

Secondary Case Study



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Freedom of Religion: Summary

Religious diversity is one of the basic freedoms protected by the first amendment of the U.S. constitution. Moreover, religious groups preserve the right to organize and express their beliefs about public policy. While the Supreme Court continues to debate where the line between state and church should be drawn, U.S. citizens are freer than those in many other countries. Celebrities alone demonstrate a variety of religious beliefs, ranging from Kabbala to Buddhism, and are not shy about sharing their beliefs. This is a marked contrast to other countries, where religion is controlled by the government or considered illegal. On one hand, in countries such as Egypt, Oman, Yemen, Kuwait, Syria and Saudi Arabia, religious doctrine has been incorporated into national law. On the other, in China, the government believes that citizens cannot be loyal to the government and to a church at the same time. This case study examines freedom of religion, its impact on society, and situations where it is lacking.

Christian right's alliances bend political spectrum

Humanitarian issues at the core of the unlikely coalitions evangelicals have struck with ACLU, Planned Parenthood, the Feminist Majority, liberal Jews and Tibet's Dalai Lama

By Susan Page
USA TODAY

WASHINGTON — Many evangelical Christians got involved in politics because of a single issue: abortion.

But in recent years, without much notice, conservative Christians also have helped force the State Department to place a higher priority on battling religious persecution, set the stage for a

cease-fire in Sudan, enact legislation aimed at reducing prison rape in the USA and push for more funds to fight AIDS in Africa.

In the process, they have forged coalitions with — or sometimes simply pulled in the same direction as — activists who more often are their adversaries. The occasional allies include liberal Jews and Planned Parenthood, the Congressional Black Caucus and the ACLU, Gloria Steinem and the Dalai Lama.

**Cover
story**

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“Evangelicals have broadened their perspective and widened their agenda,” says John Green, a political scientist at the University of Akron and co-author of *The Values Campaign: The Christian Right in American Politics*. “It’s not as if the social issues have vanished; they still care about them. But foreign policy issues, environmental issues, even social welfare issues have joined the agenda. That has led them to develop broader alliances in some really odd ways.”

“Conservative Christians will continue to fight hard on the life issue and the definition of marriage,” says Gary Bauer, head of an advocacy group called American Values and a GOP presidential contender in 2000. “But there is a willingness on another day to make common cause with liberals.”

The latest examples: debt relief and global warming. Conservative Christians were among those who pushed for an accord reached in London on Saturday by major industrial nations to cancel at least \$40 billion of debt owed by the world’s poorest nations to international aid organizations. And the National Association of Evangelicals and other conservative Christian groups are putting their clout behind efforts to limit the “greenhouse gas” emissions linked to global climate change.

That campaign has been identified with mostly secular, mostly liberal environmentalists who disagree with evangelicals on population control, among other things.

‘Critical piece of the pie’

“We offer a critical piece of the pie, namely that we represent conservative evangelicals who are the mainstay of the GOP coalition that’s running both ends of Pennsylvania Avenue,” says the Rev. Richard Cizik, the vice president for governmental affairs at the National Association of Evangelicals and an energetic supporter of the broader agenda. “You don’t think we can

persuade some Republican senators? Well, you wait and see.”

That could be tested in the Senate debate on the energy bill, which opened Tuesday.

Sens. John McCain, R-Ariz., and Joe Lieberman, D-Conn. have sought evangelicals’ support for their amendment to limit global-warming pollution. Conservative Christians working on the issue aim to release a consensus statement on it this summer. Their advocacy is controversial among some evangelicals and could put them at odds with the White House.

Evangelicals’ engagement on a wider range of issues and their willingness to forge surprising coalitions reflect the growing maturity and sophistication of the most powerful emerging force in American politics today. And while the alliances formed on, say, Sudan aren’t likely to change anyone’s mind when the topic turns to abortion or same-sex marriage, they could help moderate the bitter tone of the nation’s politics.

“It offers the possibility on both sides to derail the demonization process,” says Larry Eskridge of the Institute for the Study of American Evangelicals at Wheaton College, a Christian college in Wheaton, Ill. “It maybe offers the possibility of at least getting both sides to hear and respect the other’s point of view — initiating dialogue and maybe thinking your political opposite doesn’t have horns growing out of their head.”

“The less people see people as uni-dimensional, the better off we are,” says Eleanor Smeal of the Feminist Majority. Her group supports abortion rights that are anathema to the evangelical Christian organizations, but they joined in lobbying for a law against international sex trafficking.

