

Russia's Religion Law



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**Briefing of the
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The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe (OSCE). The membership of the OSCE has expanded to 55 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys more than 20 missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <www.osce.org>.

ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <www.csce.gov>.

RUSSIA'S RELIGION LAW

JULY 28, 1997

THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, D.C.

The briefing convened in room 2200 in the Rayburn House Office Building, Washington, D.C. at 3:00 p.m., John Finerty, Helsinki Commission staff member, presiding.

MR. FINERTY. Good afternoon, ladies and gentlemen. Thank you for coming today. My name is John Finerty. I'm on the staff of the Helsinki Commission.

I'd like to introduce to you Representative Christopher Smith, who is the Co-Chairman of the Commission. Mr. Smith will speak a few words, and then we'll move to our guest, Larry Uzzell of the Keston Institute. Thank you.

MR. SMITH. Thank you very much, John. I want to welcome everybody to today's briefing. As Co-Chair of the Commission, I serve with Senator Alfonse D'Amato, who is Chairman in this Congress.

I've been on the Commission for 15 of my 17 years in the Congress, traveled to The USSR, then to Russia, frequently, then the USSR, with John. It's really a pleasure to welcome to back to our Commission Larry Uzzell of the Keston Institute.

I've known Larry for many, many years. As a matter of fact, we first met in 1978 during the Bell campaign, and we've been very good friends ever since. He was with Scripps-Howard and now is the Moscow representative for the Keston Institute.

Larry will provide an analysis of the events surrounding President Yeltsin's recent veto of the proposed law on religious organizations in Russia. This issue has been followed closely by religious believers and human rights activists in Russia and by their co-religionists and advocates abroad.

The possibility that a draft Russian bill would become law galvanized the U.S. Congress into considering some very serious measures in response. In fact, the Commission sent an early warning missive to President Yeltsin back in March, outlining the concerns identified in the draft law making its way through the Duma.

Subsequently, several Congressional letters were sent to Mr. Yeltsin—including one authored by Senator Lugar that was signed by 160 senators and members of the House. That letter will be made a part of the record. That letter also had a good impact on the Clinton Administration, particularly our representatives in Moscow, who likewise raised the issue very comprehensively with President Yeltsin.

In any event, we owe President Yeltsin our thanks for his courageous stand on behalf of religious liberty and for his efforts to respect and adhere to the international agreements to which Russia is a signatory. He was under tremendous pressure to sign the draft law that had passed overwhelmingly in both houses of the Russia parliament. Our guest's description of events leading up to that momentous decision, I think, will be very interesting to all of us.

I also want to say that our support in this particular case for so-called "minority

faiths” should in no way be seen as antipathy toward or a challenge to the Russian Orthodox Church. I would just observe that we, frequently, during the worst days of the Communist dictatorship in the Soviet Union, met with leaders of the Russian Orthodox Church. I have great respect for the church. As a matter of fact, we visited Zagorsk, which has since changed its name, the chief monastery in Russia, then the USSR, for Russian Orthodox believers. I have high respect for them, but that should not be a grant of immunity for these kinds of actions—and there were certainly some people in the Russian Orthodox Church hierarchy very active in trying to get this law passed.

Larry, we look forward to your thoughts on this. Again, I think you’re probably one of the most well-qualified persons to give us your insights on what’s going on right now.

I would hope that, in the course of your comments, we touch on whether or not other leaders, potential leaders in the year 2000 who might be Presidential candidates, such as Lebed and others, have formed opinions about this. This may be yet another round in the ongoing effort to try to bring down religious freedom in Russia. If you could, please give us your insights on that as well. Larry.

MR. UZZELL. Thank you both. Good to see you again, Chris. It’s been too long, and it’s good to win one for a change, isn’t it ?

When I first met Chris Smith, we were both in the opposition in insurgents’ campaigns in New Jersey in 1978. I think the Russian people owe a debt—Can you all hear me all right?—owe a great debt of thanks to the people in this room who worked to produce this result, which was not expected a month ago. Some of my best friends in Russia honestly expected that President Yeltsin would sign this bill. Let me apologize for being late. If you carry one of these around with you, don’t take it through a metal detector at a Russian airport. I’ve saved it for the last 6 months and thought it would work when I got back to Washington, and it didn’t.

You’re right, Chris, that President Yeltsin deserves a lot of credit, and I think it would be a mistake for us Americans to crow, to gloat, about what just happened. Now that I’ve had a chance to read in detail President’s Yeltsin’s veto statement, I am more convinced than ever that he honestly believes this, that he honestly believes in freedom of conscience.

I’m not an apologist for President Yeltsin. I think he presides over an administration which is more and more sinking into the Latin American model of oligarchic corruption. It has many gross violations of human rights, but this particular issue is one of President Yeltsin’s best issues.

I remember back in the fall of 1996 when there was not a great deal of Western attention being paid to this issue, and I found it very difficult to get the media, both in Russia and in the West, to focus on religious freedom. President Yeltsin allowed his signature to be put on a statement which read like a legal brief drafted by a militant pro human rights lawyer criticizing the 1996 version of this legislation, which was milder than the version which was passed by the parliament in June 1997.

He didn’t have to do that. That was not in response to international pressure. I think what the events of the last couple of months show is that, if left free to his own conscience, free of all domestic pressure and free of international pressure, Boris Yeltsin will come down on the right side of religious freedom. I wouldn’t say that’s true of other issues, but it is true of this issue.

Unfortunately, as you know, there was a great deal of domestic pressure in favor of this bill, and President Yeltsin would have had to be a real hero, practically a martyr, to

defy that domestic pressure, if there hadn't been some international pressure as well pushing in the other direction. This time I think we can also give some credit to the Europeans, who don't pay as much attention as they always should to human rights issues.

The European Union delivered a message to the Russian Foreign Ministry, personally delivered by the British Ambassador and by other high ranking West European diplomats in person, protesting this legislation.

I know that there are people in this room who have a lot of criticisms of the executive branch in the United States and on issues like China policy I would agree with those criticisms, although I don't pretend to be an expert on China. The U.S. Embassy in Moscow was sterling in its performance on this issue, as was the British Embassy.

I don't know all the details of what the State Department was doing back here in Washington, but taxpayers who care about human rights got their money's worth in the performance of the U.S. Embassy in Moscow.

I'll try not to take too long, give you as much time as possible for questions. First, I predict this bill will not become law in its current form or in anything roughly like its current form.

The supporters of the bill are predicting that they will succeed in overriding President Yeltsin's veto. I don't agree with that. I think that, if President Yeltsin uses all of the levers that are available to him, both formal and informal, he can win this fight.

As most of you know, the Russian parliament is not as powerful an institution as the one that you work for, Chris. The current constitution was written to create what is probably the most Presidential structure in the world in any country that is not outright authoritarian.

It is rare for the President to lose such fights. My Russian friends back in June were telling me that, if the President vetoes, and if he pushes after having vetoed, he can get the members of the so called centrist parties, Our Home is Russia and the Russian regional parties, the parties that are close to Prime Minister Chernomyrdin, to change their votes; and it only takes about three dozen of them to change to sustain a Presidential veto.

I think that can happen if President Yeltsin really wants it to happen. If I should turn out to be wrong, and I've been wrong before—there's still the constitutional court. The constitutional court is not a truly independent body. It's largely in the pocket of the President of Russia.

If President Yeltsin had accepted this bill, there is no way, in the opinion of my well informed Russian friends, that the constitutional court would have defied both the President and the parliament, but when there's a confrontation between the President and the parliament, the constitutional court is going to come down on the side of the President, and that will be the last line of defense. So that's the good news.

This bill is not going to become law.

