agreements with Panda because of its founder’s religious adherence. Government councils of the Gironde, Côte d’Armor, and Aube regions also announced that they were canceling their contracts with Panda. More so, the religious discrimination that forms the basis for such commercially harmful actions was openly admitted.

In a letter the Ministry of Education sent to French colleges, the Ministry wrote: “Even though this material [Panda software] presents no danger in its present form, I am asking you to cease using it.”

The letter went on to make the ridiculous accusation that Panda Software, is a “subsidiary of the Church of Scientology.”

How much more blatantly wrong and discriminatory can one be? Panda has no ties, financial or otherwise, to the Church; it is an independent company with more than 600 employees, managed by its own executives and board.

The economic consequences for Panda of this religious discrimination have been brutal. Apart from numerous government agencies, many private entities in France have also reneged—some with disturbing public vigor—on their contracts with Panda Software.

Not surprisingly, the private sector soon felt the pressure of governmental intent and soon followed its lead. All the major supermarket chains in France—Carrefour, FNAC, Auchan, Cora, Leclerc and Casino—announced that they are canceling their agreements with Panda. Likewise, the software wholesaler Ingram Micro has cancelled its contract with Panda Software in France. As Ingram Micro is a major distributor for the retail computer hardware and software market, Panda Software is now effectively barred from selling to this market segment.

As one can imagine, projected economic losses are even greater than actual losses to date. Because of this discrimination campaign against Panda, the plan by Panda U.S. to bid for government security contracts in France has to be shelved. The government sectors in Europe tend to possess the largest computer structures and networks in the nation, and being unable to place bids for government contracts puts my company at an extreme disadvantage vis-a-vis our competitors. It is obvious that Panda Software has suffered by being denied the respect and status in the private sector that comes with being a contractual partner in the government sector. My company produces software for computer security. Having a major European government spread the false accusation that our software can lead to security breaches on a computer system has a very chilling effect worldwide for our company.

Considering further that today we operate in the “global economy” that has been largely built by U.S. companies, the discriminatory and defamatory behavior of one of the G-7 countries affects Panda not only in France or Europe but has a highly negative effect on our business prospects in other world markets, too.

The effective ban and boycott of Panda Software by the French government simply because of Mr. Urizarbarrena’s religious association and beliefs painfully highlights the existence in France of a deliberate government policy to attack and discriminate against companies, if its leaders have the audacity to belong to a religion that French politicians don’t favor and have blacklisted.

I am afraid the economic damage and trade barriers that are being erected against foreign firms in France are likely to become more prevalent in the near future. As I mentioned earlier, for the past six years the French Government has taken increasingly brazen steps against members of minority religions, and recently France enacted an “anti-sect” law characterized by American religious observers as a vicious attempt to destroy minority religions in France.

I am a businessperson. I don’t mind competition. In fact, we thrive because of competition. It spurs the creation of better products and better deals and service for the consumer. It creates jobs and prosperity—this is what makes us proud to be entrepreneurs and is the reward for the hard work and the risks. I am not asking for advantages or a favored position, all I ask for is a level playing field.

I therefore implore, Mrs Chairwoman, that you and the U.S. Congress give serious consideration to the means available under existing legislation or other available instruments and vehicles to make the French government realize that discriminating against U.S. companies and persons, based upon the religious affiliation of their founders or executive staff, is a violation of international public policy and France’s international treaty commitments, and that it will not be tolerated by the United States.

Thank you for hearing my testimony.

Ms. ROS-LEHTINEN. Thank you so much, Patrick, and we are very pleased now to hear from Catherine Bell.

Thank you so much, Catherine, for being with us.

STATEMENT OF CATHERINE BELL, ACTOR

Ms. BELL. Thank you. Madam Chairwoman and distinguished Members of the Committee.

I greatly appreciate your decision to hold today's hearing, and I would like to thank you for giving me the opportunity to testify.

As I was finalizing my testimony, I read an editorial in yesterday's *Washington Post* that ably summarizes the direction French governmental religious intolerance is taking. The author, who teaches on China-Taiwan issues at Georgetown School of Foreign Service, states,

"China's communist leaders have finally found a western human rights model they like: France's new anti-cult law making 'mental manipulation' a crime . . . Chinese officials now triumphantly canvas American academics, touting the French law as partial vindication for China's much criticized human rights posture"

And he adds,

"The French connection in China's anti-human rights campaign is not new; parallel efforts by the two governments last month succeeded in ejecting the United States from the United Nations Human Rights Commission."

It is ironic that the official in charge of Paris's bid to host the 2008 Olympic Games cited China's human rights record as a reason the games should not go to Beijing. The testimony presented today makes clear that not only the Chinese, but also the French government, is in violation of the non-discrimination clause in the Olympic Charter.

The fight against religious discrimination in Europe does not mean, as some French and German officials have tried to argue, that we are demanding official recognition as a religion for all minority faiths. It does mean that we insist that the governments of those countries honor their international human rights commitments to respect a person's freedom of thought, conscience, religion, belief or association.

Madam Chairwoman, this is by no means the first time that I and others, both artists and victims, have testified before Congress about such human rights violations. All of us have spoken with the victims of religious intolerance, many of whom are not equipped to give their grievances a public airing. That is why hearings such as the one today are so valuable. Artists like Isaac Hayes, Anne Archer, Chick Corea, John Travolta and I appreciate the forum to speak out for people who otherwise would have no spokesperson. We are here to make sure their voices are heard.

France is a leader in Europe, a pivotal member of the European Union and the Council of Europe. If we cannot persuade the French government to uphold standards of human rights, what must be our changes be of success when dealing with countries like the Sudan or China or Iraq?

Last year, I and other witnesses testified before the full House International Relations Committee that discrimination and intolerance continued to worsen in France, Germany, Belgium and Austria. The International Relations Committee has passed two resolutions deploring the abuses and calling on the responsible governments to return to the principles of tolerance and religious pluralism.

Successive years of U.S. State Department Annual Human Rights Reports have tracked the growing intolerance in France, and the U.S. government has called upon the governments of France, Belgium and Austria to close their "anti-sect" offices. Many Congressmen and Senators have expressed their concerns to the French government, both through correspondence and in person. International human rights organizations, both private and governmental, have charted the increasing militancy of the offending governments. These are necessary and valuable measures, and without them, the situation would be even more grave than it is.

But despite all the well-intentioned efforts of Congress and the State Department, the French government has not softened its policies of intolerance, but has made them more extreme. What sort of message is France, a leading world democracy, sending to emerging democracies about what constitutes acceptable treatment of minorities? What are French officials and politicians communicating to, say, African countries, or the Eastern European states seeking access to the European Union? How discouraging must it be to artists whose right to freedom of expression is denied under totalitarian governments, when they see a senior French government official visiting Beijing to discuss how to wipe out minority religions?

I believe, Madam Chairwoman, that the time has come for Congress to take firm and unequivocal action against Western European governments that fail to comply with international human rights laws. We have a responsibility under the International Religious Freedom Act, and as Americans, to protect the rights of minority religious members, especially American citizens.

Indeed, the act provides for trade penalties to be invoked against governments that engage in acts of religious persecution. The French government has now placed on the books a law that is tailor-made to create persecution, and to deny religious adherents their right to worship in community with others, to freely practice their religion and associate with their co-religionists.

Within the next few months, we can expect French authorities to move to dissolve targeted religious organizations. Should the French government use this new law to persecute peaceful religious groups for exercising their right to worship, I strongly recommend that the Administration and the U.S. Congress use all means available to remedy this grave injustice.

Madam Chairwoman, I would like to mention that with us here in the audience today are three colleagues of mine who have traveled to Washington all the way from Paris this week, specifically to share their personal discrimination stories: Ms. Daniele Gounard, President of the Church of Scientology in Paris, who was unjustly jailed for her religious beliefs after a series of raids upon her home and office; Mr. Michel Lollichon, a French businessman

who lost his business following a media campaign against his software company solely due to his membership in the Church of Scientology; and Mr. Pierre Denis, a nuclear engineer with the French National Electricity Company, who lost his job after being denounced for being a Scientologist.

Ms. ROS-LEHTINEN. We welcome all three of you today. Thank you so much for being here.

Ms. BELL. And, Madam Chairwoman, I would like to make a final point. Surely now with all the evidence in, the time has come for hard-nosed legislation penalizing foreign governments and entities that engage in repeated and persistent acts of religious discrimination. Tough, uncompromising laws by the United States are needed to drive home that human rights violations such as we have heard today are completely unacceptable, and that the United States will not stand by and permit them to continue.

Thank you very much for hearing my testimony.

[The prepared statement of Ms. Bell follows:]

PREPARED STATEMENT OF CATHERINE BELL, ACTOR

Madame Chairwoman and distinguished members of the Committee:

I greatly appreciate your decision to hold today's hearing, and I would like to thank you for giving me the opportunity to testify. I will not recap all that has gone before, but I do want to recommend, and indeed, strongly urge, that Congress and the Administration start taking much tougher measures against western European governments, and especially France, that persistently refuse to comply with human rights standards.

As I was finalizing my testimony, I read an editorial in yesterday's *Washington Post* that ably summarizes the direction French governmental religious intolerance is taking. The author, who teaches on China-Taiwan issues at Georgetown's School of Foreign Service, states, "China's communist leaders have finally found a western human rights model they like: France's new anti-cult law making 'mental manipulation' a crime . . . Chinese officials now triumphantly canvas American academics, touting the French law as partial vindication for China's much criticized human rights posture." And he adds, "The French connection in China's anti-human rights campaign is not new; parallel efforts by the two governments last month succeeded in ejecting the United States from the United Nations Human Rights Commission." It is ironic that the official in charge of Paris's bid to host the 2008 Olympic Games cited China's human rights record as a reason the Games should not go to Beijing. The testimony presented today makes clear that not only the Chinese, but also the French government, is in violation of the non-discrimination clause in the Olympic Charter.

