



THE ORIGINS AND LEGACY OF THE MOVEMENT TO FIGHT RELIGIOUS PERSECUTION

By Nina Shea

Ten years ago, over a dozen elderly Catholic bishops and priests were in *laogai* prison camps and detention centers in China, and entire congregations of house church Evangelicals there were being arrested and their pastors tortured. In southern Sudan, the extremist Islamist government in Khartoum was supporting slave raids, aerial bombardments, and massacres in the reed tukel villages of Christians and followers of traditional African religions in an attempt to impose shari'a rule. With such reports in mind, a core group of activists, Members of Congress, and religious leaders came together and lit a prairie fire—a national, interfaith, grassroots mobilization for legislation to elevate and institutionalize concern for religious freedom in U.S. foreign policy.

Incensed that reports of persecution were habitually ignored by the American foreign policy establishment, the movement coalesced around what became known as the Wolf-Specter bill. Introduced in Congress on September 8, 1997, by Cong. Frank Wolf (R-VA) as HR 2431, this bill was the catalyst for the International Religious Freedom Act of 1998 (IRFA). Without Wolf-Specter, and the grassroots movement behind it, there would have been no IRFA.

A crystallizing moment for this movement was at a Summit on worldwide religious persecution for American religious leaders, organized in January 1996 at Washington's Mayflower Hotel by Michael Horowitz (who marshaled the participants) and me (who brought the testifying witnesses). At the 1996 Summit, the National Association of Evangelicals, a membership organization of over 42,000 congregations, released a *Statement of Conscience*. In it, the group solemnly pledged "to do what is within our power to the end that the government of the United States will take appropriate action to combat the intolerable religious persecution now victimizing fellow believers and those of other faiths."

This marked the beginning of the broad, faith-based mobilization that was able to overcome a decade of inertia and even active opposition on religious freedom issues by foreign policy makers. The backbone of this movement was foremost defined by those represented by the Summit participants—100 key evangelical leaders, including Chuck Colson,

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Richard Cizik, Richard Land, Don Argue, Janet Parshall, Gary Bauer, Ravi Zacharias, and many others. Its success depended on churches taking action. A faith-based grassroots mobilization was the only hope for the besieged religious believers abroad. Our goal was to defend persons persecuted for their religious beliefs—Christians, but also Tibetan Buddhists, Uighur Muslims, Baha’is, traditional African believers, and many others.

Religious freedom—the core American value, the first freedom in the bill of rights—was considered irrelevant by most American foreign policy analysts, secular human rights groups, and the mainstream media. I had seen the State Department ignorance of religious persecution firsthand. Just days before the Summit, an American

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ambassador, on the eve of his departure to take up his post in China, asked a group of us who sought to meet with him, “What is a ‘house church’?” In many weeks of official briefings, State had never informed him about the tens-of-millions-strong Christian movement that was sweeping China, nor about the hostility it faced from Beijing.

In the 1990s, international human rights groups in America lacked political support. But even if they had had leverage, such groups lacked any substantial focus on religious human rights. At that time, none of the major international human rights groups, except Freedom House where the Center for Religious Freedom was then based, had a project specifically on persecuted religious believers.

From its beginning, this mobilization, like the Wolf-Specter bill itself, was concerned with all victims of religious persecution. Ironically, it was Michael Horowitz, himself Jewish, who advanced the theory that focusing specifically on Christians (the largest and most widespread group in the demographic of persecuted religious believers) would be a justifiable and strategic bias because it would

have a “ripple effect” and help all persons regardless of religious affiliation since all faced the same sources of oppression. The very Christians who supported Wolf-Specter rejected this Christian-centric approach, successfully insisting that the movement deal with all religious persecution. A conscious parallel for the Congressional drafters of Wolf-Specter was the Jackson-Vanik Amendment, a law born from the desire to rescue Soviet Jews, but universal in its legislative scope and used today

on behalf of North Korean Christians and others.

However, a grassroots constituency for this effort had to be found within the churches.