Galvanizing a movement

For a half-century after the Scopes

Trial debated evolution in 1925, many fundamentalist Christian leaders eschewed politics as a worldly endeavor that risked contaminating the sacred. But distress about the Supreme Court’s *Roe v. Wade* decision in 1973, which recognized abortion rights, helped galvanize an evangelical political movement.

In the three decades since then, fundamentalists have had mixed success on abortion. Twenty-nine states mandate counseling for women before they can obtain abortions and 34 states require minors seeking abortions to either notify or get consent from their parents. But a constitutional amendment banning abortion is stalled, and a federal law outlawing a procedure that opponents call partial-birth abortion is entangled in court challenges.

On other issues, however, evangelical Christians in recent years have played a crucial role in lobbying for laws that have reshaped U.S. policy, including diplomacy toward such key nations as China and Saudi Arabia. Among them:

► The International Religious Freedom Act, passed in 1998, stipulates that promoting religious freedom is a basic aim of U.S. foreign policy and requires the State Department to take specific steps to monitor and promote it. The measure was pushed by a coalition of conservative Christians, Jews, Catholics, mainline Protestants, Tibetan Buddhists and others.

► The Trafficking Victims Protection Act, passed in 2000, aims to dismantle the international crime syndicates that send women and children from the developing world into prostitution and sweatshops. Its supporters ranged from feminist Gloria Steinem to Chuck Colson, a former Nixon aide and founder of Prison Fellowship ministries.

► The Sudan Peace Act, passed in 2002, was promoted by evangelicals, the Congressional Black Caucus and

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others outraged by the Muslim government's attacks on Christians in the south. The measure and its threat of sanctions are credited with laying the groundwork for a cease-fire in 2003 and a peace treaty in 2004, though violence continues in Darfur.

► The North Korea Human Rights Act, passed last year, directs the administration to do more to help defectors and emphasize human rights issues as well as nuclear proliferation in dealing with the rogue nation. The bill was pushed by Korean Americans and conservative Christians.

"In the last decade, evangelicals have provided the grass-roots muscle for the most important human rights movement since the end of the Cold War," says Allen Hertzke, a University of Oklahoma professor and author of *Freeing God's Children: The Unlikely Alliance for Global Human Rights*, published in October. He says they have created "a new architecture for human rights in American foreign policy."

About two dozen leaders from a range of religious organizations, allies since they worked on the Religious Freedom Act, continue to meet on most Tuesdays at the Religious Action Center for Reform Judaism in downtown Washington. (In the 1960s, the center was a gathering place for liberal religious leaders planning the March on Washington and plotting passage of landmark civil rights legislation.)

When President Clinton was in the White House, left-leaning activists in the group provided access to top administration officials. After Bush took office, evangelical Christian leaders were the ones able to arrange sessions with senior White House aides.

"Within the American political spectrum, the religious right and the internationalist left stand at opposite poles, but on humanitarian issues, it's more a circle than a straight line,"

former secretary of State Madeleine Albright says. In a speech at Georgetown University in March, she said the two extremes "may not always meet, but they do overlap."

Albright, a liberal Democrat, last month approached Sen. Sam Brownback of Kansas, a conservative Republican, about co-sponsoring a conference in the fall on international human rights issues. He has agreed.

Brownback, a leading figure on evangelical causes, has worked with such liberals as Massachusetts Sen. Edward Kennedy on counseling families about Down syndrome and California Sen. Barbara Boxer on women's rights in Afghanistan. He says such alliances work best on issues that are "the right thing to do" but offer little partisan gain.

"You get directly at the issue of abortion, of (same-sex) marriage, you've got pretty hard, dug-in sides that are well-built into the base of each party," he says. "They're tough to change, and there's political gain or loss in those."

Strains within the movement

The National Association of Evangelicals, which represents 52 denominations with 45,000 churches and 30 million members across the country, approved a sweeping document in October called "For the Health of the Nation: An Evangelical Call to Civic Responsibility." The statement lists seven priorities for conservative Christians that include not only promoting religious freedom and opposing abortion but also seeking "justice and compassion for the poor and vulnerable" and "labor[ing] to protect God's creation."

But the move to a broader agenda — particularly on the environment — has created strains among evangelicals, and between evangelicals and the Republican Party they generally

support. Oklahoma Sen. James Inhofe, a Republican who as chairman of the Environment and Public Works Committee is taking the lead on the energy bill, calls the coalition on global warming "a farce" and an effort by "far-left environmentalists" to divert attention from family issues.

"Those people who are the antithesis of everything we believe are trying to divide and conquer ... and they have divided us," says Inhofe, who is a born-again Christian. He calls global warming "a hoax" and says evangelicals should heed the biblical injunction to worship the creator, not the creation.