The new French law to "Reinforce the Prevention and Repression of Sectarian Groups" is intentionally designed to deprive hundreds of thousands, perhaps millions, of people of their right to worship freely. Essentially, the new law makes it illegal for religions to help those that they have traditionally helped, i.e., the spiritually afflicted. With this law, repressive and intolerant French officials and politicians have engineered the legal instruments to enforce the death penalty on minority religious groups.

The fight against religious discrimination in Europe does not mean, as some French and German officials have tried to argue, that we are demanding official recognition as a religion for all minority faiths. It does mean that we insist that the governments of those countries honor their international human rights commitments to respect a person's freedom of thought, conscience, religion, belief or association.

Madame Chairwoman, this is by no means the first time that my fellow-artists and I have testified before Congress about such human rights violations. All of us have spoken with the victims of religious intolerance, many of whom are not really equipped to give their grievances a public airing. That is why hearings such as the one today are so valuable. Artists like

Isaac Hayes, Anne Archer, Chick Corea, John Travolta and I appreciate the forum to speak out for people, who otherwise would have no spokesperson. We are here to make sure their voices are heard.

France is a leader in Europe, a pivotal member of the European Union and the Council of Europe. If we cannot persuade the French government to uphold standards of human rights, what must be our chances of success when dealing with countries like the Sudan or Iraq?

Much good work has been done over the years to expose religious discrimination in western Europe. In 1997, the Commission for Security in Cooperation in Europe held a major hearing, and the Commission has continued to express concerns about the situation in succeeding years. Last year, I and other witnesses testified before the full House International Relations Committee that discrimination and intolerance continued to worsen in France, Germany, Belgium and Austria. The International Relations Committee has passed two resolutions deploring the abuses, and calling on the responsible governments to return to the principles of tolerance and religious pluralism.

Successive years of U.S. State Department Annual Human Rights Reports have tracked the growing intolerance in France, and the U.S. government has called upon the governments of France, Belgium and Austria to close their "anti-sect" offices. Many congressmen and senators have expressed their concerns to the French government, both through correspondence and in person. International human rights organizations, both private and governmental, have charted the increasing militancy of the offending governments.

These are necessary and valuable measures, and without them, the situation would be even graver than it is. But despite all the well-intentioned efforts of Congress and the State Department, the French government has not softened its policies of intolerance, but has made them more extreme. What sort of message is France, a leading world democracy, sending to emerging democracies about what constitutes acceptable treatment of minorities? What are French officials and politicians communicating to, say, African countries, or to eastern European states seeking access to the European Union? How discouraging must it be to artists whose right to freedom of expression is denied under totalitarian governments, when they see a senior French government official visiting Beijing to discuss how to wipe out minority religions?

I believe, Madame Chairwoman, that the time has come for Congress to take firm and unequivocal action against western European governments that fail to comply with international human rights law. We have a responsibility under the International Religious Freedom Act, and as Americans, to protect the rights of minority religious members, especially American citizens. Indeed, the act provides for trade penalties to be taken against governments that engage in acts of religious persecution. The French government has now placed on the books a law that is tailor-made to create persecution, and to deny religious adherents their right to worship in community with others, freely practice their religion and associate with their co-religionists. Within the next few months, we can expect French authorities to move to dissolve targeted religious organizations. I strongly recommend that the Administration and Congress look seriously at applying trade penalties if the French government uses the new law to engage in religious persecution against peaceful religious groups for exercising their right to worship.

And I would like to make one last point. Surely now, with all the evidence in, the time has come for hard-nosed legislation mandating sanctions against foreign governments that engage in repeated and persistent acts of religious discrimination. Tough, uncompromising laws by the United States are needed to drive home that human rights violations such as we have heard today are completely unacceptable, and that the United States will not stand by and permit them to continue.

Thank you very much for hearing my testimony.

Ms. ROS-LEHTINEN. Thank you so much, and we know that the French witnesses who are here with us will be meeting with our staff on Friday, so we appreciate that, and Ms. McKinney's staff as well.

And now we would like to hear the rest of the testimony of Mr. Hayes, and I have already chastised my colleague, Cynthia McKinney, because she snuck out alone with Isaac Hayes—[Laughter]—and came back, and I feel a little left out, Isaac. I am not going to ask any questions, but I just want you to know that I told her it is not right. In kindergarten, we learn to share. [Laughter.]

Ms. MCKINNEY. And all I can say, Madam Chair, is I stand accused.

Mr. HAYES. She is guilty. [Laughter.]

Ms. ROS-LEHTINEN. Je cues. Thank you, Mr. Hayes.

Mr. HAYES. Well, you know what, Madam Chair, I got a good workout. This woman walked everywhere.

Ms. ROS-LEHTINEN. She does.

Mr. HAYES. And I am just getting my breath back.

Ms. ROS-LEHTINEN. She usually has the gold sneakers on.

Ms. MCKINNEY. Right.

Ms. ROS-LEHTINEN. But she did not have them on today.

Mr. HAYES. Wow.

Ms. ROS-LEHTINEN. Thank you. Thank you. Please continue.

Mr. HAYES. All right, I am going to go back a ways and go to this young singer.

In 1999, a talented young singer who belongs to a minority religion was selected out of more than 700 candidates to represent France at the internationally renowned Eurovision song contest. And when her religious affiliation became known to her producers, well, her producers cancelled 16 shows where she was scheduled to perform, and they also cancelled album contracts and tours.

Government intolerance of minority faiths has been introduced into French schools. The mother of a student who was a member of the Church of Scientology unexpectedly discovered that her 13-year-old daughter's sports class had been cancelled and replaced by a mandatory conference on "cults." Her daughter was extremely upset by the hurtful bigotry and prejudice spread at this conference, which was conducted with the support of the Ministry of National Education and the infamous Interministerial Mission to Fight against Sects. That is a body that has nurtured religious intolerance in France.

Now, as you have heard, France has now passed the most oppressive legislation in Western Europe targeting religious organization. During the debate on the law in the National Assembly, one MP stood up and said that he regretted, and I quote, "A great night of the sects unfortunately cannot take place which would allow us to handle it all at once."

Nobody spoke up to protest when this MP uttered these words of violence associated with actions of the Nazis. It is a symptom of the worsening human rights situation in France when no one objects to this outrageous appeal to hate by an elected official.

French officials tries to explain away the government-sanctioned religious intolerance in France by saying, "Freedom in France is different from freedom in the United States." I doubt the victims of this intolerance agrees there is a difference. Freedom is freedom.

As an African-American, I am very worried by remarks made by the authors of the new French law against minority religions. Madame Picard, a member of the French National Assembly, told the media that the law is aimed at groups of a spiritual, ethnic or philosophical nature.

Spiritual, ethnic or philosophical—that just between covers everyone.

In Marseille, North African makeup a quarter of the city's 800,000 inhabitants. Relations are often tense and this new law will only further fuel discrimination against Muslims. Currently

the French government forbids Muslim women to wear their headscarves in public schools.

One Senegal-born woman who has spent most of her life in France, and speaks French fluently, perfectly, recently reported that, when she tried to find an apartment on several occasions, the landlord who was hearing her over the phone thought she was white and agreed to rent to her. When they met her in person, they suddenly discovered that the apartment had already been taken. The seeds of prejudice have taken root in France, and intolerant French officials will now be able to use the new legislation to nourish those seeds, and, if they so choose, to dissolve even ethnic minority groups.

The French government may be the most intolerant in Western Europe. But certain other European governments continue to refuse to comply with their international human rights commitments.

Thanks to the fine work of American Congressmen and the State Department the legendary jazz musician Chick Corea, winner of 11 Grammy Awards, has been able this year to arrange a series of privately-sponsored concerts in Germany.

Nonetheless, in April, a state-sponsored theater in Augsburg, Germany, cancelled a performance Mr. Corea was due to give in November because Mr. Corea is a Scientologist.

The American singer and performer, Julia Migenes, famous for her role in the Fiddler on the Roof, Salome, West Side Story, and, with Placido Domingo, as the flamboyant Carmen in the film of that name, has also experienced state-sanctioned discrimination in Germany because she is a Scientologist.

Madam Chairman, I concur with the other witnesses, that the time has come to consider strong legislative action against Western European governments that refuse to respect human rights and freedom of religion and belief. This lack of respect has seriously impacted the lives and livelihoods of many people, including U.S. citizens. We must take concrete measures to protect the freedoms of people who may not be able to take a stand for themselves, individuals of whatever religion or ethnicity who face an assault on their rights in France and other countries.

I thank you for your commitment to religious freedom and ethnic diversity and to human rights, and for taking the time to listen to my testimony today.

[The prepared statement of Mr. Hayes follows:]

PREPARED STATEMENT OF ISAAC HAYES, ACTOR/MUSICIAN

Madame Chairwoman and distinguished members of the Committee:

I am grateful to you for giving me the opportunity to speak to you today about the harm being done in France by prejudice—the bitter prejudice of intolerance.

I hope that by giving a public airing to this issue, we can dispel some of the dark clouds that are gathering over France—a country where more members of religious, spiritual and ethnic movements suffer for their beliefs than in any other democracy in the world. And yet, I am not optimistic that circumstances will change, unless we, as Americans, take decisive action to bring about that change.

Last October, I flew to France to take part in a march and rally for religious freedom in Paris. Thousands of people belonging to many different faiths from all over the world had assembled in Paris to speak out for human rights. We were a peaceful gathering, waving flags and singing songs for freedom. Yet the Prefecture would not allow us to march through the streets of Paris. These officials were nervous, frightened and intolerant. Under pressure from their government masters, the prefecture

ordered 300 riot police onto the streets. Then they ordered us to disperse. So we did, and we travelled by cars and buses to a wooded area near Paris, where we held a concert for human rights. I could not help being reminded of the Chinese reaction in 1989, in that dreadful tragedy when the tanks advanced on the students in Tiananmen Square. Fear drove those tanks. In Paris, thankfully, no one was hurt. But the French officials showed that same fear, that same intolerance of peoples' rights to hold and to express their personal opinions and beliefs.