American church-goers, like others, first had to learn about the problem; most were not aware that Christians experienced religious violence in

the late 20th century. To help overcome this information gap, a month later, on February 15, 1996, Congressman Chris Smith (R-NJ), a hero of this effort who was then chair of the Human Rights Subcommittee of the House International Relations Committee, held a hearing on the persecution against Christians throughout the world. Previously, Smith had held single-focused hearings on Soviet Jewry, and Bosnian Muslims in Srebrenica, but this was the first-ever hearing on besieged Christians. The Smith hearings also ensured that the Summit was not a one-off event. They encouraged this fledgling faith-based movement, and they led Congress to mandate a State Department report on persecuted Christians, which was then issued in July 1997, focusing on 78 countries.

To further help in the national effort to mobilize the ordinary people in the pews, evangelical churches and some mainline Protestant churches designated a *Day of Prayer for the Persecuted Church*, featuring knowledgeable speakers and informative documentaries. My colleague Paul Marshall and I each wrote books on ongoing persecution of Christians

around the world and spoke on hundreds of Christian radio talk shows to get the facts out to the grassroots. We were deemed “confrontational” by some liberal groups merely for raising the issue of anti-Christian persecution. Like others in this movement, we worked almost exclusively through evangelical Christian media, since the mainstream secular media generally ignored the issue of religious persecution, particularly when evangelicals and Catholics were the victims.

There was one important media exception: A.M. Rosenthal, a 50-year veteran of the *New York Times*, its former executive editor, and, then, a biweekly columnist in America’s paper of record. Abe Rosenthal passionately and eloquently embraced the issue of religious persecution. In February 1997, he wrote his first column about the right to worship (though he had previously written about the treatment of Soviet *refusniks* and Tibetan Buddhists), and went on to write dozens more before his death in 2006. His columns, which were syndicated in papers nationwide, were indispensable to the effort in that pre-internet period. As a small token of our gratitude, we nominated Rosenthal for the Presidential Medal of Freedom in 2002.

There were other sources of support from outside the evangelical community as well. Early on, key Jewish leaders such as Rabbi David Saperstein, Tibetan Buddhists including the Dalai Lama himself, Baha’is, and the influential U.S. Catholic Bishops Conference gave critical support.

Personal conviction, not electoral politics, led Cong. Frank Wolf to introduce his bill in the fall of 1997. He called it the Freedom from Religious Persecution Act. Wolf had been seared by memories of his visits with Jewish *refusniks* in Perm 35 prison camp in the Soviet Urals, and with Pentecostals serving time in Siberia. He had been a congressional leader on issues concerning Sudan, China, and many other religious persecution hot spots that he had personally visited, sometimes donning a disguise in order to do so. Wolf is one of the few Congressional leaders who can be counted on to champion a broad range of international

human rights—a role he has now undertaken for nearly 30 years, without concern that these issues tend to garner few votes at home.

The bill aimed to institutionalize concern for religious persecution in American foreign policy making. It aimed to do this through a mechanism advocated by Horowitz: the automatic cutoff of non-humanitarian assistance to countries determined to be religious persecutors by an “Office of Religious Persecution Monitoring” within the administration. By relying mainly on State Department human rights reports, the office was to identify and report on governments that actively engaged in or passively allowed the “abduction, enslavement, killing, imprisonment, forced mass resettlement, rape or crucifixion or other forms of torture” of “persons because of their membership in or affiliation with a religion or religious denomination, whether officially recognized or otherwise.” Such a designation then was to trigger against the worst persecutors a mandatory cutoff of non-humanitarian assistance, a U.S. veto of non-humanitarian assistance and loans at multinational organizations, and “smart sanctions” targeted to ban the export of “persecution facilitating products” and all exports to the offending government’s precise “persecuting entity.” Under the legislative scheme, these automatic measures could be waived by the President for national security reasons, but only with explicit justification for the waiver.

The House bill, which saw several amendments, had a number of miscellaneous other provisions, including one facilitating asylum for religious refugees, others on training for State Department and immigration officials, and another extensive section, eventually stripped out under trade pressure, to institutionalize and expand sanctions against the government of Sudan, much like the sanctions against apartheid South Africa.