The bad news is that, in spite of the good news, Russians are going to have less religious freedom a year from now than they have today. The trend in the provinces is just too strong. It's been almost unidirectional for the last two or 3 years, and Russia is becoming a true federation, not just a federation in name only.

In general that's a good thing. If you want a land mass of that size to be governed as a free country, the only way to do so, as Montesquieu would have said, is to run it as a federation. In the short run, however, that means that lots of political power is being transferred from people in Moscow who, at least on some issues are reformers, to Governors in the provinces who are less likely to be reformers.

One-fourth of the provinces of the Russian federation have already passed laws which, to varying degrees, restrict religious freedom. I testified on that subject at length the last time I was here. So I won't go into it again.

I'll just predict that, if and when the President's veto is sustained, you can expect a flood of new provincial legislation, from provinces that have been waiting to see what the Federal Government would do.

Even in the city of Moscow, which is one of the most liberal in Russia—liberal in the European sense of that word, pro freedom—I talked with a member of the Moscow City Council, City Duma, 2 months ago. This official in 1995 had been one of the most active allies of Moscow's Roman Catholic community in their struggle to get back the Church of the Immaculate Conception, which was stolen from them during the Stalin period.

This same deputy, who has a well earned reputation as a defender of religious freedom in Russia, is now pushing behind the scenes for legislation that would impose a concordat system that would have different confessions, different denominations, signing contracts with the Moscow city government, which would specify what their rights and privileges are within the city of Moscow.

A concordat system is not necessarily a violation of religious freedom. There are Western countries, like Spain, that have a concordat system, but at the same time allow religious freedom for minorities; but Russia has chosen voluntarily to have a constitution which states that church and state are separate and that all confessions are equal under the law. A concordat system would be a violation of that constitution.

If that's what's happening in the city of Moscow, you can imagine what's likely to happen in the provinces. In some provinces the situation will be better than it appears to be, according to formal law, but in many provinces it will be even worse than what you would expect from reading the laws as they appear on paper.

I expect that tradition to accelerate over the next year. The domestic constituency in favor of religious freedom is just not that strong.

The good news is that the domestic constituency in opposition to religious freedom is not as strong as many people think it is. If this bill were to come before the public in a referendum for popular vote, it would pass. It would pass.

Most Russians don't like Western missionaries, don't like extremist cults, what they perceive as extremist cults, but more important than that is that they just don't care very much. This issue is not on the radar screen of the average Russian citizen, even of the average committed Russian Orthodox believer.

When I travel around the provinces and visit Russian Orthodox churches, I don't find the peasants and workers telling me we need to crack down on Western missionaries. They just are not excited about that issue.

I should stress that, in talking about what to do to strengthen the constituency for religious freedom, I'm speaking purely for myself, not for the Keston Institute, which is a research institute and not a lobbying institute, but I do think that it would help if Members of Congress would use whatever personal relationships they've built up over the years with their counterparts in the Russian Duma.

Certain members of the executive branch have built up a relationship, especially with Prime Minister Chernomyrdin. I think that should be utilized. I think great stress should be placed on the rule of law, paradoxical as it sounds.

It sounds paradoxical for foreigners to be lobbying for a certain decision by the courts, but we're not talking about an ambiguous issue here. Russia's constitution is quite clear

cut on the issue of religious freedom, has a very detailed series of sections on religious freedom.

If the Russian language means anything, and if the basic principles of human logic mean anything, the bill that was just vetoed is unconstitutional. The 25 or so provincial laws that are now in force are unconstitutional, and if Russia wants to continue its transition into becoming a law governed state, its courts should act on that fact.

I brought with me, John, a copy of a provincial court decision. The Supreme Court of Udmurtia, a Russian province deep in the depths of the Urals, not known as a bastion of reform, passed one of the harshest anti-missionary laws last summer.

To the surprise of everybody, the Supreme Court of that province, the equivalent of a state Supreme Court in the United States, issued a decision which, like President's veto statement, could have been scripted by Christopher Smith, could have been scripted by a human rights activist. It was a detailed and passionate defense of religious freedom, citing article by article the points in the Russian constitution which this law violated.

If that can happen in Udmurtia, it can happen in other Russian provinces as well.

To reiterate a point that I already mentioned, the West shouldn't take credit for this decision. Boris Yeltsin was true to his own conscience on this. On the issue of the unconstitutionality of measures like this, Yeltsin has consistently come down on the right side.

In connection with that point, I would suggest that we should avoid trumpeting the American model. I constantly find, when I'm in conversation with Russians of all political factions, even with those who are most pro Western and most pro human rights, a resentment of American triumphalism, a resentment of those who are perceived, sometimes correctly, as trying to impose a specifically American model of governance on Russia.

What I say to those people is that Russia doesn't need to be a mirror of America in order to be a free country. There are many different kinds of freedom. There are many different kinds of capitalism. Japan is a free country, but it has Japanese style capitalism.

There are countries in Europe that have state churches, including the country in which my home office is located in Oxford, but those countries, at the same time, allow full religious freedom for minorities. It is simply a canard to suggest that those who oppose harsh legislation of the kind that was just defeated are seeking to impose a specifically American model on the entire world.

I would also emphasize a point that you probably haven't heard at all in the discussion in Washington on this issue, which is that, to a certain extent, this law is about yesterday's issue, not today's issue.

American Protestant missionaries in Russia are past their peak. Cults such as Japanese terrorist Aum Shinrikyo sect are past their peak in Russia. I've talked with bishops of the Orthodox church who privately have admitted to me that, yes, there was a period 2 years ago, 3 years ago, when everything foreign was novel and exciting.

I experienced it myself and, John, you've experienced it, too. When you went out to the Russian provinces in 1992, school children just wanted to reach out and touch you, because they had never met a real live American before. You felt like a movie star.

Consciously or unconsciously, a lot of American Protestant missionaries took advantage of that fact. They played to the trendiness of all things American, and now they're paying the price that you pay when you ride a secular fad.

It's not unusual for me now to go out to the provinces and find that the local indigenous Baptist church is growing. It's not growing as fast as it was in 1991, 1992, when there was a great spiritual boom in Russia, but it's still steadily growing.

But as for the nearby church that was planted by an American Protestant missionary, often somebody who never even bothered to study Russian, never even bothered to learn the culture of the country that his ministry is in, I often find that this congregation is shrinking, that it actually has fewer members than it did a couple of years ago.

It's hard for me to tell whether the leadership of the Moscow patriarchy believes its own press releases or not. I'm not sure whether they really think that there is a threat to them from American Protestantism, but if they do believe that, they are simply wrong.

American Protestantism, for better or worse, has not caught on in Russia. American Protestant missionaries are much more successful, for some reason, in Latin America where, as many of you know, there's a huge wave of conversions to Protestantism of Campesinos, people whose ancestors were devout Roman Catholics.

There's something about Russian culture, something about the Russian religious mentality, or maybe something about the way American Protestant missionaries have behaved in Russia that has prevented that from happening in Russia.

I was at a panel in Oxford a couple of months ago in which I suggested to a couple of visiting American protestants—I said seems to me that the American Protestant mission in Russia is a failure; prove to me that it's not. One of them, to my surprise, said, well, you might be right; I think the net impact of American protestantism in Russia might have been to shrink the number of Protestants in Russia, because so many of them have no emigrated.

Now having said that, of course, I would say with equal passion and with equal conviction—with much greater passion, actually, that these people have a right to be there. No matter how provincial your behavior may be, no matter how scandalously you may fail to study the culture of the country that you're in, you have a right to exercise the basic freedom of speech, whether it's secular speech or religious speech.

Freedom of speech is not limited to those who are well educated and polite. Many Russian leaders have yet to accept that principle. We see that in their treatment of the Roman Catholics.