Members of minority religions have lost their jobs, they have been denied access to public facilities, they have been pilloried in the media, their careers have been destroyed, and their children denied access to kindergarten—all because of their beliefs. The French government's official policy and practice of intolerance continues to generate daily incidents of religious and economic discrimination in both the private and public sector.

The intolerant mind-set that French officials have created is illustrated by a recent incident. A member of a religion that is fully recognized in the United States visited a member of the French National Assembly to seek his help in opposing proposed legislation designed to shut down minority churches. The MP was not present, and his assistant was indifferent to her concerns. When she protested that as a French citizen, she had a right to be heard, the MP's assistant replied, "You are not a citizen, you are a sect member."

Unfortunately, the French government has blatantly non-complied with the religious freedom provisions of the Universal Declaration on Human Rights and the European Convention on Human Rights. Mr. Patrick Hinojosa has testified about how his software company, a leader in its field, has been boycotted by both government and private agencies in France, solely because of the religious affiliation of the company's founder. Many other such examples abound. Some are documented in the booklet, "Report on Discrimination Against Spiritual and Therapeutic Minorities in France", compiled by a coalition of religious and spiritual movements. I am attaching a copy to my testimony and ask that it be included in the record.

We hear much of religious and ethnic intolerance in the abstract. I want to take a more personal approach by describing some of the consequences in the lives of individual men, women and children. As an artist, I am particularly concerned that the deteriorating human rights situation in France threatens freedom of artistic expression, and the ability of artists to survive economically. Several incidents illustrate this problem. In 1999, a talented young singer who belongs to a minority movement was selected out of more than 700 candidates to represent France in the internationally famous Eurovision song contest. When her religious affiliation became known, she experienced a string of harassing incidents before, during and after the competition. As a result, her producers cancelled 16 TV shows in which she had planned to perform as well as a contract for two albums over three years, including tours in Canada and Japan.

A musician and graphic artist who belongs to a Zen movement has described how the movement became the target of a media lynching, with crazy rumors that his spiritual group engages in arms trafficking, prostitution and other immoral acts contrary to their beliefs and artistic works. Of course, it hardly needs saying that this smear campaign has had a stifling effect on his creative work.

In addition to artists, French officials and private anti-religious groups have targeted respected professionals in many different fields. Such campaigns have had fatal consequences for their victims. For example, a doctor who ran a highly regarded therapy center, to which a nearby hospital and courts commonly referred drug addicts for help, killed himself after officials closed his center following a vicious propaganda campaign instigated by a local hate group.

A naturopath and speech therapist who practices an eastern spiritual discipline lost 60% of his clients after an organization called the Association for the Defence of the Family and the Individual, known as ADFI, began circulating propaganda against religious minorities to schools and universities. ADFI denounced him publicly and savaged his reputation in the media. As a footnote, ADFI is one of the associations named by parliamentarians to have the right to bring civil complaints against religious minorities under newly enacted legislation.

Even older minority movements have come under attack. A member of a Rosicrucian movement forfeited his parental rights and can now only see his children once every two weeks between 10am and 6pm. This followed a divorce and four-year judicial procedure, during which his membership of the Rosicrucians was used to prejudice the court and local officials against him. Another example is that of a Celtic Orthodox priest who belongs to what used to be a thriving network of 25 health centers. Then, an article appeared in a national French magazine, claiming to cite documents from the French internal security agency, the Renseignement Generaux, connecting the movement with the notorious Order of the Solar Temple. The health

centers filed a complaint against the magazine, and the documents were exposed as fabrications in court. The centers won a one million franc judgement, reduced on appeal to 120,000 francs. But the false accusations continue to haunt the network of health centers, with the result that practically all are financially ruined and no longer operate.

French governmental intolerance of minority faiths has even been introduced into schools. One mother who is a Scientologist unexpectedly discovered that her 13-year-old daughter's sports class had been cancelled and replaced by a mandatory conference on "cults." Her daughter was extremely upset by the bigotry and prejudice spread at this conference, conducted with the support of the Ministry of National Education and the Interministerial Mission to Fight Against Sects. And indeed, central to an understanding of such incidents is that the French government, and French officials such as Alain Vivien of the "Interministerial Mission to Fight Against Sects", create a climate that feeds and nurtures such intolerance.

I could list example after example of how the French government has created a climate which makes life for religious minorities in France a hard-fought battle for survival. In addition, governmental intolerance now also threatens France's *major* churches. According to the president of the French Protestant Federation, representing 16 major churches and 5,000 associations including Reformed, Lutheran and Pentecostal churches, some Protestant churches in France are considering removing the word "evangelical" from their names for fear of official repercussions. An evangelical church in Lyons with 5,000 parishioners regularly organizes gospel events in the town square. Until a few years ago, they enjoyed the support of local authorities. But in recent times, local officials have become obstructive and have placed various barriers in their way, such as denying them electricity. After years of broadcasting their religious messages on local radio, and after a series of increasingly harassing restrictions put on their right to broadcast, they were eventually refused access to the airwaves.

Some of the groups whose experiences I have described are among the 172 religious and spiritual minorities blacklisted in a 1995 French parliamentary commission report. This report has been criticized by international human rights organizations, the U.S. State Department and expert scholars in religion for its bias, the undemocratic manner in which it was produced, and the discrimination it has created. Yet, as you have heard, France has now passed the most oppressive legislation in western Europe targeting religious organizations. When French authorities start applying the new law to bring about the dissolution of these groups, the 1995 report with its blacklist 172 such movements will form their basic reference.

You will hear from French officials trying to explain away the intolerance that "freedom in France is not the same as freedom in the United States." But this argument comes from the perpetrators of intolerance, not its victims. Freedom is freedom. It means freedom to think and believe according to one's conscience, and that includes the freedom to communicate one's ideas and beliefs, and the freedom to act upon them.

I read the debate that took place in the National Assembly on the day that the new legislation passed. One MP stood up and said that he regretted, and I am quoting, "a great night of the sects unfortunately cannot take place that would allow us to handle it all at once." Nobody spoke up in protest when this man uttered those words of violence. It is a symptom of the decay of human rights and freedom in France that nobody objects when an elected official makes such an outrageous, egregious appeal to base prejudice and intolerance.

As an African-American, I am also very worried by remarks made by the authors of this new legislation. Madame Picard, a member of the French National Assembly, was quoted in the media the day the law passed, saying that groups of a "spiritual, ethnological or philosophical nature" are prime targets.

"Spiritual, ethnological, or philosophical"—that just about covers everyone. Who is not a member of some spiritual, ethnic or philosophical group?

France is a nation of 60 million people touched by many ethnic groups, including North African, Indochinese, Slavic and Basque. At least three and a half million of the French population are immigrants, more than half from outside the European Union. During the past ten years, an increasing number of politicians have been speaking publicly against ethnic minorities. In Marseille, North Africans make up approximately a quarter of the city's 800,000 inhabitants, and there is a stark contrast between the affluent parts of the city and the areas where the ethnic minorities live. Relations are often tense, and it's more than a matter of the government forbidding Muslims to wear their headscarves in public schools. One Senegal-born woman who has spent most of her life in France, and speaks French perfectly, still reports discrimination; when she tried to find an apartment, landlords, hearing her over the phone, mistook her for a white woman and agreed to rent to her. But when

they met her in person, they suddenly discovered that the apartment had “already been taken.” The seeds of prejudice and intolerance have taken root, and intolerant French officials will now be able to use the new legislation to nourish those seeds, and, if they so choose, to bring about the dissolution of targeted ethnic minority groups.

The French government is undoubtedly the most intolerant in western Europe. But certain other European governments continue to refuse to comply with their international human rights commitments. In February, for the 8th successive year, the U.S. State Department’s Annual Human Rights Report criticized German government discrimination against Scientologists, as well as against certain Christian groups. Scientologists continue to suffer harassment, stigma and invasion of their private lives by the German government’s domestic security agency, the Office for the Protection of the Constitution. In addition, although the German federal government claims to have relaxed its use of so-called “sect filters” making employment or contractual relations conditional on individuals stating that they are not Scientologists, the public and private sector continue to use such filters. Moreover, German officials continue to deny American artists the right to perform at state-sponsored concerts in Germany, solely because of their religious association. Thanks to the fine work of American congressmen and the State Department, the legendary jazz musician Chick Corea, winner of 11 Grammy Awards, has been able this year to arrange a series of privately sponsored concerts in Germany. Nonetheless, the difference in how officialdom treats this great artist in Germany compared with in the United States could hardly be greater. In May, Mr. Corea’s hometown of Chelsea, Massachusetts, named a street in his honor. But one month previously, a state-sponsored theatre in Augsburg, Germany cancelled a performance Mr. Corea was due to give there in November, because Mr. Corea is a Scientologist. The American singer and performer Julia Migenes, famous for her roles in *Fiddler on the Roof*, *Salome*, *West Side Story*, and, with Placido Domingo, as the flamboyant Carmen in the film of that name, has also experienced state-sanctioned discrimination in Germany. While these artists may be able to perform privately, most of the major musical venues in Germany are state-sponsored, and the German government’s denial of their right to perform there places them at a severe commercial disadvantage.