There is some unease among their new allies, too.

Rabbi David Saperstein, a veteran lobbyist in Washington for liberal causes, says he worries about "the danger of legitimizing leaders and viewpoints and organizations who are deeply problematic to you in other contexts." The Reform Jews he represents work with evangelicals on the Sudan and religious freedom but disagree with them on school prayer, judicial appointments, the separation of church and state and other issues.

Cizik of the National Association of Evangelicals says critics within his camp accuse him of "sidling up to the pro-aborts and the radical enviros." He rejects "environmentalist" as too loaded a term to apply to himself; instead, he describes himself as someone who believes in the "care of creation."

But he's a convert to the concept of political partnerships. "It's the only way you get anything done in Washington," he says. "So be real."

Actually, the fact that the partnerships are surprising — who knew that fundamentalists and feminists agreed on anything? — increases their clout. On a polarized issue like global warming, that could make all the difference, says Tim Profeta, a former Senate aide who now

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heads Duke University's Nicholas Institute for Environmental Policy Solutions.

political orthodoxies that have arisen over this issue," he says, "and make people look afresh."

"What it will do, hopefully, is break down some of the

Expanding agenda, surprising alliances

Evangelical Christians, whose political priorities include opposition to abortion and same-sex marriage, also have worked on other issues that involve some surprising allies. Among them:

Issue

- ▶ International religious persecution
- ▶ International sex trafficking
- ▶ Civil war in Sudan
- ▶ Global warming
- ▶ AIDS in Africa
- ▶ Prison rape

Allies

- ▶ Tibetan Buddhists, liberal Jews, Catholics
- ▶ Gloria Steinem, National Organization for Women, Planned Parenthood
- ▶ Congressional Black Caucus members
- ▶ Environmentalists
- ▶ Rock star Bono
- ▶ ACLU, Human Rights Watch

Source: USA TODAY research

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Court limits file sharing, display of Commandments



Ten Commandments

By Joel Salcido for USA TODAY

Allowed: A granite monument showing the Ten Commandments stands outside the Texas Capitol in Austin.

Exhibits' overall message, motive seen as key factors

By Joan Biskupic and Toni Locy
USA TODAY

WASHINGTON — A divided Supreme Court on Monday limited governments' ability to display the Ten Commandments on public property. The court said local officials must remain neutral toward religion and that such displays will be permitted only if the setting's overall message is secular.

Cover story

The court's statement came in two 5-4 rulings that reflected deep divisions among the justices

over whether such displays — which are present at public buildings in every state — amount to an impermissible government endorsement of religion.

The court struck down the posting of the Ten Commandments on plaques at two Kentucky courthouses in 1999, saying the displays were blatantly religious and a violation of the First Amendment even after local officials added copies of the Declaration of Independence, the Magna Carta and other documents.

Separately, however, a different mix of justices ruled that a granite Commandments monument on the grounds of the Texas Capitol was acceptable — in part because the stone, which is surrounded by other historical monuments, had been there for four decades without drawing objections from the community.

Together, the rulings put a new spotlight on the motives of local elected officials who seek to display the Commandments. The decisions

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essentially ensure that governments will not be able to exhibit the Commandments alone in the future, and they are likely to lead to more lawsuits challenging existing displays.

In the Kentucky decision, the court's majority – the four liberal justices and Sandra Day O'Connor, who is at the court's ideological center – stressed that in disputes over Commandments displays, lower court judges should examine what led a community to erect a religious symbol, as well as the statement the symbol makes.

That drew a scathing dissent from Justice Antonin Scalia, who said the ruling would lead to local officials being penalized for expressing "religious values." From the bench Monday, Scalia declared that the decision "ratchets up hostility to religion."

In a nod to the tension that roughly two-dozen legal disputes over Commandments displays have sparked across the nation, Justice David Souter, writing for the majority in the Kentucky case, said that "the divisiveness of religion in current public life is inescapable."

But, he added, "this is no time to deny the prudence of understanding the [Constitution] to require the government to stay neutral on religious belief, which is reserved for the conscience of the individual."

The disputes over Commandments displays nationwide have reflected the ongoing tension over how much government should be allowed to embrace religion. Courts have issued conflicting rulings, so those on both sides of the debate had hoped for clarification from the Supreme Court.

New displays 'may be a problem'

The justices' divisions and focus on the intent of Commandments displays, however, led legal analysts to predict a

rash of new lawsuits over such displays, particularly those that have been put up in recent years at the behest of evangelical groups.