At the level of very gross generalization, I would say that, as a rule, the Roman Catholic presence in Russia has been more restrained than the foreign Protestant presence has been. There are exceptions on both sides, but generally speaking, the Roman Catholic church in Russia has bent over backwards to avoid proselytism.

It's seen its mission as focusing on Russian citizens of Ukrainian descent or Polish descent or Lithuanian descent whose ancestors were Catholics, and who now seek to be able to go to Catholic mass once again. The Catholic Church has really tried, insofar as it can, to avoid aggressively converting active Orthodox Christians and turning them into active Catholics.

In spite of that fact, the leadership of the Moscow patriarchy and the Russian ultra nationalists have not given the Catholics any credit for that. They have reacted to them with the same venom and bigotry as they have to the more militant and more provincial American Protestant missionaries, and have sought effectively to outlaw their activities, which this bill, had it been passed and had it been rigorously enforced, would have done.

Having said that, let me end on an upbeat note. I think that the court case in Udmurtia, the veto statements of President Yeltsin, prove that the extreme Russophobes are wrong. There's a certain school of American thought which likes to think that it was Russia that spoiled socialism, rather than socialism that spoiled Russia, but, in fact, there is an active faction of Russian politics which is committed to tolerance, to decency, to human rights, to

religious and cultural pluralism.

That faction is represented in the Russian parliament. Its members sometimes complain to me that Washington has a double standard, that it imposes stricter standards on Russia than it does on other countries. I sometimes agree with them, but their very presence proves that you do not have to be pro Washington to be pro freedom.

I'll take questions, if there are any.

MR. SMITH. Larry, I'll start it off with the first question, and then ask people to come to the microphone and ask your questions.

In terms of the provinces and enforcement, what would enforcement look like if these provincial ordinances are put into place? Are we talking prison, or an ouster of foreign missionaries?

Secondly, you talked positively about the Udmurtia finding by the court. Is that likely to be cited as a precedent by other courts or don't they use precedent in their courts?

MR. UZZELL. The second question is easier to answer than the first, and the answer is that Russia has far less of a robust rule of law culture than we do, and precedence is of some but limited value.

It's not at all unusual for the same court to be inconsistent in its own decisions. It's not unusual for the President to ignore laws that have been passed by the parliament, for the parliaments to ignore decrees that have been issued by the President to try to seize all power into its own hands.

It's good to have such precedents on the books, but trying to get to the point where they will have the same weight that a similar precedent would have in a truly law governed culture is going to be a long, slow process.

As for the concrete situation in enforcement, I don't think we're going to see an explosion of prisoners of conscience again. I don't think we're going to see a situation in Russia like the one in China where people are arrested for having private meetings in their own homes, Bible studies and prayer groups; but what I think we will see is harassment of religious groups that are out of favor with the decisionmakers for any reason.

Already under current law, you're seeing Catholic priests get hauled before the local authorities and told that your parish will not be registered, because it is a foreign religious organization.

Under current Russian law, that is absurd. A parish, every member of which is a citizen of Russia, albeit of perhaps Polish ethnic descent, is clearly a Russian organization under current Russian law. Its priest, nine times out of ten, is a foreigner, because there was no opportunity for citizens of Russia to get a seminary education until very recently, and at least temporarily until a new generation of Catholic seminary graduates can be produced by the new Catholic seminary in St. Petersburg, inevitably, the majority of Catholic priests in Russia will be foreigners.

You will see more and more provinces seizing that as an excuse to crack down on Catholic parishes. You will see, as we have been seeing steadily for the last couple of years, more and more local provincial authorities telling the Seventh Day Adventist pastor that we're not going to let you rent the city owned movie theater for Sunday worship, even though it's not needed for any other purpose on Sunday morning, and even though it's rented out for English lessons and karate clubs and pornography displays and rock bands and everything else. We're not going to let the Adventists or the Baptists rent it unless they get specific permission from the local Orthodox priest.

In most Russian cities, every room like this one that's suitable for use for any kind of

medium sized or large public meeting is still publicly owned. There's no real free market in real estate in most of Russia. Here we see the direct connection between economic freedom and religious freedom, which some of my socialist friends don't always pay attention to.

You inevitably will see more and more of that in the years ahead. One good thing that has come out of this Yeltsin veto is that there is now more attention focused on this issue as a whole, including the violations in the provinces which previously were kind of below the radar screen. People were not noticing them.

More attention has been focused on this both by the international community and by people in Russia who will be on the right side of this issue, if it's called to its attention. So in that sense, I think our job of raising a fuss over these issues will be easier next year than it was last year.

Questioner. Sam Ericsson, Advocates International. First I want to commend you for an incredible, incredible coverage on this issue. I was looking forward to going to the office every morning just to see the E-mails coming in from you. Your coverage was remarkable. It was very helpful, and I want you to know from this side of the big pond, it was superb, very helpful. So thank you for the work you've done.

Going back to this last point—two points. One is I've been to Russia ten times in the last 6 years, engaged in these issues with people like Adganotovich and others. When you meet with the Russian Orthodox Church, you talk about level playing field. When we talk about level playing field in America, we're talking about equal access, equal opportunity. We're not talking about funding. All we want is access. Let us in, and let us do our own thing.

When you talk to the Russian Orthodox Church on this equal—on level playing field, they say you've had 70 years advantage over us, producing the Jesus film, all this kind of material, all the education. You have so much of an advantage over us, what we need is really affirmative action. We need something more than equal opportunity.

So one question: Is there a way to construct an affirmative action concept that would be sensitive to the Russian Orthodox Church reality, which is they started this thing in 1991 with their handicap over the Western groups, No. 1.

No. 2, a solution—and you raised it on freedom of speech. In 1981 a handful of us in this country decided to tackle the school prayer controversy, which had been going on for 20 years, by removing it from the free exercise arena into freedom of speech. Congressman Smith was in the center of this on the issue of equal access, which deals with philosophical, political and religious speech.

If you're arguing the right of people to talk about politics, which no one puts any restrictions on in any Communist country—talk about anything you want, economics, philosophy—and you include religion, it takes on a different flavor than when you're talking about free exercise of rights to these free exercise aspects of religion.

Could it be possible in Russia that this idea of an equal access level playing field, the idea of moving it out of free exercise thinking that we talk about in the West into free speech, would be some way of finding that common ground with the Russian Orthodox Church, could perhaps provide a solution?

Again, thanks for the great work you've done.

MR. UZZELL. Well, thank you for your kind words, and thank you for the great work that you did and that—I see Lauren Homer walked in here not long ago, and I see lots of other faces around here, John Hanford from Senator Lugar's staff in the back, people who

really went the extra mile on this issue and, as I say, to whom Russians owe a great debt of gratitude.

I wish I could—I wish I had a video to be able to show you the expressions on the faces of my Russian friends when I told them that President Clinton had personally raised this issue with President Yeltsin and when I told them about the Lugar letter and the other activities that were taking place in Russia. It was like talking to the Resistance, feeling that Winston Churchill was out there across the sea looking out for them.

I would emphasize freedom rather than equality, first of all, because freedom morally is more important than equality just as an objective principle; and second, because in Russia, particularly, one would have to be a pretty extreme egalitarian to say that Russia has had too little emphasis on equality in the last 70 years.

I have Russian friends who are militant advocates of human rights who get upset when they see Patriarch Aleksii standing side by side with President Yeltsin at the inauguration ceremony, being given privileged photo opportunities, or when they look at the secular news on Russian TV and see that the Russian Orthodox Church gets more emphasis than all other churches put together.

I don't agree with my Russian friends about that. This is an Orthodox culture. It's a culture in which the Orthodox Church plays the same kind of historical role that Catholicism does in western Mediterranean countries, and there I think you really are imposing where it's not appropriate a 20th Century American model on a different culture.