In Belgium, government officials deny fundamental rights to members of minority religions, based in large part on a 1997 parliamentary report that blacklisted 189 such movements, including Hasidic Jews and the Catholic movement, Opus Dei. The International Helsinki Federation for Human Rights reports that in October 2000, an eastern movement was banned by order of a municipal mayor in Brussels from holding a public meeting. The organizers were informed that the ban had been imposed following orders from state security. The movement, which has never been prosecuted for illegal activities in Belgium, was told that their meetings were forbidden and any discussion of their religion would result in arrest.

Madame Chairwoman, over the last several years, many of us have come here and have spoken out against discrimination in France, and Germany and Belgium. It is time to do more than utter words of protest. That is why, Madame Chairman, I concur with the other witnesses today that the time has come to consider tough-minded action against western European governments that refuse to respect human rights. We have the legislation to do it—the International Religious Freedom Act. Let’s use that tool to take a stand for people who may not be able to take a stand for themselves—individuals of whatever religion or ethnicity who face extinction of their rights in France.

I thank you for your commitment to religious freedom, to ethnic diversity, and to human rights, and for taking the time to listen to my testimony today.

Ms. ROS-LEHTINEN. Thank you. That is not too much of a sacrifice, Mr. Hayes.

Ms. Bell, I would like to begin questions with you. As a public figure, how do you and your colleagues view your role in the effort to curtail the growing trend of religious intolerance in Europe so that those rights are protected and ensured for all?

Ms. BELL. Well, I am in a very fortunate position to be able to speak for people who do not have a voice in those countries. So I know I personally, and I am sure Isaac as well, feel it is my responsibility to speak out and to make people aware of what is going on. Because I know that I was appalled when I found out about

this new French law, and anyone that I have spoken to about it. It is hard to believe that this is going on in France.

You know, France is a democratic nation that has agreed to the human rights treaties, the international—all of the international treaties on this, and it is not—you do not expect it from France. You know, you expect it from many other countries.

I am Persian, my mother's side of the family is Iranian, and I have heard stories of the discrimination and the intolerance that she grew up with. And you expect it from a country like that, but not France.

So again, it is my responsibility and my duty to—you know, to help those people be heard.

Ms. ROS-LEHTINEN. And do you believe that the European governments discriminate against artists and public figures such as yourself and Mr. Hayes as a way of sending a message to religious groups that they do not stand a chance against these governmental policies if celebrities such as you and Isaac are also victims?

Do you believe that this is a tactic used by those governments to weaken the resolve of those targeted groups, to deter them for fighting these laws?

Ms. BELL. Well, sure. I think it is something that they definitely attempt to do. I personally have not seen that yet. My show is doing well in Germany and France, but you know, it has certainly caused some concern. I mean, do I now need to worry about someone finding out about, you know, my race or my religion, or you know, the fact that I am Persian, or I am a Scientologist, or whatever it might be? Do I need to hide that?

You know, it is like—it is scary to think that that might happen to me, but it is happening to others, and unfortunately they are trying to set an example, yes.

Ms. ROS-LEHTINEN. Thank you.

Now, Mr. Hayes, you are rightfully proud of your activities and your involvement for many, many decades in the civil rights movement in the United States.

Are there any lessons or thoughts that you might have based on that experience in the civil rights movement which could help the Congress better understand the plight of religious minorities in France and in all of Europe?

What parallels would you draw between the two? Do you believe that religious discrimination and racial discrimination stem from the same causes and factors? Or do you see them as two separate issues?

Mr. HAYES. No. I think they are all the same. Growing up in the South and having grown up with the pains of racism and discrimination, I have seen the same thing in Europe.

I can—I advise that they do not give up. They must fight for their rights, and demonstrate, if they are allowed to, and some might have to go to jail doing that.

And I want to also mention that—I want to thank Congressman Ben Gilman. He has been in the trenches with us for a lot of years.

Ms. ROS-LEHTINEN. Many years.

Mr. HAYES. Yes, because when I first came on the Hill, he was very supportive of what we were doing.

And I am going to take you back a few years. I was in Germany on a record promotion tour, and this lady I had not seen in Germany for a long time. And so we had a dinner one night, and these German ladies took me out. They were in the industry, entertainment. And I was proud of my religion, and the wonderful things I had gotten in my religion. I said,

“Yeah, since you’ve seen me, I’m a Scientologist.”

“Shhhh, don’t say that.”

Fear was in these women’s faces because I said I was a Scientologist. It was reminiscent of what I have read about the Salem witch hunts. If you are affiliated with someone who is of a minority religion, you will suffer if you reach out a hand of friendship to them. And I saw the tears of a gentleman, a business person in Germany who had lost his business because he was a Scientologist.

All these things will continue, and that is why I say today I am appealing to all the legislators. They have the power to take a stand. America is a world leader and what we do and say here is heard around the world, and it has influence.

Ms. ROS-LEHTINEN. Yes, that is true.

Mr. HAYES. So, gone are the days to be diplomatic and sit back. You can no longer do that. They said that about Germany in the early part of the last century, and look what happened. You looked around and they had almost conquered all of Europe and parts of Asia, and some parts of Africa.

So this thing has to be stopped now. One day, you know—it is religion now, and just like you just asked my colleague here, they target us. They target us. And if they can get away with that, next it is another religion and next it is racism. It just continues. It is like a malignancy and it has to be stopped.

And I think stands should be taken because if we are not allowed to work over there, which will affect your economic welfare, then they should not be allowed to practice their businesses in one of the most fertile markets in the world here in the states. I think those things should be really looked at seriously.

I’m a southerner. You kill my dog, I kill your cat.

Ms. ROS-LEHTINEN. I understand.

Do you think that the religious discrimination and the policies of France, Germany and some of the other European countries that we have been discussing will have a negative impact on the ability of American artists that interact with their fans in these countries, do you believe that discrimination then will extend to prohibition of the sales, restrictions on the type of music and films shown, censorship of books and other medium simply because of the religious, spiritual or philosophical association of the arts?

Mr. HAYES. Madam Chair, it definitely will. I have heard stories about various artists who have suffered at the hands of this religious intolerance. And I even, when I was over there in October, Kirstie Alley and I, we spoke at a press conference, and we addressed the people of France, to let them know that we were not talking about the people of France. We know that France has a history of being a champion for freedom and religious tolerance, and artistic tolerance. But it was a few in the government, and we cited

them and called their names out, to let them know what was going on.

As the Secretary earlier spoke about it is not the French people, no, it is not. But I would like to say that sometimes by refraining to say something, one is almost as guilty as the perpetrator. When you see some injustices going on and you do not say anything, silence gives consent. And they are saying that they approve of that in some cases. But I am sure it is a lot of fear as well. For those who speak out and challenge the government about those various things, I am sure that they fear that they will invoke the wrath of this oppressive government.

Ms. ROS-LEHTINEN. Thank you.

Ms. Fazili and Mr. Grieboski, speaking about what action the State Department or the U.S. Congress can do, what specific provisions in the International Religious Freedom Act could be used to address this growing problem? And would you agree or disagree with the issuance of State Department travel advisories and business advisories from the Department of Commerce for Western European countries which discriminate against particular religions? And what legislation or other U.S. action would you recommend?

Ms. FAZILI. I am actually not an expert on issues of the International Religious Freedom Act, so I am going to let Joe handle that question.

Mr. GRIEBOSKI. Thank you. Madam Chairwoman, in response to your question regarding the International Religious Freedom Act, as Secretary Craner had pointed out, there are 15 levels of sanctions available to the President to use when there are severe violations.

He had mentioned being at step four, which is, as I recall, an official denouncement of the actions of the government. I would encourage the implementation, as Mr. Pitts had mentioned earlier, of step seven, which is the cancellation and denial of state visits, working visits and official visits. And I would particular encourage that to be placed on the staff of the Interministerial Commission to Battle Sects and Cults in France, as well as the other organizations which actively promote an intolerance and discrimination.

While that may—it takes very little administrative work on our part, I would believe the message that would be sent to Western European countries would be resounding, and I would encourage that such action be taken.

Ms. ROS-LEHTINEN. Thank you. And, Mr. Hinojosa, I just have one question because I know that Mr. Pitts has to go and Ms. McKinney is kind enough to have ceded her slot to him so that he can go to his hearing.

The actions of the French authorities against companies such as yours, Panda, and U.S. subsidiaries and other U.S. companies, constitute trade barriers. There have already been similar cases in Germany.

Do you believe that the U.S. should bring this issue as a formal complaint to the World Trade Organization?

Mr. HINOJOSA. Yes, I do. It is, under that agreement and that organization, illegal for them to do what they have done. So we should draw the line in the sand and bring it before that body as a formal complaint. I agree with that.

Ms. ROS-LEHTINEN. Thank you.

Mr. PITTS, and thank you very much, Ms. McKinney.

Mr. PITTS. Thank you, Madam Chairwoman. I appreciate your courtesy.

I have one question I would like each of you to speak to, and maybe I can be more specific with some of you. But to what would you attribute the intensification of the anti-cult or the anti-sect movements in Western Europe? What is giving rise to this disastrous antical law in France, which is very serious. If you read it, individuals found guilty under its provisions will lose basic rights of citizenship. They cannot exercise political, civil or family rights, work as professionals, even sign a bank check for several years.

So what is giving rise to this? And I will start with you, Mr. Grieboski, if you want to respond to that. And also, would you agree or disagree with the issuance of State Department travel advisories or business advisories by the Department of Commerce for Western European countries that discriminate against particular religions?

Mr. GRIEBOSKI. Thank you, Mr. Pitts.

In answer to your first question, what is giving rise to this, Mr. Smith had pointed out earlier today that often it is brought up the mass suicides of the Order of the Solar Temple, and such. I do not necessarily accept that as the major cause of this, of this anti-cult.

In essence, I believe—I would like to take a step back and I do not believe this is an anti-cult, anti-sect feeling. I believe that this, in essence, a feeling of anti-religiosity in general. I do not believe that the French legislation, for instance, targets primarily minority religious groups. I do not believe that the Church of Scientology, the Unificationist Church, the Jehovah's Witnesses are the primary target of this legislation.