A key issue in the rulings is when Commandments displays were put up, said Francis Manion, a lawyer with the American Center for Law and Justice, which is opposing challenges to Commandments displays in 10 cases nationwide.

"The older ones, you are not going to get rid of," he said. "But the newer ones, that's where there may be a problem."

Nathan Lewin, a lawyer who represents the New York-based National Jewish Commission on Law and Public Affairs, said the court offered "little guidance" on the issue. "Rather than resolving the Ten Commandments issue, it just encourages a lot of litigation," he said of the court's rulings. "Everybody will start asking, 'What's the history of this monument? and 'What's the history of that monument?'"

Kelly Shackelford, chief counsel for the Dallas-based Liberty Legal Institute, which represents the Fraternal Order of Eagles, the group that donated the Texas monument in 1961, said there is "no doubt" the rulings will lead to more lawsuits over religious displays. However, he called the Texas decision a "99% win" for supporters of such displays. "The message is: You could put up a Ten Commandments monument today if you want, as long as you do it in the proper way," he said.

The Rev. Barry Lynn, executive director of Americans United for Separation of Church and State, which is involved in four lawsuits over Commandments displays, said confusion over the rulings will force the high court to revisit the issue.

"Yes, there was a stone taken from the wall separating church and state," he said. "But the foundation still looks

pretty solid. I think in general we got a message saying that government buildings can't be decorated like a church."

Disputes over other religious displays on public property also could be affected by Monday's rulings.

In Houston, where a 50-year-old display of a Bible outside the Harris County Courthouse was ordered removed by a federal judge, backers of the display are hopeful that Monday's rulings will aid their case.

Marilyn Fountain, a spokeswoman for the Star of Hope Mission, said the Bible was displayed in a memorial tribute to William Mosher, a Houston businessman who was a volunteer for the mission. The display was challenged by a local real estate broker, and in August 2004 a federal judge said the Bible should be removed. The issue now is before an appeals court.

"It is encouraging that the justices are making a distinction between a religious object that is placed for the purpose of proselytizing to the public vs. something that is placed as a monument," Fountain said.

New polls indicate that most Americans don't mind Ten Commandments displays in public settings. A USA TODAY/CNN/Gallup Poll last weekend found that 75% of Americans believe the Supreme Court should allow both the Texas and Kentucky displays. And a survey by the First Amendment Center says 56% of Americans believe that Commandments displays in government buildings are OK.

The Rev. Rob Schenk, a conservative Christian activist, noted such sentiments Monday. "The average American has known all along that there's nothing wrong with displaying these timeless words," he said. "It's taken this long for the Supreme Court to catch up."

Breyer casts swing vote

The split rulings came about because Justice Stephen Breyer, one of the court's more liberal members, voted with four conservatives – Chief Justice William Rehnquist and Justices Anthony Kennedy, Clarence Thomas and Scalia – to allow the Texas monument.

Breyer said the Texas dispute was a borderline case. He noted that the monument on the state Capitol grounds was near other historical monuments and that its overall message was not religious. That the monument has stood for four decades without challenge reinforced the notion that its message was not widely viewed as religious, he said.

That, he said, separated the Texas display from the plaques on the walls of the McCreary and Pulaski county courthouses in Kentucky. The Kentucky displays, Breyer said, reflected an effort “to promote religion, not simply an effort primarily to reflect, historically, the secular impact of a religiously inspired document. ... In a nation of so many different religious and comparable non-religious fundamental beliefs, a more contemporary state effort to focus attention upon a religious text is certainly likely to prove divisive in a way that this long-standing, pre-existing monument (in Texas) has not.”

In his majority opinion in the Kentucky case, Souter stressed the religious nature of the Commandments, that they are a sacred text in the Jewish and Christian faiths.

He said that does not mean that they never can be displayed on public property. From the bench Monday, he said that in the justices' own courtroom, a marble frieze includes the figure of Moses holding tablets

with a portion of the Hebrew text of the Commandments. As several observers in the court looked up at the frieze, Souter said that showing Moses with 17 other lawgivers, most of them secular figures, does not signal government support for religion.

In emphasizing that courts should focus on a government's purpose in displaying the Commandments, Souter noted that the county officials in Kentucky had added other items to the displays only after being challenged in court. “No reasonable observer could swallow the claim that the counties had cast off the objective so unmistakable in the earlier displays,” Souter wrote.

The ruling in the Kentucky case marked a subtle shift in the high court's standard for deciding whether religious displays are permissible. Previously, the court had focused squarely on whether a “reasonable observer” of such a display might believe that it signals government support for religion.

