

2011 SENATE JUDICIARY

SCR 4014

2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SCR4014
2/1/11
Job #13785

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Resolution urging the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate.

Minutes:

There is attached written testimony

Senator Nething – Chairman

Senator Mathern – District 11, Fargo – Introduces the resolution – See written testimony.

Senator Nelson – Asks how large the congregation is in Fargo.

Senator Mathern – Replies there are about 40 worshipers in Fargo. He is unsure how many there are in Minot and Bismarck. He guesses at maybe in the 500 range in the state.

Senator Olafson - Asks where we draw the line with foreign issues and what impact passing this resolution would have especially on the government of Turkey.

Senator Mathern – Responds that our democracy gives an opportunity for anyone. This priest who lived in Senator Mathern's district came to his legislator about a concern of his congregation. This resolution won't change the mind of the leaders of Turkey but when several do this it is a combined effort and maybe the government of Turkey may say they will look in to it.

Senator Sitte – Wonders if maybe economic sanctions could occur.

Christopher Dodson – Executive Director of the ND Catholic Conference– In support - He speaks of violations of religious liberty all over the world. This isn't meant to diminish attention to any one of those. He says the situation on the Ecumenical Patriarch of Constantinople is unique. He has a special role for orthodoxy worldwide. He relates how this affects believers all over the world. He said this is an important message to get out.

Close the hearing on SCR4014

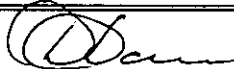
2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

SCR4014
2/16/11
Job #14603

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Resolution urging the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate.

Minutes:

Senator Nething – Chairman

Senator Nething said he doesn't believe State's have the authority to tell Countries to up hold and safeguard religious and human rights. He would like all governments to up hold and safeguard religious and human rights.

Senator Olafson moves a do not pass
Senator Lyson seconds

Discussion

Senator Nelson said she disagrees. She said this urges the government of Turkey, it doesn't say it goes straight to them. She said it may go to the President and other States forward the same thing and then it may be forward to Secretary Clinton. Senator Nelson says there are a number of constituents in the larger communities here that are hoping we can do something to help with what is going on in their homeland. Senator Sitte agrees with Senator Nelson and believes it is up to the United States to speak up for religious liberty. Senator Nething said he does not quarrel with that as a role of the federal government. His objection is that we elect representatives to the federal government and it is their role to pursue this. Senator Olafson said he views this as one of the hundreds if not thousands of problems that exist all around the globe that should be addressed but where do we start and where do stop as a state. Senator Sitte says what makes this unique is that it is an effort across all fifty states to show solidarity with these people. Senator Sorvaag agrees with Senator Olafson, where do we stop. He goes on to say getting involved with affairs in our own country is different than getting involved international affairs. He is concerned with how we will determine what groups to say yes to. He doesn't

see this as a role of a ND Legislator to pass resolutions advocating things on international affairs.

Roll call vote

4 yes, 2 no

Motions approved

Senator Olafson will carry

Date: 2/16/11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 4014

Senate Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Olafson Seconded By Senator Lyson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	X		Carolyn Nelson		X
Curtis Olafson - V. Chairman	X				
Stanley Lyson	X				
Margaret Sitte		X			
Ronald Sorvaag	X				

Total (Yes) 4 No 2

Absent _____

Floor Assignment Senator Olafson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SCR 4014: Judiciary Committee (Sen. Nething, Chairman) recommends DO NOT PASS
(4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4014 was placed on the
Eleventh order on the calendar.

2011 HOUSE JUDICIARY

SCR 4014

2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

SCR 4014
March 21, 2011
15742

Conference Committee

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on SCR 4014.

Sen. Tim Mathern: Sponsor, support (see attached 1). This resolution, SCR 4014, really began with a priest who had three little children with him, saying that he wanted some help in making sure that his Catholic Orthodox religion would be respected by the government of Turkey. As we spoke about that, I was a little surprised that he had these three children, most Catholic priests don't have children; so he explained his Orthodox religion. I listened to his story and then I said to him, I think it's important that we address the needs of more persons than just you. Are there members of the Orthodox Christian religion here in this community? He confirmed that there were a number of people in Fargo. I asked if there were around the state. He said they had congregations in Minot and Bismarck. In further discussions, I asked him if there would be support for such a resolution from other people in our state. If we were going to have a resolution that would be addressing the public policy of another country, it would be important that we have other support. He replied that he could probably gain the support of the Catholic Bishops. Eventually we received support from the Catholic Bishops of the Roman Catholic Church in ND. Then I asked if we would have the support of the largest denomination of Christians in ND for this minority Christian religion in this state, and that would be the Lutheran congregations. As you will note from the handouts, we gained the support of both Lutheran Bishops in the state, in Bismarck and Fargo. I point that out because there was a question about why is it that we are involved here. On the first page of my handout, I give the five reasons why there are some difficulties. One, the Turkish government imposes some restrictions on the election of the ecumenical patriarch. That limits the person's ability to lead and serve that group of Christians. Second, that the Turkish government does not recognize the ecumenical status of the patriarch. That also limits the ability of people in our area to be in connection with their leader. Third, there is no legal identity of that patriarch that is recognized in Turkey. That limits the ability of that person to own property, to provide services, to have a status in government. Then there is the closing of the seminary, and then the confiscation of property that is taking place or has taken place in that country. The resolution outlines a number of issues. Essentially, why