We have seen recently for the first time in very 150 years a Catholic bishop being brought before the courts on trial for not turning in a priest who confessed something during confession; in essence, putting the Catholic seal of confession on trial in France. And so I do not believe this is solely an anti-cult, anti-sect sentiment.

As to what is truly driving that, I cannot say. I have racked my brain on this question for I cannot tell you how long now, in essence, trying to find out what is driving this, what is causing this. And to this point I have to say I do not know. I know not what the—

Mr. PITTS. Should there not be a distinction between criminal behavior and actions and on the other hand religious beliefs?

Mr. GRIEBOSKI. Oh, absolutely. First of all, it is in violation of international agreements to which the French have signed to blame an entire religious organization for the acts of an individual. There are at work here, in general, a very large differences in the understanding of the role of government between the United States and Western Europe.

Western Europe recognizes a much more paternalistic attitude toward the role of government to defend its citizens. And so the government of France is saying that its own citizens are not capable of taking care of themselves and making their own decisions.

Mr. PITTS. All right, Mr. Hinojosa.

Mr. HINOJOSA. As far as exactly what is fueling it, I could only look historically and say there would be a small number of people in positions of power who hate. As far as the notion of using it as a pretext to protect the population, we saw last century how the population of Europe was protected from dangerous minorities, by the extermination of millions, which is not too good a protection.

As far as the next question—

Mr. PITTS. I appreciate your answer on the World Trade Organization, but as a businessman—

Mr. HINOJOSA. Sure.

Mr. PITTS [continuing]. Are there other things the U.S. government can do, particular trade agencies, to defend your commercial interests?

Mr. HINOJOSA. Yes. The first thing is going to the WTO, I mean, as a legal action, which we did on the issue with the bananas, if you remember that. That worked. Unfortunately, we are to the point where talking and chastising has not produced any change.

As a businessman, money talks. I am sorry, that is the way it is. If they feel squeezed in their corporations, those companies' executives in France will go to the government and ask them why are you putting us at risk now by this illegal behavior. That is what changed the last time.

Mr. PITTS. Thank you. Ms. Fazili, if you can also ask or respond to how is this going to impact the Muslim communities in other Western European countries and in China, for instance?

Ms. FAZILI. Okay, thank you very much.

To comment on your first question about, you know, what is causing this rise in anti-cult, anti-religious legislation in France, I think it has to do with historic roots in France of—as Joe alluded to before earlier as well—string anti-religious elements in the society and their notion of a very strict secular public sphere.

The French idealist for individual equality and a culturally homogenous public space, and they really do not like to acknowledge differences amongst the individuals in the public space or make reservations for people because they find it divisive in their notion of republic and ideals.

But the changing nature of the French state and the French, I think, national community in the past 30 years has required them to start to make exceptions to safeguard the liberties of their own citizens in matters of religious practice and ethnic diversity, et cetera.

To answer your second question, could you repeat the second question, please?

Mr. PITTS. How is it going to affect the Muslim communities in other countries, Western European or even China?

Ms. FAZILI. Yes. I alluded to that somewhat in my testimony. In Germany, we saw in the early nineties teachers began to be restricted from teaching in public schools if they wore scarves. In Switzerland, a teacher who became Muslim, already had a teaching position, became Muslim, and started to wear the scarf in 1994, was fired from her job, and that case went before the European Court of Human Right, and they actually voted to allow—the upheld the firing of her in February of this year, which is a dan-

gerous precedent, I think, for religious liberty of Muslim minorities in Europe.

The impact it has on Muslim minorities is I think it is going to cause them to be increasingly fearful of a retraction of their rights in these secular liberal democracies. Part of the reason many Muslims migrated to these countries was for the ideas of freedom which these countries upheld, and so I think that is one of the impacts it could have.

Mr. PITTS. Thank you.

Mr. Hayes, you heard the first question. Also, how is this going to impact you as an artist or other artists in the ability to interact with your fans, sell, you know, films, books, music, whatever?

Mr. HAYES. Well, it is going to cause losses in revenue because of the attitude of governments, because of the pressure brought to bear on those who do business with entertainers and artists who are associated with these minority religions.

I would also like to add, what is behind all of that? I think it is fear because in Scientology we have various programs to add to one's prosperity and one's survival, ethically of course. But we have study technology. People learn to read and really understand. We have strong drug rehabilitation programs. We have a strong incarcerate program called "Criminon." where people can get their lives together and rehabilitate. We have—we have strong administrative technology. And when these people learn these technologies, their businesses prosper. Their lives prosper.

So I think the—especially in Germany, they saw it as some kind of a threat economically, which was not the case, but they saw that, so they did not want that to happen. Even though they were Germans, native Germans, but when they became Scientologists and they saw their businesses really prospering, it was a threat and it is fear.

And some people have a tendency to dislike that as different, and that is a big threat, so they try to just destroy it and get it out of the way, move the competition out of the way.

Mr. PITTS. Thank you.

Ms. Bell, you have heard the first question. Also you might add, you said firm, deliberate actions should be taken by the U.S. government. Can you be specific what type of specific actions should we take?

Ms. BELL. Sure. I will start with the first question.

I agree with what everyone else has said. I believe it is not everyone in France, obviously. It is an attempt by a select few that are furthering their own political and/or religious or lack of religious beliefs. The scary part and the part that makes me want to take action now is that it is the first step of what could ultimately be many steps that restrict peoples' religious freedom, and ultimately place the power in the state's hands and not a person's choice to believe and practice what they choose.

In terms of the specific actions, there is a bill that was being drafted, right. Congressman Gilman and Congressman Ros-Lehtinen—Congresswoman Ros-Lehtinen are drafting a bill they are proposing which would basically describe specifically what actions.

The main area that we are looking at is some sort of either trade penalties, some sort of a penalty. I am not an expert in that area, but I know that there are some specific things that we could address that would maybe make them pay attention and re-look at this law.

Mr. PITTS. Thank you very much. Thank you for your testimony. Thank you, Madam Chairwoman.

Ms. ROS-LEHTINEN. Thank you, Mr. Pitts, and thank you, Ms. McKinney, for your time.

Ms. MCKINNEY. Thank you Madam Chair.

First of all, I would like to say thank you for calling this hearing on this subject, and giving me an opportunity to reignite a long diminished friendship with Mr. Hayes who sort of abandoned me for several years. [Laughter.]

But I have only one question, and it is for Ms. Fazili.

Last week a Muslim intern was ejected from a White House meeting for no other reason than that he was Muslim. He had been cleared through security. He had been admitted into the Indian Treaty Room. He was in the middle of a briefing on faith-based initiatives. And in the middle of the briefing the agents come in and take him out, and I am very proud to say that the entire Muslim delegation got up and walked out with him.

Now, I do not want to denigrate the Bush White House because I have had my problems with the Clinton White House, and if we are talking about Islamaphobia, then it does not matter which White House it is. It is something that is pervasive in the politics of America and in American society.

You said in your testimony that American Muslims are facing increasingly serious human rights problems in this country, but that is a discussion for another day. Well, another day might not come. So I want you to take just a few minutes to talk about the struggle in America.

Ms. FAZILI. Thank you very much, Congresswoman McKinney. I really appreciate you extending that offer to me.

Like I said, I was present at that White House meeting and all of us were astonished that, although we all had prior security clearance, they came into the meeting and did not give any of us an answer for his ejections from the meeting when he was a young, 20-year-old American citizen.

American Muslims face many similar obstacles actually as the European Muslims do in terms of discrimination, hate crimes, misunderstandings, stereotypes, prejudice. Islamophobia essentially is pervasive, I think, in America as it is in Europe and in England.

I can give you some examples. Outside Chicago last summer there was a well publicized case of a Muslim community wanting to take an abandoned church and convert it into a mosque, and the town council blocked the measure. And right now the group is going through the courts to try to adjudicate over this issue right now.

But you see that oftentimes that local councils in America block Muslim communities when they want to set up houses of worship in the area, whether they are converting old buildings or old churches.

In the community I grew up in Buffalo, New York, when we built our Islam Center, repeatedly when we put the windows in they were smashed by vandals. There is arson at mosques.

A few years ago there was a case where a disc jockey in Colorado decided to play a joke, you know, on his morning talk show, and took dogs into a mosque while people were praying, and disrupted the congregation.

So there are many things that American Muslims face. Airport and police profiling, harassment, discrimination, poor medial portrayals, and as you cited earlier, secret evidence which has continued to plague this community as a community that has been singled out as the only case, almost all the cases except for, I think, one have been against an Arab or a Muslim, which shows that this legislation is targeted in its implementation and this practice must be stopped because it is unconstitutional and violates the due process and denies civil liberties to American Muslims.

Thank you very much, Congresswoman McKinney.

Ms. MCKINNEY. Thank you, Madam Chair.

Ms. ROS-LEHTINEN. Thank you, Ms. McKinney.

And just to have a little different take on what my good friend, Ms. McKinney, said. I would like to say that the White House had invited the intern. When the Secret Service agents escorted him out, it was a mistake. The President on the same day apologized for this action, and the Bush White House continues to involve Muslim leaders in the discussions on the World Conference Against Racism, but I understand that there may difference of views on that.

But as Voltaire said, "I may disagree with what you are saying but I will fight to the death your right to say it." And what has happened to this tradition in France, is this the beginning of the end for pluralistic democracy and societies in Europe?

And with that I would like to thank the witnesses appearing before us, and I would like to say, Ms. Bell, that Anita Maggio from my staff back there who is very embarrassed that I am pointing her out, is one of your legions of fans, so we are going to ask you to stay here just for 1 second.

Ms. BELL. Of course.