In his dissent in the Kentucky ruling, Scalia took aim at the majority for endorsing what he cast as a shifting standard. “What distinguishes the rule of law from the dictatorship of a shifting Supreme Court majority is the ... requirement that judicial opinions be grounded in consistently applied principle,” he said. In the Kentucky ruling, the majority “admits that it does not rest upon consistently applied principle.”

Lawyer Mathew Staver, who represented the Kentucky counties, said the message to public officials who want to exhibit the Ten Commandments is: “Everything you say can and will be used against you.”

The Texas case began when Thomas Van Orden, once a practicing lawyer who now is homeless in Austin, sued the state, saying the monument on

the Capitol grounds promotes religion, favoring the Christian and Jewish faiths.

The 6-foot-tall, 3-foot-wide monument was given to the state by the Eagles, as part of a nationwide campaign to provide youth “with a common code of conduct.”

Lower courts ruled against Van Orden. A U.S. district court said that “this passive monument cannot be said to advance, endorse or promote religion.” An appeals court noted that the display is among 17 monuments there that commemorate “people, ideals, and events that compose Texas identity.” In his appeal, Van Orden, represented by Duke University law professor Erwin Chemerinsky, said “the placement of the monument ... means that no viewer could reasonably think that it occupies this location without the support and approval of the government.”

After Monday's ruling against his client, Chemerinsky said, “The court reaffirmed that there are significant limits to putting the Ten Commandments on government property. I think the justices took the two cases in the hope that they would offer clarity. Unfortunately, I don't think they did that.”

Contributing: Laura Parker

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Breyer's switch splits decisions

The Supreme Court's 5-4 decisions Monday in two Ten Commandments cases reflected how divided the justices are over religious displays on public property. The decisions — rejecting Commandments plaques at two courthouses in Kentucky but approving a monument outside the Texas Capitol — came about because Justice Stephen Breyer switched sides:

Case: McCreary County v. ACLU of Kentucky

Ruling: 5-4. Ten Commandments plaques at the McCreary and Pulaski county courthouses in Kentucky represent an impermissible government endorsement of religion.

Voting with majority:

- ▶ John Paul Stevens
- ▶ Ruth Bader Ginsburg
- ▶ Sandra Day O'Connor
- ▶ David Souter

Justice Stephen Breyer joined a decision that said, in part: "The reasonable observer could only think that the Counties meant to emphasize and celebrate the Commandments' religious message. This is not to deny that the Commandments have had influence on civil or secular law. ... The point is simply that the original text viewed in its entirety is an unmistakably religious statement dealing with religious obligations and with morality subject to religious sanction."

Dissenting: Chief Justice William Rehnquist, Clarence Thomas, Anthony Kennedy, Antonin Scalia.

Sources: USA TODAY research, Supreme Court

Case: Van Orden v. Perry

Ruling: 5-4. A 6-foot-tall, 3-foot-wide monument to the Ten Commandments on the grounds of the Texas Capitol is permissible because it is not overtly religious.

Voting with majority:

- ▶ William Rehnquist
- ▶ Clarence Thomas
- ▶ Anthony Kennedy
- ▶ Antonin Scalia

Breyer offered this concurring opinion: "The case before us is a borderline case. ... The circumstances surrounding the display's placement on the Capitol grounds and its physical setting suggest that the state itself intended the ... nonreligious aspects of the tablet's message to predominate. And the monument's 40-year history on the Texas state grounds indicates that that has been its effect."

Dissenting: John Paul Stevens, Ruth Bader Ginsburg, Sandra Day O'Connor, David Souter

AS SEEN IN USA TODAY LIFE SECTION, WEDNESDAY, MAY 26, 2004, PAGE 2D

Give 'em that new-time religion

By Cesar G. Soriano
USA TODAY

Before celebrities flocked to Kabbalah, there was Scientology.

Among its followers: Tom Cruise, John Travolta, Kelly Preston, Lisa Marie Presley, Jenna Elfman, Catherine Bell and Kirstie Alley.

Scientology was founded in 1954 by science-fiction writer L. Ron Hubbard. There is no god in this religion. A Scientologist's ultimate goal is to become "clear," the term used to describe true spiritual enlightenment achieved by shedding painful past experiences.

Adherents reach that goal through therapy-like sessions called "auditing," during which they are wired to a device called an E-Meter that measures a person's spiritual state.

Critics have labeled Scientology a cult in part, they say, because it pushes members into buying expensive courses and auditing sessions. Church enemies are intimidated with threats and lawsuits, critics say.