I would go even further. If Russia were to decide to establish the Orthodox Church as a state church, in principle I would not object to that. Norway has a Lutheran state church, but allows full freedom for religious minorities. England has a state church. But in order to do that, Russians would have to amend their own constitution.

They were not occupied by the U.S. Army. We didn't force the 1993 constitution on them. It's their constitution. Their constitution states that all confessions are equal before the law and that the Russian government is a secular government.

If they want to be a law governed society, they should respect their own constitution. Anything that they do to recognize the special role of the Orthodox Church in Russian culture and Russian history should be consistent with that constitutional principle.

Within that constitutional principle, I think they can do a lot to recognize symbolically the special place of Orthodoxy, and I don't think that either Russian or Western human rights activists should be so fanatical as to complain when that happens.

QUESTIONER. Hell, MR. UZZELL. I remember seeing you last month in Moscow. It's good to see you again. My name is James Andrick.

MR. UZZELL. We met in my apartment in downtown Moscow. Yes.

QUESTIONER. That's right. I'm from the Watchtower Bible and Tract Society, the legal entity of Jehovah's Witnesses, and I know the whole organization would like to thank you very much for the work you've done and also this Commission, as far as the religious freedom issues go in Russia. So we thank you very much.

There are over 70,000 Jehovah's Witnesses in Russia, and along with your suggestion, we put together over 141,000 signatures that were delivered to President Yeltsin, trying to encourage him to look at this law and to see what he was really thinking about or wanting to sign or not wanting to sign; but we appreciate the fact that we were able to do that.

I'm wondering, with all the Witnesses there, and you know the nature of our work, evangelizing—with 70,000 and with over 100,000 others that were also in association with

Jehovah's Witnesses that were at the Lord's Evening Meal, the memorial of Christ's death last year, do you think that the Russian government really feels that they could exterminate a group like that?

We're not talking about American missionaries here. We're talking about those that know the Russian language. They're Russian citizens themselves, 70,000. I'm wondering what you think about that issue.

MR. UZZELL. Persecution doesn't work, and the more you try to suppress any religious minority, the more that minority pops up where you don't expect it to.

Stalin exiled tens of thousands of Jehovah's Witnesses to Siberia. Last fall I visited Irkutsk near Lake Baikal, and I found that there is really not equality of confessions in Irkutsk.

One of the privileged confessions, which enjoys better relations with the authorities than some of the others do, is the Jehovah's Witnesses because, thanks to Stalin, there is an unusually large concentration of them in eastern Siberia, and the local authorities are atheist politicians, sensitive to political pressure, sensitive to numbers, and they get along well with the Jehovah's Witnesses just because there are a lot of Jehovah's Witnesses.

In other provinces where Jehovah's Witnesses are in a small minority, Jehovah's Witnesses are worse off than other religious faiths are. But Stalin couldn't destroy the Jehovah's Witnesses and other religious minorities, no government that is likely to come to power in Russia in the future is going to.

QUESTIONER. Just one more question. We released a brochure on the dedication of a branch office near—near—what's the other big city?

MR. UZZELL. St. Petersburg.

QUESTIONER. St. Petersburg, sorry. We have a branch office there. Do you think that there's an opportunity or do you think that the government would think of closing that down if things go on the way they are?

MR. UZZELL. St. Petersburg is probably in the top 5 percent of Russian localities on any index of religious freedom, and if we get to the point where even St. Petersburg is cracking down on religious minorities, then we're in very sad shape indeed.

QUESTIONER. Thank you again.

Questioner. My name is Kenny Byrd with the Baptist News Service. I have a question for both of you, really, for the Congressman as well, concerning our Senate amendment which was passed in the foreign aid bill considering the \$200 million, how much effect we think that had on Yeltsin's veto.

Also, is that still valid if the parliament—if Yeltsin has vetoed it, but the parliament still enacts this law, contrary to what you say? Is the funding still denied to Russia?

You said Senator Lugar's people were here. Maybe they could comment on why Senator Lugar voted against that amendment.

Then also, Mr. Uzzell, can you comment a little bit more? Do you really feel that religious freedom could exist if you have a state declaring a national church and thus talking, like you were saying earlier, really privileging one over the other—just the sight of the privileging one over the other—can't that create some bad consequences for the minority faiths? So I guess, on both those.

MR. SMITH. Well, in terms of the amendment on the Senate side, the foreign ops bill on the House side will be up on probably Wednesday or Thursday of this week. In a sense, I think this bullet has been dodged perhaps temporarily, which is why I think vigilance cannot be stressed too strongly. There is always the chance of an override, a chance that

the court would not see its way clear to overcome that override. If that were to happen, although I think Larry gave us some very good reassuring suggestions, that those three dozen or so votes will be there for President Yeltsin.

I, too, remain concerned that this will come up again in the provinces. I think we need to look beyond Moscow and get rid of that fixation that everything that happens in Moscow is all that we care about.

That seems to be Congress' and the Administration's, to a large extent, view, and that's why we missed Chechnya when that happened. Everyone was just looking at Moscow, and everyone had to look to find out where Chechnya was when the whole thing broke out, and I say that a little bit tongue in cheek.

There are some Members who sometimes feel that linking the economic, whether it be trade or foreign aid, is a tactic that is not in the best interests of The United States. I happen to believe that they are two very valuable ways of getting things done, but each one has to be used with the circumstances in mind as to what you're trying to accomplish. It's not just a broad brushed "always use those two."

Parenthetically, Mr. Wolf's bill which we will be discussing very shortly uses as its main arrows in that quiver economic linkage on trade as well as foreign aid. So I think the Senate probably sent a shot across the bow. In the House-Senate conference committee, I doubt that it will survive, simply because again this crisis has passed for the moment.

It's a good question. I don't think that has even been engaged. I think we know too little in terms of what each province has been doing, but most of the aid that goes forward is truly done from a government to government or government to NGO basis, and we deal with Moscow, not with the provinces, just like the state of New Jersey doesn't deal with Moscow. You know, Washington and our Federal Government does.

So I think it's much less likely that will happen. Again, there's always the possibility that, since these are works in progress, that their local courts, as Larry pointed out, will knock it down, and perhaps—I don't know what the right of appeal is, but maybe even the court in Moscow will have a look at what goes on in the provinces.

So I think it might be hasty and premature to start throwing in sanctions. The Congress language might send a shot across the bow in that regard, and I think that's where vigilance and a multitude of responses need to be contemplated.

I mean, the Russians need to know—and I liked what Larry said about we got to be careful about taking credit, because that could lead to—as he suggests, it probably isn't true. This is a vintage Yeltsin speaking. This is his core values speaking; and second, it could backfire if we're seen gloating and nationalists and others begin to say, see, you pandered to the Americans and they've put it in your face. I hope that wouldn't be the case either.

This has to be done delicately and, when a club is needed, you use the club; but at other times, a velvet hammer might be needed.

MR. UZZELL. I'm under something of a disadvantage here, because I haven't seen the text of the Smith amendment. I left Russia a week ago. The other Smith—I think in the other body he's not known as the other Smith, Chris—

The other Smith's amendment was passed after I had returned to Virginia for a crisis in my own family last week, and I've just been following this by reading the papers. I hope I can get my hands on the text of the amendment before I leave today, but I'll share with you what I said to another Senate staffer who got hold of me in Moscow a couple of weeks ago and asked me in general about the question of amendments and committee language

and so on.

I said, let me tell you what a well informed Russian told me. A Russian who has been in the position of writing analyses of the American situation for his superiors in the Kremlin—sorry, I can't be anymore precise than that in identifying him—told me that he had not the slightest doubt that the Kremlin pays far more attention to and is far more influenced by that type of leverage from the American government than it pretends.

They want you to think that they don't care but, believe me, they do care. At that stage when the goal was to influence the thinking of one man, the boss of the Kremlin, there was no doubt in my mind that the fact that report language was being added to committee reports in the House and that amendments were under discussion which I still haven't seen played a positive role in helping to secure a Presidential veto.