should we be involved as a state? There are a number of reasons. One, we have members of our citizenry that our members of this religion. Secondly, Turkey is attempting to become a part of the European Union. One of the limitations of Turkey becoming part of the EU is their granting or withholding these rights from this religious entity. Turkey becoming a member of the EU is in our interest in terms of a trading partner. Many of our agricultural products, many of our agricultural implements are natural commodities for trade and sale to the government of Turkey. I hope that you support this resolution in terms of supporting the rights of these individuals. I hope you support this resolution in terms of the interests of our economic status as a state with Turkey. I believe this is the direction that Turkey wants to move in; but it's going to take a lot more states to get behind this project. Right now, we have about 32 states in support. We would like to add ND to that list.

Rep. Koppelman: Some of the whereas clauses get into the weeds on some specifics; a lot of them are okay, some of them are making statements that I'm not sure I know what the correct position is, and I'm not sure if the state of ND can determine that. Would you have a problem editing it down to make the statement you are looking for?

Sen. Tim Mathern: I understand your concern. In the process of developing this, I also learned that the Patriarch here is a descendant of the brother of Peter, Andrew. The two apostles, Peter and Andrew, with Peter being considered the forerunner of the western church and Andrew the eastern part of Christianity. Each of these traditions has a rich and long history. The persons who are promoting this resolution want to tell their history. What the folks brought to me was much longer than this. They brought to me a part of a strategy that they have gone to in every state. This common strategy, they believe, will empower the Turkish government to see the interest of the various states to move forward. They were very reluctant that we made any changes. I have reduced the resolution from what was originally brought to my attention, so that is what is before you. I found it interesting that there is a great interest in wanting to clarify all of these connections from the beginning to Andrew, the apostle. There is great self-meaning to the Orthodox Christians explaining that history to those of us who are not Orthodox Christians. This was the point I felt we could get to in terms of reducing the resolution but not bringing dishonor to their request.

Rep. Koppelman: I'm thinking about more ancillary items, not necessarily the points you've raised. For example on page 2, it talks about the common goal of the EU. I don't know if we're in a position to pass judgment on what their common goals are or aren't. I happen to know a member of the European Parliament, which is part of the EU from Great Britain who is not very fond of the EU. I think he would take issue that. Maybe if we said something like their stated goal or stated purpose. I just think sometimes, without really intending to, we make statements and resolutions that go on record as our state taking a position on something that maybe we really haven't through or discussed or deliberated.

Sen. Tim Mathern: I understand what you're saying. I respect the decision of your committee in that regard. I suspect that the individual might, in fact, want all of this material. Some of the objection to the EU actually relates to not extending more rights to these religious minority groups.

Rep. Brabandt: What is the majority religion in the country of Turkey?

Sen. Tim Mathern: I think most people would be considered Muslim in the country of Turkey.

Chairman DeKrey: Thank you. Further testimony in support.

Christopher Dodson, Executive Director, ND Catholic Conference: The Conference strongly supports this resolution (see attached 2).

Chairman DeKrey: Thank you. Further testimony in support.

Rep. Andy Maragos: Sponsor, support. I want to thank Sen. Mathern for his sponsorship and also to thank several of the major denominations for speaking in support. I am the only Eastern Orthodox Christian in the Assembly. I feel very honored to be able to support this amendment. Unfortunately the head of my church had the historical misfortune of being located in a non-Christian country. It has presented some real problems. Although we know that this won't be binding on the Turkish government, they do pay attention to those that request equal and equitable treatment in the cause of human relations. It's interesting what's going on in many of the Muslim states right now that are seeking to democratize themselves and proceed toward that eventual idea where they will be free and able to exercise their rights. I stand in support of the resolution and hope that the committee would concur.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.

Rep. Delmore: I move a Do Pass on SCR 4014 and be placed on the Consent calendar.

Rep. Beadle: Second the motion.