It is important to note that from its introduction in the House, over the protests of Horowitz, who initially wanted a Christians-only focus, and despite a subsequent disinformation campaign waged by some of its die-hard opponents, Wolf-Specter

applied broadly to all who were persecuted. For instance, Tibetan Buddhists, Uighur Muslims, Jews, Bahai's, and Hindus were some of those explicitly mentioned in the "findings" section of the original bill.

The debate outside Congress quickly became acrimonious. The bill immediately faced fierce opposition from the Clinton Administration, the foreign policy establishment, and a massively-funded trade lobby. The effort also encountered skepticism from liberal human rights groups. In an extensive December 21, 1997 *New York Times* article by Jeffrey Goldberg, some liberal groups, including Human Rights Watch and the National Council of Churches, essentially rejected the notion that Christians could be "victims," instead seeing them as the ones who were intolerant.

The Clinton administration took issue with the law's premise. Secretary of State Madeleine Albright denounced the month-old initiative in November 1997 in an address at Catholic University's Columbus School of Law. She said it would establish a hierarchy of human rights, and she took the view that religious freedom is not a universal or inalienable right but culturally relative: "We must also take into account the perspectives and values of others." (Not all in the Clinton administration shared this view, of course. Ambassador Richard Schifter was a strong proponent of policies against religious persecution from within the White House; however, his initiatives were not given the support to be effective.) Albright has since recanted, and affirmed the importance of religious freedom in foreign policy in her book *The Mighty and the Almighty*. The Council on Foreign Relations and secular human rights groups like Human Rights Watch and Human Rights First also since this time have begun to develop religious freedom programs.

USA Engage, a powerful trade lobby, waged a major counteroffensive on Capitol Hill, using the spin that it was a "trade sanctions" bill. In fact, Wolf-Specter called for cutoffs of non-humanitarian assistance. It did not call for trade sanctions, except in two limited cases: Sudan, in which sanctions were

already largely in place, and regarding the export of "persecution facilitating products," that is, torture equipment, and of exports to narrowly-defined persecuting entities within offending governments. Capitol Hill veteran Grover Joseph Rees, Counsel to the House International Relations Committee, who did the principal drafting on the bill, said that he had never seen such extreme hostility within the business community to any human rights bill. At one point, the lobby succeeded in getting legislative language proposed affirming "the sanctity of contract." Rees wryly noted that this would mean that the single mention of the word "sanctity" in a bill about religion would be in reference to commerce; he successfully defeated it.

The State Department and its allies also took issue with making the penalties mandatory, arguing strenuously that a "one size fits all" approach would "tie the President's hands" and thus hurt American interests. The bill in fact did allow a presidential waiver, but it put the onus on the President to explain why he was letting egregious religious persecutors off the hook. Since that time, this same model of mandatory cutoffs of non-humanitarian assistance has been enforced against foreign governments under the Victims of Trafficking and Violence Protection Act of 2000 and is widely respected as one of the government's most successful human rights endeavors. Observers point to demonstrable improvements in the practices of Turkey, Greece, and other foreign governments, due in large part to American executive pressure.

Despite the firestorm, because of the large, national, and now informed and active grassroots constituency, the bill easily passed the House by 375-41, on May 14, 1998. But the Senate still had not stirred. Senator Arlen Specter (R-PA), whose name was also on the bill, was unable to bring it to vote in that chamber. Then John Hanford, who, from within the office of Senator Richard Lugar (R-IN) specialized in religious persecution cases, together with Laura Bryant, Will Inboden, and other congressional staffers with relevant expertise, mounted an effort for an

alternative bill. Entitled, the “International Religious Freedom” bill, it was introduced in the Senate on March 26, 1998 by Senators Don Nickles (R-OK) and Joseph Lieberman (D-CT). It picked up some of the Wolf-Specter key goals, such as institutionalizing reporting on religious persecution issues within the U.S. government, mandating annual reviews, and, critically, naming the world’s worst religious persecutors, who under this version were to be designated as “Countries of Particular Concern,” or CPCs, as well as training programs for State and immigration officials.