Now on the other hand, had I known for sure, which I did not know for sure, that there was a 100 percent guarantee that there was going to be a Presidential veto, even without such language, I would have emphasized the other side of this reality, which is that these amendments make it more likely that the veto will be overridden by Parliament.

The ultra nationalists in the Russian Duma and in the Council of Federation, the Upper House, will use those amendments as evidence that Boris Yeltsin is just in the pocket of the American imperialists.

This is a genuine dilemma, my friends. If the only audience that mattered were the Russian Duma, you would not have such amendments. If the only audience that mattered were the Russian President and the decisionmaking authorities in the executive branch, you would have such amendments. So you have to walk a delicate balance in deciding what to do.

The fact that the Russians know that it's not just scolding, it's not just resolutions, it's not just press releases, it's not just press conferences by the State Department's Office on Human Rights, useful as those are, but there may be really concrete economic consequences—that does help concentrate their attention, and I think that's something that we should not forget.

Then the other part of your question was whether established churches by definition mean oppression for minority churches. I think, clearly, no. Clearly, there are examples in the world where countries have state churches in which the special role of, say, Lutheranism in Norwegian culture, Norwegian history, is recognized, but at the same time, Mormons or Adventists or other exotic groups with no deep historical roots in Norway have full religious freedom there.

I think it would be highly provincial of us to insist that every country in the world adopt the precise 18th Century American model on religious freedom, especially when we don't follow it ourselves—I wish we would get back to the original model of the First Amendment and away from the late 20th Century perversion of the original intent of the First Amendment; but it is not provincial of us to insist that Russia observe international human rights pacts which it has signed.

Russia itself has formally accepted the idea that religious freedom is an international issue, not just a domestic issue. It is certainly not provincial of us to insist that, if Russia wants to be treated as a mature, civilized, law abiding polity, that it obey its own constitution.

Ms. Homer. I'm Lauren Homer. Larry, I'd like to add my congratulations for your work on this particular law, and also to the Commission for its activities.

I've got two questions for you and one to the Commission. I've been reading what Alexei II has been saying about the law, and it's very obvious that there are very strong interests in Russia that are going to go to the mat for this particular piece of legislation, without any changes.

I'm kind of curious as I've been thinking about this as to where this love for the 15-year rule comes from. What is it about—Why not a 5-year rule which would get rid of all the newly registered organizations? What are they really trying to do here?

The second—Maybe there's three questions. The second part of it is that the Patriarchy and other supporters of the legislation are really basically lying. I mean, they're saying that it does not disadvantage minorities, when it clearly does, and it seems to be tied into an increasing practice with the monastery in Hebron that the Patriarchate is again—you know, like the Soviets used to do—saying that things are not as they are, and I wonder what your views are on that.

Then, finally, I've looked at this law over and over, and I can't see anyway to fix it. I don't see where taking the 15 year rule and the 50 year rule out really helps, because there's so many restraints on propagation of faith only to believers or other followers and other things.

I wonder if you think there are any good alternatives out there. Is anybody drafting any new legislation.

Then finally, my question for the Commission is: The Russians do not understand the need for the rule of law in the area of religious freedom. They don't respect religious freedom. They think control is better. They completely misunderstand what's going on in other countries.

I'm wondering if you've given any thought to how using bilateral organizations such as OSCE, in addition to our own government's really strong stand for religious freedom, we might be able to up the ante for Russia in this area and combat other things like the regional laws that are equally detrimental. Thank you.

MR. UZZELL. Lauren, I hope you've caught up on sleep since last month. The volume of E-mail and other material that I was seeing for Lauren Homer in Moscow is such that I was wondering whether she was attending to her own basic health.

Why the 15-year rule? It's a good question. You say 5 years. I would go the other direction. I would say why not 100 years. If you were a real Russian traditionalist who wanted to defend Russia's unique spiritual heritage—suppose you were a Czarist, pre-Bolshevik traditionalist, who wanted to go back to the 19th Century—why would you have as your two benchmarks in this legislation the status that a religious organization had 15 years ago, and then for certain other aspects the status that it had 50 years ago?

Fifteen years ago means Brezhnev. Fifty years ago means Stalin. Why not Nicholas II or Alexander II, if you were a real Russian traditionalist?

I think the fact that they chose the dates that they did choose is yet another bit of evidence for a proposition that you've heard me voice before, that in many ways the Moscow Patriarchate—and I stress, this is not the Orthodox Church as a whole, but the Moscow Patriarchate, its top leadership—is still one of the most Soviet institutions in Russia. It's the only major institution which is still run by the same people who were running it before the collapse of the Soviet Union.

The legal advisor to Patriarch Alexei, with whom I have met personally more than once—True, he hung up the phone on me the last time we talked—the man who probably played more of a detailed role in working out the Patriarchate detailed position on this

issue than any other employee of the Patriarchate did, is a former official of the Council for Religious Affairs.

If the Russian Orthodox Church—if its top leadership were what they like to portray themselves as being, the helpless victims of oppression rather than, in some sense, also the agents of oppression, why would they have a former official of the Council for Religious Affairs occupying a key position like that? Without exaggeration, it's as if you had a former official of the Gestapo advising today's German government on ethnic relations.

There simply is no place for people like that in a civilized polity in official decisionmaking positions.

Yes, the Moscow Patriarchate is lying. I don't know personally about the Patriarch. Maybe he doesn't follow this issue closely. Maybe he believes everything that Kalinin, his legal advisor, tells him, but I can assure you that the staff members of the Duma committee on church/state relations were telling the Chairman of that committee at the end of May that this proposed draft with its 15 year rule was radically different from anything that exists anywhere else in Europe, that it was not the same as the Lithuanian law or any other law that was being used as an example.

That point was made repeatedly in June by Russians with access to the decisionmakers, both in parliament and in the Patriarchate and in the executive branch, and they were simply ignored, and the disinformation campaign continued.

I think it's fair to say that it was a campaign of deliberate disinformation, and from the Patriarch's latest statements, which I've read within the last few days, it continues. That campaign of disinformation is continuing to this day.

Can this bill be fixed? I think probably there will be attempts to fix it. Let's not forget that the bill that passed on first reading a year ago, July of '96, was supported by your and my friends, by Valery Borshchov and the others, members of the Duma who were militant opponents of this bill.

I think it's quite possible that we might get a bill which removes the most obnoxious elements of the bill that was just vetoed but still has elements which you and I would consider to be unacceptable. People like Borschov might support such a bill, and that would leave the more militant defenders of religious freedom in a tough position.

One defender of religious freedom was telling me, you know, in a way it's good that this bill was as bad as it is, because it enabled us to build a broader coalition against it.

On the rule of law, I'm less pessimistic than you. I think that, just when you've given up on the Russians, just when you've accepted the cynical view that Russians are allergic to freedom and that there will never be a sense of law abidingness, a sense that the state itself must obey its own laws, as there is in Western countries, just when you've given up, you'll get some surprise, some provincial court in Udmurtia which would have been in the bottom fifth, the bottom 20 percent of my ranking of Russian provinces in terms of human rights and rule of law in general, somebody out in the provinces will issue a document that comes right out of the classic Western tradition of freedom.

Let's not forget that Russia was evolving in a direction of legality, rule of law, constitutionalism in the last couple of decades before the Bolshevik coup.

Did I answer all your questions?

MR. SMITH. I think your basic question was what can the OSCE do. Well, I think the fact that we've had at least a partial victory—It's complete in terms that the bill has been vetoed, but I don't think, as Larry has said, the game is over yet.