Other celebrities in the news because of their outspoken religious views:

▶ Mel Gibson is a traditional Catholic who rejects many of the Vatican's liberalizing reforms. He is building a church in Malibu, Calif., where Mass will be conducted in Latin. Gibson's devotion to traditional piety led him to film his mega-hit *The Passion of the Christ*.

▶ Pop singer and reality star Jessica Simpson began her career in contemporary Christian music. The daughter of a Baptist minister, she was outspoken about remaining a virgin until her 2002 wedding to Nick Lachey.

▶ Actor Richard Gere has been a Buddhist since his early 20s and is a personal friend of the Dalai Lama. Gere has testified before Congress on the plight of Tibetans and co-founded New York's Tibet House, which promotes Tibetan art and culture.

▶ Pop star Prince has been a devout Jehovah's Witness since 2001. He made news in October when he dropped by the home of a Minneapolis couple and tried to convert them from their Jewish faith.

Inside the Iraqi constitution: Three main points still remain in dispute

By Rick Jervis
USA TODAY

BAGHDAD — Iraqi legislators are scheduled to vote on a draft constitution today, even though Sunni Arab leaders continue to voice sharp differences with Kurdish and Shiite lawmakers.

Some key questions and answers about the state of the constitutional process and the outstanding issues:

Q: What major issues have been agreed to?

A: Representatives of Iraq's three main factions — Shiites, Sunnis and Kurds — have agreed to wording describing how Islam will influence legislation, the distribution of oil revenue and the government's structure.

Q: What issues are still being debated?

A: As of Wednesday, three main points were in dispute: federalism, or allowing semi-autonomous regions within Iraq; the mention of Saddam Hussein's Baath Party in the constitution; and the division of power among the president, parliament and Cabinet.

Q: What does the constitution say now about federalism?

A: The constitution allows for one or more of Iraq's 18 provinces to hold a referendum and form a "region" that will enjoy limited autonomy, allowing them to form a parliament, ministries and budget,

says Mahmoud Othman, a Kurdish legislator who is on the constitutional committee.

The provision was included as a way to acknowledge the Kurdistan region to the north, which has enjoyed de-facto autonomy since 1991, Othman says. Sunni leaders have warned it will lead to other breakaway regions and the ultimate splintering of Iraq. They want the provision narrowly applied to Kurdistan, Othman says. Shiites and Kurds want the option open to all provinces.

Q: What does the constitution say about purging Baathists from government positions?

A: The Baath Party, which ruled Iraq for nearly four decades, is prohibited from being recognized as a political entity. The De-Baathification Commission, a group created two years ago to weed out former Baath leaders from government, is allowed to continue its work.

Q: Why do Sunnis object?

A: Sunni Arabs dominated the ranks of the Baath Party, giving them a stranglehold on power despite making up about 20% of Iraq's population. Sunni representatives argue that only Baath leaders accused or convicted of crimes should be barred from government, Othman says.

Q: What has been decided about distributing oil revenue?

A: The constitution currently says

the central government in Baghdad will distribute oil and gas revenue to the regions based on population. But poorer regions and those neglected under Saddam's rule will also initially get a higher cut, the draft says. Sunni leaders worry that means more money for Shiite and Kurdish areas.

Q: What does the constitution say about the role of Islam?

A: The draft identifies Islam as "a major source" of legislation and prohibits the creation of laws that contradict its teachings. It also prohibits the creation of laws that contradict democratic principles and basic human rights, a provision secular Iraqis hope bars Iraq from becoming a hard-line Islamic theocracy like Iran.

Kurds, who are Sunni Muslim and generally secular, joined Sunnis in opposing the strong Islamic state advocated by some Shiites.

One of the most contentious issues has been the placing of "experts" on sharia, or Islamic law, on the Iraqi Supreme Court. The exact number of experts and the method of choosing them will be assigned by a law enacted by a two-thirds vote in the national assembly.

Also at issue was whether to have sharia judges administering civil cases, such as marriages, divorces and estates. On Wednesday, negotiators agreed to let individuals choose the type of judge to hear their case, Othman says.

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Q: Is it unusual for Islamic law to be reflected in the constitutions of Arab states?

A: Egypt, Oman, Yemen, Kuwait, Syria and Saudi Arabia are among the Arab nations in which Islamic law plays a central role. Those countries vary, however, in how strictly Islamic law is applied.

Q: What does the constitution say about the role of women?