Ms. ROS-LEHTINEN. Thank you so much.

Ms. BELL. Thank you.

Ms. ROS-LEHTINEN. And the Subcommittee is now adjourned. We thank all the Members and the audience for being with us.

[Whereupon, at 4:17 p.m., the Subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD



October 17, 2000

Président Jacques Chirac
Monsieur le Président de la République
Palais de l'Elysée
55, Rue du Faubourg Saint-Honoré
75008, Paris
France

Dear Monsieur le Président,

I am writing on behalf KARAMAH: MUSLIM WOMEN LAWYERS FOR HUMAN RIGHTS to voice our concerns about young Muslim women's access to education in France. We are concerned that young Muslim women who choose to wear headscarves continue to be denied their right to education and to practice their religion freely. We are further concerned that the French government, the historical seat of the modern human rights movement, has not sufficiently marshaled its forces against the rising tide of intolerance facing both immigrant and citizen Muslims in France. Even the United States government has taken note of the French debate over "le foulard Islamique," noting in its 1999 Annual Human Rights Report that there has been no definitive national decision on "whether denying some Muslim girls the right to wear head scarves in public schools constitutes a violation of the right to practice their religion" (See U.S. Department of State 1999 Country Reports on Human Rights Practices, February 25, 2000).

KARAMAH is a United States-based human rights organization that focuses on issues of human rights for Muslims. KARAMAH means "dignity" in Arabic; *we believe that all human beings, regardless of race, status or gender, are endowed with the same dignity.* We are Muslim women lawyers—some of us wear headscarves and some do not. It is in the spirit of KARAMAH and in the tradition of the French polity that gave birth to the Declaration of the Rights of the Man and Citizen in 1789 that I write to you.

We commend the 1989 decision of the Conseil d'Etat, ruling that the Criel school principal who suspended three Muslim school girls wearing headscarves had violated the freedom of religion of the girls, guaranteed to them by the French Constitution. We further commend the Conseil's 1995 decision, affirming that simply wearing a headscarf does not provide grounds for exclusion from school and reversing decisions that had expelled school girls in such situations.

Yet we note with concern more recent events that demonstrate a disregard for fundamental human rights: the refusal of teachers in Normandy to teach Muslim students with headscarves; the statement by Interior Minister Jean Pierre Chevènement that headscarves often mark women as inferior to men and render their integration into French society more difficult; and the position of the Government upholding a decision expelling two Muslim girls who wore headscarves from their junior high school. More importantly, we strongly disagree with the Conseil's October 1999 decision to reaffirm a ban on headscarves in public schools.

We are concerned that as members of a religious minority and as young women or girls, these Muslim school children are facing a double violation of their rights, when in fact it is for the protection of such

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potentially vulnerable communities that international human rights and domestic civil rights norms are established. Not only is the right to free exercise of religion being denied to these Muslim students, but as young women, they are being subjected to an attempted "secularization" that is not directed towards young men. *The attempts to prohibit the wearing of headscarves in French public schools have evidenced a gendered and religious double standard in French society, and we urge you to guarantee to all school children in France, religious and non-religious, boys and girls, the right to an education.*

The right to education is protected by both the International Covenant on Economic, Social and Cultural Rights (ICCPR) and the Convention against Discrimination in Education. The ICCPR states:

Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his [sic] choice, and freedom, either individually or in community with others *and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.* (Article 18, ICCPR, emphasis added.)

Further, the U.N. Human Rights Committee's General Comment clarifying article 18 noted that "when legislation is adopted by a State party, it must comply with the requirement of article 26 that it should not be discriminatory." The French government policy to ban only so-called "ostentatious" signs of religious belief in state schools, however, has been applied in a discriminatory fashion. It has been directed only towards Muslim schoolgirls who wear headscarves and not to members of any other religious group who wear religious symbols.

Critics of "le foulard Islamique" in school allege that scarves pose a health risk to students engaging in physical activity—particularly in physical education classes. However, there have been no documented health studies supporting such a claim. In the absence of any concrete evidence of physical danger created by wearing headscarves, excluding Muslim female students who wear head scarves is a "solution" to a *non-existent* problem, a "solution" that compromises religious freedom and gender equality.

Critics further claim that the headscarf is an attempt at proselytizing in schools, threatening the secular nature of French society. However, this same charge has not been leveled at Christian or Jewish signs of distinction, only at Muslim ones. Jewish boys or young men who choose to wear yarmulkes are not barred from attending public school; French schoolteachers have exhibited a tolerance of this tradition. Young Muslim women should not be denied the same right of religious statement.

Rather than a neutral, secular stance, restrictions on young Muslim women's right to wear headscarves instead reflect a patriarchal and oppressive attitude within French society towards these young women and their bodies. More troubling to KARAMAH is the French government's apparent willingness to support such an attitude. Those in France who would prohibit Muslim girls with headscarves from attending French public schools have claimed that the girls have not independently chosen to wear headscarves. Rather, they have argued, these girls are being compelled to wear headscarves by their families or the larger Muslim community.

First, Karamah strongly rejects the Orientalist gaze that undergirds this claim—the idea that any manifestation of religion by a Muslim must be a product of coercion or group thinking, rather than a product of a reasoned decision by a Muslim individual. Second, we note that the individual agency and personal freedom to choose to wear a yarmulke by young Jewish boys is never questioned or cited as a reason to deny these schoolboys access to education. Fifty years after Simone de Beauvoir's *The Second*

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Sex, her observations still ring true—women are still regarded as subjective, passive beings, while males are granted both objectivity and agency.

KARAMAH agrees with those in the French public who call for the veiled youngsters to enter French republican society. Yet KARAMAH also insists, as Jean-Jacques Rousseau once wrote, that education is the cornerstone to the development of the democratic citizen. Key to the development of the French citizen is exposure to and engagement with the political and philosophical ideals of the French republic. Every school child in France deserves—and has the right to—a French education. Muslim schoolgirls who wear headscarves must be given the same opportunity as other French students to read Rousseau and study French republican and political thought. By denying education to these Muslim girls, the French government blocks them from entering French civil and political society.

KARAMAH calls on the French government to maintain and enforce an even-handed, non-discriminatory policy for people of all religious beliefs and of both genders. We call for a policy that allows freedom of conscience and freedom of statement to thrive in a diverse society. We call for a policy that does not succumb to bigotry, conformity, and prejudice. The headscarf worn by a Muslim schoolgirl is not a harbinger of terrorism or extremism. It is a simple symbol of religious faith.

KARAMAH calls on the French government to protect the fundamental human rights of Muslim schoolgirls who have chosen to wear headscarves, by insuring their admission to and proper treatment in schools. KARAMAH also urges the French government to develop a concrete, strategic plan to combat racism and prejudice amongst school officials and teachers, through staff training and governmental directives.

The vicious memories of World War Europe, and the potential for prejudice and insensitivity to escalate into massive violence, still remain fresh in the contemporary collective memory. We call on France to lead Europe in confronting the contemporary challenges at hand. Do not let bigotry, prejudice, and hatred define 21st century Europe. Instead, let France take its proper place as a leader in the human rights community and to serve as a model for multi-religious and multi-ethnic states to emulate as civil societies worldwide become increasingly ethnically and religiously diverse.

Respectfully,



Sameera Fazili
Executive Director
KARAMAH: Muslim Women Lawyers for Human Rights

**APPENDIX TO TESTIMONY OF PATRICK HINOJOSA
PANDA SOFTWARE**

**Documentation of Direct and Indirect French Governmental
Religious\Economic Discrimination Against Panda Software and
the Impact of such Discrimination on the Company**

1. **Excerpt from French TV program where an official of the Education Ministry states that the government has instructed schools not to use Panda software.**

2. **French news articles making false accusations about Panda and reporting on government and private entities canceling contracts with Panda because its founder is a Scientologist.**

3. **Memo sent by the Rectorat of Montpellier, a Ministry of National Education entity, telling colleges not to use Panda software even though it poses no danger. Notification from one college (College Marcel Pagnol) to Panda canceling a software contract.**

4. **Email between Panda and software retailer Ingram Micro concerning Ingram's termination of its contract with Panda. Ingram admits charges against Panda are "highly exaggerated....". but that they "did impact your image and our sales."**

5. **Sales figures from Panda France from March 2000 through July 2001 showing significant drop in Panda sales after media and governmental campaign against Panda.**

Excerpt from French TV program where an official of the Education Ministry states that the government has instructed schools not to use Panda software.

**NATIONAL TV FRANCE 3 NEWS
April 12, 2001**

**Transcript of News Story on the use of Panda Software by French
Government Authorities**

(Excerpt of Interview with French Education Ministry Official)

France 3: Le responsable de la lutte contre les sectes s'est saisi du probleme. Verification faite, de nombreux etablissements et rectorats sont deja equipes.

Translation: Those responsible for the fight against cults has taken up this problem. After verification, it was found that numerous schools and education authorities have already been equiped [with Panda Anti-virus Software].

Danile Groscolas (Responsable de la prevention des sectes a l'Education Nationale): "...nous demandons aux responsables des etablissements scolaires de ne pas acquerir, et ceux qui l'ont achete, de ne plus utiliser ce logiciel".

Translation: Daniel Groscolas (Responsible for the fight against cults in the Ministry of National Education) "... We are asking the heads of schools not to acquire it, and for those who have already, to stop using this software."

2

French Media: False allegations against Panda Software and reports of canceled government and commercial contracts with Panda Software.

"Le Monde Informatique" April 12, 2001

"Panda: un antivirus en cause"
Par Nathalie Costa et Bertrand Lemaire

Soutenez-vous la Scientologie en achetant l'antivirus de Panda Software ? Pire, vous mettez-vous ainsi à la merci de la secte ? L'affaire soulève de nombreuses questions.