I think OSCE should be bringing it up and perhaps offer to provide some guidance

to—Well, the Duma may reject it, but at least to Yeltsin in terms of how to handle this; but I think our government can do more, in particular USIA, and with its grant-making institution to institution, we are now expanding more into the Russian provinces with USIA initiatives. This should be something that is serious in terms of trying to convey what religious freedom is all about, and that this kind of thing is not acceptable.

So that might be one way of expanding it, and that goes along with the broadcasts as well. As we crank up freedom broadcasts and the like, that's something that could be included.

Again, as I think Larry pointed out, for most of the Russian people this is a big yawn. If they were to be at least sensitized to the fact that this is not going over well elsewhere, because it's not the way it's done, that might be helpful in forging a consensus against some of the more egregious ideas that were contained in the recently vetoed bill.

QUESTIONER. Thank you. My name is Ira Rifkin. I'm with Religion News Service.

Two questions. I'd like to just follow up on the last one when you talked about what final bill might emerge here. President Yeltsin said he did see the need for some sort of bill. Will there be a bill, do you think, and how obnoxious, from the Western point of view, will it be?

The second question has to do with some of the other so called privileged religions that are covered by the bill. I know that some American Jewish groups concerned with what they call Soviet Jewry were against this bill, even though Judaism was one of the privileged religions, because they had problems with the definition of Judaism.

What about Russian Islamic and Buddhist leaders? Are they having similar misgivings about the bill? I haven't heard very much at all about what they've had to say about it?

Can you also speak a little bit more about how the Russian Jewish leadership also felt about the bill?

MR. UZZELL. Before you sit down, could you explain a little bit what you mean by the definition of Judaism? The bill simply said here are four religions which we respect as traditional parts of Russian culture, listed them, including Judaism; but there wasn't any definition of Judaism in the bill itself. Just tell me what you have in mind.

QUESTIONER. I think—I'm not all clear—entirely clear on it. I think it had to do with some intra-religious, political and theological squabbles. Who was going to be set up as the Jewish authorities in Russia? Is it going to be another Orthodox versus non-Orthodox battle, as is taking place elsewhere in the Jewish world? I think it had to do with that.

If you've not heard anything about it, maybe that's a non-starter.

MR. UZZELL. I can address that, yes. First, your other question. A couple of months ago, I was really concerned that a 15-year provision had maybe even deliberately been inserted into the bill as excess baggage. I don't need to explain that to a Capitol Hill audience. You put in something knowing that it's going to be struck down, but it's a tool in seeking a compromise in negotiating.

I'm a lot less concerned about that now since reading Yeltsin's extremely detailed—it's seven or eight pages long—analysis which he sent to the Parliament accompanying his veto message. It's over his own signature, not just the expression of a staff member, and point by point, article by article, citing specific passages of the constitution says, this is unconstitutional, this is unconstitutional, this is unconstitutional; this is a violation of Russia's commitments under the Helsinki pact, this is a violation of Russia's commitments under the U.N. Declaration of Human Rights.

Even the court of Udmurtia did not go that far. The court of Udmurtia, I thought, very

cleverly from a political point of view focused only on the Russian constitution and ignored the international human rights pacts so as to make it a purely domestic issue of human rights, which I thought was good. It avoided the problem of inflaming the Russian nationalists.

Yeltsin, though, went even further than that. He went into great detail on this veto message—which I have with me, incidentally—if you don't have a copy, John, I'll leave one with you for with the committee. I don't even know if it's been translated into English yet.

It would be very difficult for Yeltsin to accept at this point any modification of this bill, when his veto message criticizes even last year's bill which was supported by people like Borschov, the most actively pro religious freedom members of the Russian parliament. Yeltsin criticized that bill last year as unconstitutional, and this year he reiterated his criticism.

Yeltsin has put himself to the left—using Russian political terminology—to the left of Valery Borschov. More pro freedom than Valery Borschov, on the issue of this bill. I don't think that at this point he and Parliament can find a compromise.

On the issue of the Jews, you know the old Martin Niemoeller quotation that they came for the gypsies, and I didn't speak up, because I'm not a gypsy; and then they came to arrest the Communists, and I didn't speak up because I wasn't a Communist. Then they came to arrest me, and nobody spoke up for me, because everybody else had already been arrested.

That was the position which several of the Jewish leaders in Moscow took. I talked to Rabbi Kogan, who is the leader of the reform Jewish community in Moscow, and he said on the record that this is a bad bill; it's an outrageous violation of human rights, it's going to turn certain Christian groups and other minority faiths into second class citizens, and it is totally unacceptable from the standpoint of individual freedom.

Then I said, OK, how does it affect you? How does it affect your community? He said, it doesn't affect us, we'll be OK—I'm opposed to it on principle, but my community will be OK.

I was not able to find a Russian Jewish religious leader who believed or was willing to tell me that he believed that his particular flavor of Judaism would be worse off if this bill became law.

The Union of Council of Soviet Jews disagrees with that position. They believe that reform Jews, Hasidic Jews, other non-mainstream versions of

Judaism would be placed at the mercy of the longer established, so to speak, establishment version of Judaism in Moscow. Rabbi Shayevich, the Chief Rabbi of Moscow, who supported the bill, would be in a position to keep the other off brands, non-mainstream versions of Judaism under his thumb if the bill were passed.

I agree with that. It seems to me that the bill puts these non-mainstream branches of Judaism in a position where nothing but the goodwill of the more established Jewish leaders protects them. Nevertheless, as an honest reporter I must convey to you what the leaders of those non-mainstream branches said to me. They think they have that goodwill. They think that they are not, in fact, going to suffer if this bill becomes law.

The Moscow leadership of the Muslim community supports the bill. I did not speak to Buddhists. if there were any Buddhists who opposed the bill, they did not speak out.

If the fight had dragged on longer, the next thing on my agenda was to see if I could find some dissident Muslims who would speak out against it. I did talk to the leader of the Union of Muslims of Russia, who is a member of the Duma, an elected member of Parlia-

ment from Dagestan, an ethnic, largely Islamic province in the south of Russia and near Chechnya.

I spoke with him about 2 weeks after the bill was passed, in mid-June. When I said, well, what do you think of this bill. He said, what bill, what are you talking about? He was not aware of it. The issue was that low on his own scale of priorities that—and he had probably voted for it.

It was a late session. This never happens in Washington, of course, but in a late session, with 20 bills coming up in 1 day. He probably voted for it after the 20 minutes of discussion or so that was allowed on the floor of the Duma; but he cared so little about this issue that, even though he's President of the National Union of Muslims, he had not focused on it.

The pressure for this bill did not come from the Muslims. It might be hard to find a prominent Muslim who is opposed to the bill, but this bill did not come about because Muslims were actively lobbying in favor of it.

QUESTIONER. My name is Jim Lucier with the Monroe Foundation. As you know, Larry, I've been an admirer of yours for many years, and admire the great work that you've been doing.

MR. UZZELL. It's mutual, as you know, Jim.

QUESTIONER. It so happened that I was in Moscow last month. I was in the Duma the day this bill was being taken up, and I was impressed with the lack of interest in the bill, but I was also impressed in looking around the city—As you know, they're getting ready for their 850th anniversary celebration of the founding of Moscow, and everywhere in Moscow the emblem of St. George killing the dragon has been put on everything, from the Kremlin palace to teeshirts.

It seemed that there was this great sort of resurgence of pride in their history and identity, and I had the feeling that part of this bill, or the atmosphere in which the bill is possible, is the reassertion of the Russian identity, not so much nationalism and, you know, all the nasty things, but the positive things about their own identity.

So that the—You know, not to be an Orthodox is almost like treason. I mean, that's the feeling behind it, even for the atheists. I mean, I might think that, where their believer friends are a little bit loopy for going to church, but if they went to the Baptist church, that's treason because of this deep feeling that the religion and the selfhood of the Nation are one and the same.