The Senate bill departed from Wolf-Specter in important ways. First, it dropped automatic measures in favor of a long list of

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discretionary “Presidential actions,” starting with the mildest “private demarche,” which could be dispensed with altogether when deemed beneficial to trade relations, as well as national security. No particular action was mandated, in effect giving the President the discretion he already had. This caused the Wolf-Specter grassroots to view the Senate bill as watered down. In the House debate, Cong. Chris Smith observed: “[T]he House had given the President a great deal of flexibility in deciding whether to impose sanctions against governments that severely persecute religious believers, but the Senate stretches flexibility almost to the breaking point.”

Second, rather than defending against egregious religious persecution, its focus was the more utopian and elusive advancing of religious freedom. Under this formulation, Wolf-Specter proponents cautioned, the practices of serious persecutors could be buried under a welter of detail in State Department reporting on less-severe discrimination. This worry was not without justification; in fact, the State Department annual reports are now voluminous, over 1,000 pages long, covering some 195 countries. However, the incorporation of an annual finding of egregious

persecutors, Countries of Particular Concern, was an important innovation that would help offset this problem. Finally, Nickles-Lieberman differed from Wolf-Specter by creating a bipartisan Commission on International Religious Freedom. For Wolf-Specter supporters, the Commission was its saving grace.

During the debates on the bill, then President Bill Clinton had made a highly

publicized comment that mandatory sanctions would cause the State Department to “fudge” reporting on religious persecution. This raised serious concerns about the accuracy of State Department reporting when under political pressure from automatic sanctions. Considering the weak support for the

issue within the State Department, there was a high risk that severe religious persecution would not be found in some cases.

The Commission—independent but with official stature and with its own staff and budget—was embraced by Wolf-Specter supporters as the mechanism needed to protect against political vetting of State Department reporting. The U.S. Commission on International Religious Freedom (USCIRF) would recommend CPC designations, hold hearings, report on persecutors, and make non-binding policy proposals. Furthermore, the Commission, consisting of appointees by both political parties, would help to ensure continued bi-partisan concern for persecution abroad. (The bill also created a Special Adviser within the White House, but this office was never viewed as a check on politicization of the process, nor has it proven to be one.)

The Senate staffers, perhaps feeling outgunned by the Wolf-Specter lobby, attempted to secretly do an end-run around Wolf-Specter in the House by working through pro-trade forces, and, in the Senate, were reluctant to share either the evolving contents of Nickles-Lieberman or their legislative strategy with the Wolf-Specter proponents. This

heightened tensions further, and there was little cooperation between the two efforts. The legislative year was rapidly coming to a close with unclear prospects for either of the competing bills. The *New York Times*, in its only reporting on this dramatic legislative effort, had already run a front page article pronouncing the initiative “doomed.”

With the clock ticking, former Senator Bill Armstrong and then Senator Dan Coats (R-IN) pushed for Nickles-Lieberman’s passage. Armstrong mobilized Christian leaders to break the deadlock that existed in the Senate, and pressed his former Senate colleagues to support the bill. Coats threatened to hold up Senate appropriations bills and other end-of-term legislation unless the bill was passed and the Commission authorized to receive a large enough appropriation to allow it to operate meaningfully.

On the second to last day of the 105th Congressional Session, the Senate adopted IRFA, 98-0. There would be no time for working out the differences between the two bills. Indeed, some of the Senate staff members most deeply involved in the Nickles-Lieberman bill had made clear that they had no intention of letting the bill go to a conference that might adopt some of the tougher provisions of the House bill. Cong. Frank Wolf saw one last move and with great humility, commitment to the cause, and legislative deftness, he took it: on the last day of the 105th Congress, October 10, 1998, the day after the Senate action, he amended Wolf-Specter by substituting for it the contents of Nickles-Lieberman wholesale. H.R. 2431, now the International Religious Freedom Act, passed the House unanimously. On October 27, 1998, without fanfare, and without a Rose Garden ceremony, President Clinton signed the International Religious Freedom Act into law.