Dans un communiqué de presse daté du 20 avril 2001, Panda Software dément les accusations portées par France 3 et l'Express selon lesquelles il soutiendrait la Scientologie, directement ou indirectement, notamment par une adhésion à WISE.

L'éditeur espagnol d'antivirus annonce qu'il va engager une procédure en diffamation contre nos confrères, mais reconnaît que l'un des fondateurs et seuls actionnaires, Mikel Urizarbarrena, est scientologue, information "relevant de sa vie privée"(sic). Mais quelles seraient les conséquences pratiques d'un antivirus "sous influence"? Pour Frédéric Crestin, expert chez Lexsi, entreprise spécialisée dans la sécurité informatique, "il est possible qu'un logiciel antivirus, qui permet de rechercher et d'éradiquer des vers, comporte une porte de derrière par laquelle un espion est susceptible d'épier, puis d'accéder aux programmes utilisés par un serveur.

Panda Software indique cependant que "son logiciel antivirus et ses mises à jour sont à la disposition de tous ceux qui désireraient les évaluer à tout moment..." Ainsi, ceux qui soupçonnent notre logiciel de réaliser des fonctions différentes de celles qui sont annoncées, pourront vérifier...". Cela ne suffit pas à Denis Barthélémy, secrétaire général de la Mission interministérielle de lutte contre les sectes, qui rappelle que la Scientologie a toujours souhaité s'introduire à tous les niveaux des entreprises et des Etats, que ce soit en captant des informations ou en plaçant des agents. Il précise : "Bien sûr, le préjudice commercial supporté par Panda risque d'être considérable. Mais peut-on prendre des risques ?

Certains ministères (Intérieur, Justice, Education) sont clients de cette société et gênés de cette suspicion de manque de fiabilité. D'autres font une confiance aveugle à leur pare-feu. "Le ministère de l'Intérieur insiste, par le biais d'un communiqué, sur l'absence de communication entre son réseau interne et l'extérieur et donc sur l'innocuité d'une éventuelle back-door, et précise que son "lien contractuel avec la société Panda est appelé à s'interrompre dans les prochains jours". Pour Hélène Bernard, du ministère de l'Education nationale, "il n'existe à ce jour aucun argument technique ou juridique pour interdire de retenir Panda Software dans le cadre d'un appel d'offres. Cependant, le ministère utilise exclusivement un concurrent. L'utilisation de Panda Anti-Virus ne pourrait être que marginale, dans des établissements déconcentrés procédant à des achats sur budget propre." Suite à cette affaire, la Fnac a décidé de retirer de la vente les logiciels Panda. De son côté, le Conseil général de la Gironde suspend le déploiement de l'antivirus et attend plus d'information pour décider d'ici à l'été d'éventuellement le désinstaller de 1 600 ordinateurs.

(ENGLISH TRANSLATION)
"Panda: an antivirus in question"
By Nathalie Costa and Bertrand Lemaire

Do you support Scientology by buying the antivirus Panda Software? Worse, do you put yourselves at the benefit of the sect? The affair raises many questions.

In a press release April 20, 2001, Panda Software ridiculed the accusations made by France 3 and "L'Express" that it supports Scientology, directly or indirectly, in by its relationship with WISE.

The Spanish author of the anti-virus announces that it will initiate a slander procedure, but recognizes that one of the founders and only shareholders, Mikel Urizarbarrena, is a Scientologist, information "As far as we are concerned its private life" (sic). But what would be the practical consequences of a antivirus "under influence" For Frederic Crestin, expert at Lexsi, a company specializing in computer security, "it is possible that antivirus software, which makes it possible to seek and eradicate worms, could have a back-door by which a spy is likely to use to reach the programs used by a server."

Panda Software states however that "its antivirus software and its updates are at the disposal of all those which would wish to evaluate them at any time..." Thus, those which suspect our software of fulfilling functions different from those which are announced, will be able to check..." That does not suffice for Denis Barthélémy, secretary-general of the interdepartmental Mission against sects, which recalls that Scientology always wished to be introduced on all the levels of the companies and the States, that it be by collecting information or while placing agents. He comments, "Of course, the commercial loss supported by Panda is likely to be considerable. But can one take risks?

Certain ministries (Interior, Justice, Education) are customers of this company and constrained of this suspicion of unreliability. Others make a blind confidence with their fire wall. "The Interior ministry insists, in an official statement, on the absence of communication between its internal network and outside, and thus on the harmlessness of a possible a back-door, and adds that its "contractual link with the Panda will be stopped in the next days" For Helene Bernard, ministry for national Education, "there is not to date any technical or legal argument to prohibit to retain Panda Software within the framework of an invitation to tender. However, the ministry uses a competitor exclusively. The use of Anti-virus Panda could be only marginal, in decentralized establishments proceeding to purchases on clean budget." Following this business, Fnac decided to withdraw sale the Panda software. On his side, the general Council of the Gironde suspends the deployment of the antivirus and awaits more information to decide from here whether to deinstall it from 1,600 computers.

Agency France Presse
April 12, 2001

“Le conseil General de la Gironde va interrompre contrat avec Panda software”

Le Conseil général de la Gironde va supprimer de son parc informatique le logiciel antivirus "Panda", fabriqué et fourni par une société dont le dirigeant, selon le magazine "l'Express", est l'un des plus importants donateurs annuels de l'Église de Scientologie, a-t-on appris vendredi auprès du Conseil général.

"Nous avons décidé, après les informations révélées par la presse, de stopper le déploiement du logiciel et d'engager la procédure pour mettre un terme au contrat qui nous lie avec le fournisseur de Panda. Nous allons dès maintenant désinstaller le logiciel qui équipe nos 1600 ordinateurs", a indiqué à l'AFP une porte-parole du Conseil général.

Le Conseil général de la Gironde a versé au total 150.000 francs à la société espagnole "Panda software" depuis la signature du contrat en 1998.

Dans son édition parue jeudi, "l'Express" avait indiqué que le ministère de l'Intérieur avait choisi pour équiper un peu plus de 10% de son parc informatique le logiciel fabriqué par "Panda software", dont le dirigeant Mikel Urizarbarrena est, selon le journal, l'un des plus importants donateurs de l'Église de Scientologie.

Chaque année, le chef d'entreprise donne 40.000 dollars (45.500 euros) à cette organisation, classée comme secte dans le rapport de l'Assemblée Nationale, tandis que sa société verse un pourcentage du produit de son activité à l'organisation "World institut of scientology enterprise", écrit l'hebdomadaire.

(ENGLISH TRANSLATION)

“The General Council [local government] of Gironde will terminate its contract with Panda Software”

The general Council of the Gironde is going to remove from its computers antivirus software "Panda " manufactured and provided by a company whose director, according to the magazine "l'Express" is one of the most important annual givers of the Church of Scientologie, the general Council stated on Friday.

"We decided, after the information revealed by the press, to stop the deployment of the software and to start proceedings to terminate our contract with the Panda supplier. We will immediately uninstall the software on all of our 1,600 computers" a spokesman of the general Council told the AFP.

The general Council of the Gironde paid a total of 150.000 francs to the Spanish company "Panda software " since signing a contract with it in 1998.

In its published edition Thursday, "l'Express" had indicated that the ministry for the Interior had chosen to equip a little more than 10% of its computers with the software manufactured by "Panda software " whose director Mikel Urizarbarrena is, according to the newspaper, one of the most important givers of the Church of Scientologie.

Each year, the head of company gives 40.000 dollars (45.500 euros) to this organization, classified as a sect in the report of the French National Assembly, while his company gives a percentage of its profits to the organization "World institut of scientology enterprise " writes the weekly magazine.

"L'Express" April 16, 2001

**Un logiciel scientologue Place Beauvau
par Jérôme Dupuis**

L'antivirus informatique Panda, acheté par le ministère de l'Intérieur, est fabriqué par une société appartenant à un généreux membre de la secte Le ministère de l'Intérieur a-t-il financé, à son insu, l'Eglise de scientologie? La question agite les couloirs feutrés de la Place Beauvau depuis quelques jours: une enquête interne a en effet révélé que le ministère avait souscrit un contrat avec une société informatique dirigée par un célèbre scientologue. Selon nos informations, la Direction des transmissions et de l'informatique (DTI) a signé, en 2000, un contrat avec Panda Software pour une utilisation illimitée d'un logiciel antivirus baptisé «Global Assurance Antivirus 24 h/24-365 jours/an». Montant du bon de commande: 200 000 francs. Selon le ministère de l'Intérieur, 12% de son parc informatique, qui alimente aussi bien l'administration centrale que les commissariats ou les préfetures, utiliserait le logiciel Panda. «Nous n'avons aucune possibilité légale d'évincer d'un marché une entreprise dirigée par un scientologue», explique-t-on chez Daniel Vaillant.

Fondé en 1990 à Bilbao, Panda Software est aujourd'hui le quatrième éditeur au monde de logiciels antivirus, ces produits qui évitent aux ordinateurs d'être envahis par des parasites du type ILOVEYOU. Le nom du fondateur de cette multinationale implantée dans 50 pays, Mikel Urizarbarrena, apparaît dans le n° 66 d'Impact, le magazine sur papier glacé de la secte, pour avoir fait un don de 40 000 dollars (soit 240 000 francs), en 1996, à l'Association internationale des scientologues. Un petit cadeau, réitéré régulièrement depuis, qui lui a valu le titre honorifique de «patron». Un responsable de la succursale française de Panda est lui aussi un adepte de la «religion» fondée par Ron Hubbard.