A: The draft constitution pledges to "pay attention to women and their rights." It also requires that no less than 25% of the seats in the assembly be reserved for women. The constitution does not mandate

religious courts, which can limit the rights of women in inheritance, marriage and other issues, but it allows people to choose between civil and religious courts.

Q: Why are Kurds and Shiites so concerned about appeasing Sunnis?

A: Kurdish and Shiite political groups hold 258 seats in the 275-member National Assembly and could pass the constitution. But the referendum could be voted down if two-thirds of voters in three provinces reject it. Sunnis dominate at least three of Iraq's provinces.

Additionally, U.S. and Iraqi officials

have been striving to include Sunnis into the political process as a key strategy in dismantling the mostly Sunni-driven insurgency.

Q: What happens if the constitution is rejected by voters in the Oct. 15 referendum?

A: Under Iraq's transitional law, the parliament will dissolve if the referendum fails. Elections for another transitional government will be held before Dec. 15 and the political process will start over.

If it passes, general elections are held by Dec. 15 for a permanent government. Iraq's new legislators take office by Dec. 31.

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Chinese Catholics caught between churches

Pope was unable to ease tension between Vatican, communist government

By Paul Wiseman
USA TODAY

HONG KONG — The pope who helped demolish communism in Eastern Europe couldn't make a dent in it in China.

Pope John Paul II never fulfilled his dream of visiting China, never brought the underground Chinese Catholic Church into the sunlight, never established diplomatic relations between the Vatican and the communist leadership in Beijing.

John Paul's labors to liberate the Chinese church from a secular leadership were frustrated by irreconcilable differences with Chinese leaders determined not to follow their

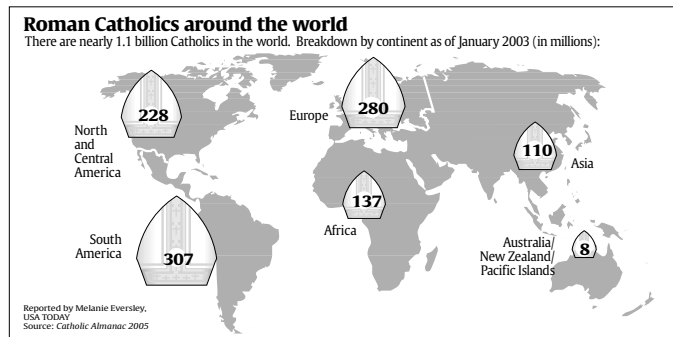
Soviet bloc comrades into oblivion. "They attribute the downfall of communism in Eastern Europe to the church," says Audrey Donnithorne, a Catholic activist in Hong Kong. "It might be true."

But John Paul also hoped to make inroads for the church in a country where a growing number of the nearly 1.3 billion people have been seeking spiritual fulfillment.

China not only rejected the pope's overtures, but it also maintained tight control over the practice of religion within its borders. The reason: The communist leadership believes

Chinese citizens cannot be simultaneously loyal to both their government and a foreign-led church. As a result, mainland China's estimated 12 million Catholics are trapped between two churches — one sanctioned by their government, the other operating underground with secret approval from the Vatican.

Richard Madsen, a sociologist at the University of California, San Diego, and author of *China's Catholics*, estimates that two-thirds of the Chinese church



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is underground. The underground clergy is not registered with the government and worshipers often meet in secret to avoid persecution by an officially atheist government.

High hopes for new pope

Monday, China's state-sanctioned Catholic Church expressed hope that John Paul's successor would try to end the tension between the Vatican and Beijing, the Associated Press reported. "We hope the new pope can pick up the late pope's will to promote China-Vatican relations and realize a China visit," said the Rev. Ma Yinglin, general secretary of the Chinese Patriotic Catholic Association, who conducted a memorial Mass at Southern Cathedral in Beijing.

The association's vice chairman, the Rev. Sun Shangen, also criticized the Vatican's diplomatic ties with Taiwan, which China views as a renegade province.

But in recent years, the diplomatic differences between China and the Vatican have revolved around one key issue: Beijing's refusal to let the pope pick his own bishops in China. The Chinese government insists on appointing loyal apparatchiks to the church hierarchy. Catholic activists are furious about China's apparent plans to appoint a bishop in Sichuan province who also sits in the parliament, the National People's Congress.

"It is a very basic thing. The Vatican cannot give in," says Sister Beatrice Leung, a Catholic nun in Taiwan and author of several books on the Chinese church. "The bishop has to do his duty according to canon law, and the bishop is accountable to the pope."