Now this is not just a Russian issue. We face this all over the world. If you go to Egypt, the Islam has been treating the Copts in a very nasty way, the Christian Copts, you know, since the 8th Century. If you go to Saudi Arabia today, not even an American diplomat can profess Christianity once he steps outside the door of the Embassy, and some of them have been persecuted for it.

If you go to Israel, the Israeli government is always complaining about proselytism, and the Mormons have had a tough time there getting established. Even the Catholics who are in charge of the shrines there will tell you that the shrines are tolerated as a kind of a Disneyland cash cow that brings in the tourists rather than as a vital religious community.

If you go talk to the Hasidics in Jerusalem, they don't even recognize the legitimacy of the secular government, because there is this feeling that you can't, you know, be outside of the confession that makes the identity and still be part of the community.

The same is true in Greece where they criticize proselytism by the West. So how are

we going to treat this, not only in just the case of Russia, but in all these areas where we have very important interests that we have to deal with?

MR. UZZELL. I'm reminded of the story of Spanish peasant who was evangelized by one of the first Protestant missionaries legally allowed into Spain. The peasant listens to the missionary with great patience and courtesy, and then finally said, "Well, SenyAE6or, why should I believe in your religion, which is false, when I don't even believe in my own religion, which is true?"

You find a lot of that in Russia today. It's among the most theologically serious Russian believers, those who understand what it means to be Orthodox, those who have studied patristics, those who understand the roots of their own faith, that you don't find that. They understand that Orthodoxy is a world religion, that a Greek Orthodox is just as orthodox as a Russian Orthodox.

It's those who are seeking for something to fill the hollow of their own souls and of their own public culture, and who see Orthodoxy as a reservoir of symbols and of metaphors that resonate with the Russian soul. These are the Russians who seek to harness those symbols for political purposes, but don't seriously believe in Orthodoxy as a theological system. Those are the authoritarians rather than the real Orthodox.

How do you deal with it? Let's recognize how much limits there are to what government can do. I think it's more important what non-government organizations could do. When Protestant missionaries go over to Russia as if it were New Guinea, as if it were a country that had never heard the gospel preached before, and pass out tracts on the street denouncing icons—I had a Russian Baptist friend complain to me that he had been on excellent terms with the local secular authorities and with the local Orthodox priest until the American Baptists came along and began publicly attacking Russian icons, which is like attacking the Statue of Liberty. I mean, no matter what your beliefs are, in the context of Russian culture you don't attack Russian icons.

I think it's also a matter of recognizing that Russia has a right to give Orthodoxy a special place in its public space. If Orthodoxy gets more attention from the newspapers or the television than other religions do, there's no reason to complain about that.

Ms. Coombs. My name is Kathryn Coombs. I'm a political consultant, not currently involved in Russian affairs but, as you know, Larry and John, I've worked there off and on for about 2 years.

My question is actually a follow-up to what you were just saying about the special role of Orthodoxy, and actually back to the question of an established church.

If one analyzes the reasons behind this legislation, the political imperative that is giving it its impetus, the degree to which there is public support for a measure of this kind, and if one accepts that probably something is inevitable eventually, maybe that might be the way to go; because what seems to be driving this is two things.

One, it's really about the pride of the Orthodox church itself. I mean, this is inherently a nationalistic church. It is a church of Holy Mother Russia. The Virgin of Vladimir icon is the symbol of the country, for gosh sake.

There's the whole background of the Third Rome, Moscow being the Third Rome. There were three Romes, Rome, Constantinople and Moscow, and there will never be a fourth. So there is a "them and us" thing in the sense that national pride is completely wrapped up around the church and, as you said, it's filling the vacuum, that Communism is gone, the state secular religion is gone. What format does national pride take?

The other religions being elevated to the same level is about Russian regional poli-

tics. It's about—I think. It's about not alienating the Islamic majority republics. It's about, with Buddhism, not alienating the Buriats, and with Judaism it's about Russia not being, once again, the bogey man of the world in terms of anti-semitism.

Therefore, let's beat up on religions that are seen as primarily “American cultural imperialism.” I think that's really where a lot of this is coming from.

Would it not serve the purpose of those who genuinely feel that the the Orthodox church is under siege simply to go the other way and, rather than downplay newer religions or religions that are newer to Russia or religions which are now proselytizing, guarantee those religions religious freedom, but create some kind of hybrid system of established church or indeed you could have two tiers of established church.

Britain, for example, which has never in modern times had a problem with religious freedom, does indeed have an established church, and has moved away from that to a certain extent in that the Chief Rabbi now sits in the House of Lords, and you have a sort of secondary tier of semi-established churches.

I wonder whether, say, Canterbury and perhaps even the British government or the Church and State Commissioners or the relevant authorities in the U.K. Norway and other civilized countries with high standards of religious freedom that do have established churches might, in this post-veto fallout, have some quiet role to play in trying to structure some other model for Russia?

Sorry, I've been verbose, but there you go.

MR. UZZELL. I think that point is very well taken. Actually, I think Spain has a role to play here. My friend, Gloria Moran, who is a very accomplished Spanish legal scholar who has visited Russia many times and who is a consultant with Russian legal experts on the transition from an authoritarian system to one that respects human rights—Spain does have a system of concordats, and I could imagine Russia trying something similar, but only—and I really stress this—only if Russia amends its constitution.

That 1993 constitution is a key document for securing the rule of law in Russia. If Russia wants to move in the direction of establishing the Orthodox church, and perhaps other churches as well—In Finland, both the Lutheran Church and the Orthodox Church are established.

Russia wants to do that, it should amend its constitution. In so doing, Russia should strengthen the provisions in the constitution that protect religious minorities, because even those existing provisions have not been observed in practice.

Another element—I don't know if this is directly related to your question. Another element that's at work here, I think, is not only resisting American cultural imperialism, which is an important issue in Russian popular consciousness but resisting competitors to the Moscow Patriarchate within the Orthodox world. In the final analysis, I really don't think the Moscow Patriarchate believes its own press releases. I think they realize that the American Protestant missionaries are yesterday's issues. They're past their peak. It's clear that they're not a threat.

Russia is not ever going to be a Protestant country. What they are really worried about is the other forms of Orthodoxy, the Russian Orthodox church Abroad, which is now reestablishing itself in Russia; the so called Russian Free Orthodox Church which now has five bishops and 100 parishes in Russia; the Old Believers, some of whose priests are former Russian Orthodox priests.

The hidden agenda behind this bill, I think, is largely an agenda to make it impossible for the local Russian Orthodox parish to switch sides, to defect to some other version of

Orthodoxy. Yes?

Ms. Smelser. My name is Judith Smelser. I'm with the Helsinki Commission.

Mr. Uzzell, in your remarks you spoke about the fact that you think that an override by the Duma is improbable because—largely because of Yeltsin's considerable influence with them, and that, even if they did override it, in fact, that the Constitutional Court would probably say that it was unconstitutional.

It is unconstitutional, but you did speak of the fact that the court is in the President's pocket and that there is a strong Presidential system in the constitution, and that's true; and you said that's a good thing which, in this case, it certainly is, but I think that we have to look to the fact that Yeltsin isn't going to be around forever.

You said that Yeltsin is personally in favor of religious freedom, and that's great, but I think it's important to ask what's going to happen after Yeltsin, if someone who is less happy with religious freedom gets in power.

MR. UZZELL. Thank you for reminding me of part of Chris Smith's question that I failed to answer. Where are Chernomyrdin, Luzhkov, Lebed, et al., on this issue? Every one of those gentlemen is worse than Yeltsin is on this issue, which is why it's important to try to make as much progress as one can on the rule of law question.