With the hindsight of 10 years, what has been the legacy of the Wolf-Specter movement that culminated in IRFA?

Certainly religious persecution has not been reduced; in many places it is intensifying. This, however, cannot be the measure of success. World forces are beyond the control of any office or commission.

Instead we can ask three questions about how IRFA has affected the U.S. foreign policy process. First, has IRFA institutionalized the subject of religious freedom within the U.S. government and the foreign policy establishment? On the one hand, State Department

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reporting on the issue is generally now very good. But on the other hand, not all within U.S. foreign policy institutions are sensitized to the issue. Thomas Farr, who once was Director of the State Department Office of International Religious Freedom, convincingly argues that concern for religious persecution issues remains quarantined. The reconstruction of Iraq is a glaring example. While writing this article, I encountered a senior official on Iraq policy, from the single largest country office at the State Department, who told me he was unaware of the existence of State’s Office of International Religious Freedom. It is abundantly clear, the fear that a religion bill would put religion at the top of a hierarchy of human rights has proven to be unfounded.

Second, has IRFA led the U.S. to take bold stands for religious freedom abroad? In some places, such as Southern Sudan (to which Wolf-Specter supporters next turned their attention after the Sudan section was stripped out of the religious persecution bill) the answer is yes. But in places such as Saudi Arabia and North Korea, so far the policy response to religious persecution has been weak. Of the eight current CPCs, the State Department has imposed, in varying degrees, trade sanctions and/or aid cutoffs to six of them, though most of these sanctions pre-existed CPC status and were originally imposed for national security or other human rights reasons. Concerning another CPC, Uzbekistan, the policy response has been

merely to engage the government in a dialogue with the U.S. Religious Freedom Ambassador. On Saudi Arabia, a waiver has been made from any Presidential action, including even a private demarche. The most frequent lament about IRFA heard from observers across the political spectrum is that the U.S. policy response to CPC designation has been disappointing. In retrospect, the push for automatic cutoffs would seem to be vindicated.

Finally, has the U.S. Commission on International Religious Freedom (USCIRF) been fulfilling its mission of independent analysis and advocacy? It's been said that a giraffe is a horse made by a committee. The Commission is then like a giraffe—its members are appointed by the President, the House, and the Senate, by the Republicans and the Democrats, and they come from many religious backgrounds. I have been privileged to serve as a Commissioner, appointed by House of Representatives Republicans, on the Commission for all 10 years of its existence. In my view, USCIRF has generally kept the State Department honest. It successfully pressed the State Department to designate as egregious persecutors China, Sudan, Saudi Arabia, and Uzbekistan. It keeps the focus on religious freedom in North Korea, Vietnam, and Egypt, even when State does not. This year, it took the lead in drawing attention to the terrible

plight of the defenseless minorities in Iraq—the Christians, Mandeans, and Yezidis, and in naming Iraq a CPC for the first time since Saddam Hussein was in power. Also, this year, it released findings of “incitement to violence” in Saudi Ministry of Education textbooks while the State Department continued to give assurances that they had been reformed.

However, as a keeper of the flame, USCIRF has not done as well. Its greatest failing has been that it does not work to ensure its reports are read by the American people, or, as a result, by American policymakers. In its early years, Congress held hearings on the USCIRF annual report, but no longer. USCIRF's challenge is to do more to publicize and explain the issue on Capitol Hill, in the media, and at public hearings and forums. Because its recommendations are non-binding, USCIRF needs to build a constituency for them.

As this goes to print, evidence of ongoing ethno-religious cleansing of Buddhists in Tibet and of Christians in Iraq is stirring an American debate again about the inadequacy of U.S. State Department policy responses. A decade after the Wolf-Specter grassroots movement formed, its concerns are shown to be no less salient. This is a good time to explore how to strengthen the IRFA process, including USCIRF. ❖