The Chinese government has so far rejected a compromise that works in communist-controlled Vietnam, where the government nominates a short list of bishop candidates but the

Vatican has the final say. "China doesn't want any compromise," says Bishop Joseph Zen, the outspoken leader of the Catholic Church in Hong Kong, a semiautonomous region that enjoys religious freedom unavailable to the rest of China. "They want a complete surrender."

Even so, the official and underground churches overlap. The Vatican last year revealed that it had secretly approved 49 of 79 government-sanctioned bishops.

The communists, who took over China in 1949, are atheists and ideologically opposed to religion. During the tumultuous rule of Mao Zedong, who claimed a quasi-spiritual status for himself, the Chinese government tried to stamp out religion. Churches and temples were destroyed or confiscated and priests and believers were imprisoned and sometimes tortured.

After Mao's death in 1976, the Chinese government relaxed the restrictions on religion mainly because it decided it would be impractical to open China's economy to the world while cracking down on private religious worship.

Repression remains

Religious repression has eased, but it has not vanished. Last year, the Vatican denounced China for arresting 23 Catholics, including eight priests, apparently for their involvement in the underground church. An underground bishop in central Hebei province was detained in 1997 and hasn't been seen since. A 76-year-old bishop died last year after being in prison for years; his body was delivered to his family with no explanation.

Late last year, the government issued new regulations that took effect in March. They are designed to ensure once again that religious groups in China are not loyal to foreign

leaders such as the Tibetan Buddhist Dalai Lama or the pope.

A repressive government isn't the Catholic Church's only problem. The church is mired in rural China, where many Catholics attend Mass mainly because their families always have. As a result, the church is often insular and clannish, and it has been unable to make significant inroads in fast-growing, increasingly wealthy coastal cities.

"In the cities — Beijing, Shanghai — you have trouble getting priests. . . . There is one priest for three churches," says Zen, who is originally from Shanghai.

The Catholic Church is believed to be growing anyway, but not nearly as fast as popular charismatic Protestant sects.

To become a Catholic, would-be converts must receive religious instruction. "In some of these charismatic groups, you just have to stand up and shout 'Hallelujah!' and you're in," says Donnithorne, honorary research fellow at the University of Hong Kong's Center of Asian Studies.

Many Chinese, adrift after the collapse of communism and unsatisfied with the relentless pursuit of wealth in an increasingly Darwinian economy, are searching for spiritual sustenance. The Chinese government's "own philosophy is bankrupt. No one believes in communism anymore," says the Rev. Peter Barry, a researcher at the Holy Spirit Study Center in Hong Kong. "The people are hungering and thirsting for something."

That worries the leadership. The rise of religious movements has signaled trouble for dynasties in the past.

In the second century, a faith-healing Taoist sect staged a rebellion that helped bring down the Han Dynasty. The Qing Dynasty was weakened fatally by religious revolts, including the Taiping Rebellion (1850-1864), in which a failed scholar

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claiming to be the younger brother of Jesus led an uprising that left 20 million Chinese dead.

As recently as Oct. 1, 2000, the day China celebrated the anniversary of the 1949 communist takeover, the Vatican enraged Beijing when it canonized 120 Chinese martyrs (both native Chinese and foreign missionaries). The government saw — or professed to see — the decision as a calculated insult to their national pride.

Instead, Zen recounts, the decision to canonize the martyrs on Oct. 1 was an accident. The date originally was set for Nov. 1, but the pope's personal secretary decided the weather would be too rainy in Rome so he moved the date. It rained Oct. 1. "It was pouring," Zen says with a sad smile.

The dispute scuttled for good what had been halting progress between Beijing and the Vatican.

Strained relations

In 1999, the two appeared ready to establish diplomatic relations and to agree on a papal visit to Beijing. The Vatican had signaled the church's willingness to cut diplomatic relations with Taiwan.

But for reasons that remain unclear, China sabotaged the emerging rapprochement when it hastily ordained three bishops without Vatican approval in January 2000.

Can a new pope succeed?

John Paul, a native of Poland, was closely associated with communism's

demise in Eastern Europe. Former Soviet leader Mikhail Gorbachev, a man who would know, has said the collapse of Soviet communism "would not have been possible without the presence of this pope."

Analysts are skeptical about a new pope's chances. "China doesn't have the confidence to liberalize religion because of the potential for social unrest," says Leung, a professor of international relations at Wenzao Ursuline College of Languages in Kaohsiung, Taiwan. "China has to suppress religion continuously."

"It's not only about this pope," Zen says. "It's about what happened to the communist world."

ADDITIONAL RESOURCES

The First Amendment Center
www.firstamendmentcenter.org

Americans United for Separation of Church and State
www.au.org