Yeltsin will win this fight if he uses the levers that are available to him. If he doesn't use those levers, he won't win this fight. I felt a week ago that one possible scenario might be for the President to veto the bill, to do what he needs to do to satisfy Western pressure, but then to sit on his hands and passively let the Parliament act, let the Parliament override his veto and say, well, I did what I could, but I'm helpless.

After reading his detailed veto message, I'm much more optimistic, because he went much further than he had to do just to satisfy the Western pressure.

You're right. Yeltsin will not be around forever. The people in Chernomyrdin's inner circle on this issue include someone else who is a former official of the Council for Religious Affairs. Mayor Luzhkov has probably positioned himself to be closer to the Moscow Patriarchate than any other major political figure in Russia.

Lebed is just unpredictable. He produces pleasant surprises, as he did in Chechnya, but he's also capable of producing unpleasant surprises. I think his own list of established—of traditional religions in Russia, which included the Buddhists, as the legislation did, was influenced by the Eurasian model. You play up Islam, and you play up Buddhism, because you want to emphasize Russia's separate identity, that Russia is not a Western country, that it's not Europe.

I've seen some of that at the local level as well in Ulyanovsk, which is one of the most hard core Bolshevik provinces in Russia. It's like a museum of Leninism. In fact, that's where Lenin was born, and they got a lot of tourist revenue from the monuments to Lenin in that city.

One of the favored religions in Ulyanovsk is Buddhism, and Ulyanovsk is not a place where there are ethnic Buddhists. The Buddhists there are people like the Buddhists in Berkeley, California. They're ethnic Russians who convert to Buddhism, but they enjoy a privileged position with this Stalinist local government, because they are not Western. It's a bizarre combination of young Russian, New Age intellectuals embracing Oriental faith with ultra nationalists who hate the West.

Yeltsin's constitution has an unfortunate side. Although it has very good provisions on human rights, it is such a pro Presidential constitution—If you understood me to say that I think that's a good thing, let me say that I did not mean to convey that impression

that structurally, the Russian constitution is badly unbalanced. It's far too Presidential a republic and, I think, as the American experience shows, it's the structural issues rather than the Bill of Rights that really count in the long run. Structurally, having a separation of powers, having a balance of powers, having state's rights, a true separation between the branches of the Federal Government—ultimately, that's more important than the rhetoric of the Bill of Rights.

Many countries have achieved independence that have included something like a Bill of Rights in their constitution. Most of them have not performed that well in human rights in practice. It is likely, but not inevitable, that Russia will go down the same road.

I am not tired, but I'm sure some of you are, and I am not offended at all by anybody who decides to leave. So I'll take questions until five o'clock, if there are questions, but if some of you have to leave, don't feel obliged to stay.

Mr. Goswami. I'm Mukunda Goswami, Director of Communications for the International Society of the Christian Consciousness, and I want to thank you and commend you, Larry, for the fine work you're doing and thank you for meeting with my Russian colleagues in Moscow recently.

I have two questions. One is dealing with economic consequences, which was briefly touched on. It's a uniquely American thing in the sense that the 200 million threaten to withhold money was American. I'm wondering if international groups like World Monetary Fund, the World Bank and the International Monetary Fund, rather, would be people who might consider withholding or threatening to withhold money due to their international position as thinking that it's perhaps somewhat more important, more of a human rights type of issue than just an economic issue. Maybe they don't get a big return from Russia.

Is that a tactic that you would advise or recommend?

Second, why among the privileged four, were Buddhist selected as opposed to Hindus, inasmuch as there's been a very warm and amicable relationship between—politically, between Russia and India for quite sometime? What's your opinion?

MR. UZZELL. I don't know enough about Western politics to be able to talk about what the chances are of doing something with the World Bank or the International Monetary Fund. I've lived in Moscow for 5 years now, and I find myself more and more out of touch with American politics, with international politics, what's possible, what's not.

I would say the same thing that I said about the Senate amendments, that if the goal is to influence the Kremlin decisionmakers, Yeltsin, Chernomyrdin, their inner circle, those economic levers help. If the goal is to influence the Duma, they hurt.

So you have to try to find a balance, and I can't give you a magic formula for finding the right balance.

On the question of Hinduism versus Buddhism, I think clearly Russia was not going to let its foreign relations with any country, any foreign country, India or any other country, play a role here. They were determined to play up the traditional role of their own indigenous Russian faiths, and Buddhism is more important.

Hinduism is not completely absent, as you know, but Buddhism numerically is weightier among the peoples who have lived in the traditional territory of the Russian Federation than Hinduism is.

Again, I qualify that by saying that it's no accident, in my opinion, that list of four faiths included, other than Orthodoxy, only faiths which are or are perceived as ethnic and, therefore, not as competitors to Orthodoxy. There are young Russian intellectuals,

just as there are young intellectuals in Berkeley or in Oxford, who convert to Buddhism, but there aren't very many of them.

The same thing with Islam and with Judaism. I'm somewhat surprised that they didn't include Lutheranism, because Lutheranism is a largely ethnic phenomenon in Russia for Russian citizens of German or Finnish descent, but that might have muddied the waters with Protestantism. They were determined to exclude any faith that is seen as actively threatening to steal sheep away from the Russian Orthodox Church.

Ms. Silverman. Hi. Wendy Silverman from the State Department.

You've touched on this already, but I wonder if you could say a little bit more about why this happened at this time.

MR. UZZELL. Wendy, it's good to meet you face to face. I've heard some—

Ms. Silverman. It's good to meet you, too.

Mr. Uzzell [continuing]. Very good things about you. I hope you're getting our E-mail reliably. Good.

Why at this particular time? It was a little surprising. It was quite surprising to me at the time, too. What I had been told as recently as April of this year was that this legislation was not going anywhere, that the Communists just didn't have enough of a common language with the Orthodox Church.

One can try to answer that question on a kind of macro level of the needs of the Communist party to find some new symbol system to replace the utterly discredited symbols of Communism as a substitute religion—I've already addressed that issue. I won't repeat what I said already; the need of the Moscow Patriarchate to play the Russian nationalist card—again, I've already addressed that issue.

Maybe the way to handle your question is on the micro level: what happened in the minds of just two or three decisionmakers, Victor Zorkaltsev, the Chairman of the Duma Committee on Religion, and Yacheslav Polosin, the staff specialist on religion in the Duma committee.

Those two people in May 1997 changed their minds. Up to then, they had been content to let Valery Borshov play the key role on this issue. Valery Borshov had inherited the mantle of Gleb Yekonin as the leading defender of religious freedom in the Russian parliament.

Even under the Communist majority, Chairman Zorkaltsev had been content to let Borshov convene the meetings, draft the legislation, make the detailed decisions. Polosin working closely with Borshov was handling the details.

Something happened in May to change all of that and to turn Zorkaltsev into an impassioned advocate of new restrictions on religious minorities. We don't know what the full answer to that question is, what happened, but apparently a large part of it was pressure from Zughanev, the Chairman of the Communist party.

The leadership of the Communist party, apparently, as best I can tell, as best my Russian friends can tell, put the screws on Zorkaltsev who probably, in his heart of hearts, they think, probably is not militantly committed to oppressing religious minorities, but Zughanev decided that he needed this as an issue, that none of the other Communist issues were gaining traction, and that playing the Nationalist card would give the Communists political leverage, which they haven't been getting from other issues.

I'm not even sure that the Communists are right in reaching that political conclusion, because as I've said, I don't sense that the average rank and file Russian believer is clamoring for restrictions on religious minorities, but right or wrong, that's the reasoning that

the Communist leadership seems to have gone through.

I realize that's a woefully incomplete answer to your question, but in many ways, Russian politics is still very closed and very mysterious, and I'm afraid that's the best I can do.

Thank you all for your time. Come visit Moscow.

[Whereupon the briefing was concluded at 4:42 p.m.]