Conseils généraux et importantes sociétés

Plusieurs conseils généraux - dont ceux de la Gironde, du Gard ou de l'Indre-et-Loire - et d'importantes sociétés - Naf Naf, Carrefour, JC Decaux... - ont également signé avec la firme espagnole. Panda se prévaut même, dans un document, de contrats avec des «agences de renseignements»... La société de Mikel Urizarbarrena n'est pourtant pas tout à fait un groupe comme les autres. Elle verse en effet un pourcentage de ses bénéfices au World Institute of Scientology Enterprises (Wise), une organisation basée aux Etats-Unis qui regroupe près de 2 500 sociétés dirigées ou contrôlées par des scientologues. La France en compte une petite quarantaine. Une partie du montant du contrat signé avec le ministère de l'Intérieur français - on parle de 6 à 9% - a donc logiquement dû approvisionner les caisses de Wise. Officiellement, cette «dime» rémunère l'utilisation de la «technologie Ron Hubbard» par les entreprises affiliées à l'organisation.

Mais, au-delà du financement de la secte, le contrat signé avec le ministère de l'Intérieur suscite des interrogations plus... techniques. Est-on bien certain que les mises à jour régulières du logiciel par Panda ne permettent pas de pénétrer dans les bases de données ultraconfidentielles du ministère? «Notre réseau est sécurisé et ne permet aucune intrusion extérieure», assure-t-on Place Beauvau. Il y a dix ans déjà, une polémique était née de la signature d'un contrat entre une entreprise informatique proche de la Scientologie et le groupe d'intervention de choc du ministère, le Raid.

Fin 2000, le ministère de l'Intérieur allemand a, lui aussi, dû affronter un problème similaire: Berlin s'était aperçu que le logiciel Diskeeper, présent dans le programme Windows 2000 de Microsoft, était fabriqué par une société informatique dirigée par un scientologue notoire. Très à cheval sur la lutte contre les sectes, le gouvernement de Berlin a demandé à Microsoft d'inclure un «déprogrammeur» du logiciel «suspect» sur Windows 2000. La firme de Bill Gates a cédé à l'amicale pression du ministère de l'Intérieur allemand...

**A scientology software Place Beauvau
by Jerome Dupuis**

The antivirus data-processing Panda, bought by the ministry for the Interior, is manufactured by a company belonging to a generous member of the sect. Did the ministry for the Interior finance, without its knowledge, the Church of scientology? The question has shaking the muffled halls of the Beauvau Place for a few days: an internal investigation indeed revealed that the ministry had signed a contract with a data-processing company directed by a famous scientologist. According to our information, the Management of the transmissions and data processing (DTI) signed, in 2000, a contract with Panda Software for an unlimited use of a software antivirus baptized " Total Insurance Antivirus 24 h/24-365 days/year". Amount of the order: 200 000 francs. According to the ministry for the Interior, 12% of its computers, which feeds the police headquarters or prefectures as well, use the Panda software. " We do not have any legal possibility to oust from the market a company directed by a scientologist", explains one at Daniel Vaillant.

Founded in 1990 in Bilbao, Panda Software is today the fourth editor in the world of software antivirus, these products which prevent computers from being invaded by bugs of the type ILOVEYOU. The name of the founder of this multinational established in 50 countries, Mikel Urizarbarrena, appears in the n° 66 of Impact, the magazine of the sect, to have made a gift of 40 000 dollars (240 000 francs), in 1996, with the International association of the scientologists. A small gift, reiterated regularly since, which was worth to him the honorary title of "patron". The person in charge of the French branch of Panda is also a follower of the " religion " founded by Ron Hubbard.

The general Councils [local Governments] and significant companies

Several Councils Genereaux - including Gironde, Gard or the Indre-and-Loire - and significant companies - Naf Naf, Crossroads, JC Decaux... - also signed with the Spanish firm. Panda even avails itself in a document, contracts with " information agencies " ... The company of Mikel Urizarbarrena is however not completely a group like the others. It pays a percentage of its profits to the World Institute of Scientology Enterprises (Wise), an organization based in the United States which gathers nearly 2 500 companies directed or controlled by scientologists. France accounts for just forty. Part of the amount of the contract signed with the ministry for the French Interior - one speaks about 6 to 9% - thus logically has gone to Wise. Officially, this " dime " remunerates the use of " technology Ron Hubbard " by the companies affiliated to the organization.

But, beyond the financing of the sect, the contract signed with the ministry for the Interior causes more technical questions... Is one quite certain that the regular updates of the software by Panda do not make it possible to penetrate in the ultraconfidential data bases of the ministry? " Our network is protected and does not allow any external intrusion ", ensures one Place Beauvau. Ten years ago already, a polemic had been born from the signature from a contract between a data-processing company near to Scientologie and the shock intervention group or the Ministry, the Raid.

At the end of 2000, the German Ministry for the Interior, also, had to him to face a similar problem: Berlin realized that the software Diskeeper, present in the program Windows 2000 of Microsoft, was manufactured by a data-processing company directed by a famous scientologist. Very strict on the fight against the sects, the government of Berlin asked Microsoft to include a " deprogramator " of the " suspect " software on Windows 2000. The firm of Bill Gates yielded to the friendly pressure of the ministry German Interior...

Copy of E-mail exchange between Panda and software retailer Ingram Micro concerning Ingram's termination of its contract with Panda because of allegations against Panda in the French media. Ingram admits charges against Panda are "highly exaggerated....", but that they "did impact your image and our sales."

From: Bossut, Rossina [Rosina.Bossut@IngramMicro.Fr]
Sent: Thursday, June 21, 2001 12:36 AM
To: 'Modesto RODRIGUEZ'
Subject: RE: arret du contrat Panda Software [ending of Panda Software contract]

Dedr Mr Rodrigues,

As I have already explained to Mr. Matos, the decision to stop our commercial relationship has been taken by the Managing Committee of Ingram Micro France. That decision is definitive and all is said.

The fact that we do not accept a meeting with you is not a lack of courtesy, this is part of our procedures.

We are pretty sure that all the campaign led by the media against Panda was highly exaggerated but we have to fact that reality: it did impact your image and our sales. Nothing you could say or show us would change that.

I would just suggest that you go to explain your point of view directly to the resellers and the end users. They are the one who decide which product to buy, we are only the logistic part of the business.

I would like to have the Panda case closed by the end of June. So could you please follow the clause of termination of our contract and send up the RMA numbers we already asked several times?

Thanks a lot in advance for your help.
Regards,

Rosina BOSSUT
Purchasing Middle Manager
Tel: 0 825 285 285 poste: 6005
Tel intl. : +333 59 01 88 00 ext : 6005
rosina.bossut@ingrammicro.fr

----- Message d'origine -----

De: Modesto RODRIGUEZ [mailto: mrodriguez@pandasoftware.com.fr]
Date: mercredi 20 juin 2001 22:52
A: Rosina Bossut
Objet: TR: arret du contrat Panda Software

Dear M. Bossut,

I do not know if you have received this mail sent to you by Joao Matos at the beginning of June.

I am the International Manager of Panda Software, I know your company from other countries where we operate and I do not understand your position of not even accepting a meeting with us.

We are asking for an interview to explain the position of our company regarding the campaign against us in France, and how the campaign is based in lies, as we can prove with documents from our accountants (Price Waterhouse Coopers) and other independent companies.

In this moment, the fact of working or not with you is in a secondary place, the important thing is that we want a meeting with you to show you the real and true data about our company, and how we plan to proceed now in France.

Could you please answer this mail?

Best regards,

**Sales figures from Panda France from March 2000 through July 2001
showing a significant drop in sales as a result of the media/governmental campaign
against Panda.**

PANDA FRANCE Indirect Sales 2000-2001

"Indirect Sales" includes all sales made through a retailer or distributor, and any other sales made through a third party and not direct from the company. Returns of the product are deducted from the total. By July 2001, returns were so high that Panda France registered a negative sales figure. Indirect sales were first affected by the campaign against Panda and the decline started in April. There was a "lag" on retailers and distributors sending in their returns and a large backlog of these generated by the campaign arrived in July.

| | |
|-----------------------|---------------------|
| MARCH 2000 | 234,801.67 |
| APRIL 2000 | 325,188.62 |
| MAY 2000 | 446,997.71 |
| JUNE 2000 | 190,270.51 |
| JULY 2000 | 126,823.57 |
| AUGUST 2000 | 228,089.51 |
| SEPTEMBER 2000 | 253,946.78 |
| OCTOBER 2000 | 292,415.89 |
| NOVEMBER 2000 | 366,824.79 |
| DECEMBER 2000 | 497,481.04 |
| JANUARY 2001 | 360,204.69 |
| FEBRUARY 2001 | 564,591.76 |
| MARCH 2001 | 210,847.95 |
| APRIL 2001 | 82,259.99 |
| MAY 2001 | 68,215.63 |
| JUNE 2001 | 55,487.33 |
| JULY 2001 | (175,378.07) |

PANDA FRANCE Gross Sales 2000-2001

"Gross Sales" is the total of all sales, and is made up of "Indirect Sales" and sales made directly from Panda France to other companies. Again, these show a rapid decline, with Panda's gross sales for July 2001 only 1/35th of the figure for November 2000.

| | |
|-----------------------|---------------------|
| MARCH 2000 | 680,779.84 |
| APRIL 2000 | 566,547.20 |
| MAY 2000 | 1,041,285.97 |
| JUNE 2000 | 637,696.45 |
| JULY 2000 | 362,797.22 |
| AUGUST 2000 | 359,705.77 |
| SEPTEMBER 2000 | 712,998.94 |
| OCTOBER 2000 | 1,126,522.86 |
| NOVEMBER 2000 | 1,351,455.26 |
| DECEMBER 2000 | 1,127,875.36 |
| JANUARY 2001 | 909,837.17 |
| FEBRUARY 2001 | 941,960.72 |
| MARCH 2001 | 557,008.64 |
| APRIL 2001 | 346,926.54 |
| MAY 2001 | 492,133.38 |
| JUNE 2001 | 425,900.91 |
| JULY 2001 | 37,764.78 |