12 YES 0 NO 2 ABSENT DO PASS AND PLACE ON CONSENT CALENDAR

CARRIER: Rep. Maragos

Date: 3/21/11
 Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 4014

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Rep. Delmore Seconded By Rep. Beadle

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	/		Rep. Delmore	/	
Rep. Klemin	/		Rep. Guggisberg	/	
Rep. Beadle	/		Rep. Hogan	/	
Rep. Boehning			Rep. Onstad	/	
Rep. Brabandt	/				
Rep. Kingsbury	/				
Rep. Koppelman					
Rep. Kretschmar	/				
Rep. Maragos	/				
Rep. Steiner	/				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Maragos

If the vote is on an amendment, briefly indicate intent:

Place on Consent Calendar.

REPORT OF STANDING COMMITTEE

SCR 4014: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4014 was placed on the Tenth order on the calendar.

2011 TESTIMONY

SCR 4014

SCR 4014, Senate Judiciary Committee, Senator Tim Mathern

#1: Government Interference in Patriarchal Elections

The Turkish government imposes restrictions on the election of the Ecumenical Patriarch and Hierarchs who vote for him by requiring that they must be Turkish citizens. In fact, the government arbitrarily can veto any candidate for the position of Ecumenical Patriarch. With the dwindling population of Hierarchs and Orthodox Christians in Turkey, we may not be able to elect an Ecumenical Patriarch in the not too distant future. This is tantamount to the asphyxiation of the leadership of the Holy Mother Church and a direct intervention of the Turkish government in ecclesiastical matters.

#2: Non-Recognition of "Ecumenical" Status

The Turkish government does not recognize the "Ecumenical" status of the Patriarch and Patriarchate. Turkish authorities do not allow the use of the term or title of "Ecumenical" for any religious activity whatsoever despite the fact that it has been used since the 6th century A.D. and recognized throughout the world. Turkey regards the Patriarchate as an institution whose leader is seen as the spiritual head of Orthodox Christians in Turkey alone rather than the leader of 300 million Orthodox Christians worldwide.

#3: No Legal Identity

The Ecumenical Patriarchate has no legal identity or bona fide legal personality in Turkey. The lack of a legal identity is a major source of problems for the Ecumenical Patriarchate including non-recognition of its ownership rights and the non-issuance of residence and work permits for "foreign" (i.e. - non-Turkish) priests who are essential to the continuity and functioning of the Ecumenical Patriarchate. The Turkish authorities do not allow the Ecumenical Patriarchate to own any property – not even its churches! The Patriarchal house itself is not recognized as the Patriarchate's property and even the Girls and Boys Orphanage Foundation on the Island of Buyukada (Prinkipos) for which the Patriarchate has held a deed since 1902 is not legally recognized by the Turkish government. The inability to secure work permits by "foreigners" who work at the Ecumenical Patriarchate results in these individuals having to leave the country every three months to renew tourist visas which disrupts the operation and productivity of the Ecumenical Patriarchate and discourages staffing from abroad.

#4: Closing of Seminary and Inability to Train New Clergy

The Ecumenical Patriarchate is unable to train new clergy in Turkey and its theological school was forcibly closed down by the Turkish Government. The Theological School of Halki was forcibly closed down by Turkish authorities in 1971. Since its closure, the Ecumenical Patriarchate has had to send the young men from its community desiring to enter the priesthood to one of the theological schools in Greece. In many instances, they do not return given the onerous restrictions in getting work permits and the general climate of intimidation. Despite promises by the Turkish government to re-open our theological school, there has been no progress. Left unresolved, the administrative functioning and future of the Ecumenical Patriarchate is imperiled.

#5: Confiscation of Property

The Turkish Government has confiscated thousands of properties from the Ecumenical Patriarchate. Through various methods, the Turkish authorities have confiscated thousands of properties from the Ecumenical Patriarchate and the Greek Orthodox community over the years including our monasteries, church buildings, an orphanage, private homes, apartment buildings, schools and land. Left unchecked, the remaining Greek Orthodox community of Constantinople (present day Istanbul) – the cultural heirs of the Byzantine Empire – will be threatened and ultimately be no more.

Mathern, Tim

From: Fr. Oliver Herbel [froliverherbel@cableone.net]
Date: Tuesday, February 01, 2011 7:14 AM
To: Mathern, Tim
Cc: Stephen Georgeson; Fr Anastassy Fehr
Subject: This morning
Attachments: Letter to Senator Tim Mathern.doc

Sen. Mathern,

I had intended to be well on the road by this point. I am emailing you to let you know that our youngest, Tasha, who'd be coming with me is pretty sick. She was sick yesterday, but it was just a runny nose and I didn't think much of it. This morning, it is a very bad chest cough with a lot more sinus drainage and a very miserable little girl. I just don't want to travel with her this way. I don't know that I'll be going in with her yet as it's only day two of the cold, but she does have a propensity for lung issues and if I have to take her in to get her passageways open better, I'd rather be here (though I believe there's a little medicine from her last inhaler).

I have attached the letter that I wrote to you, now with Bishop Aquila's name included, as he said I may do so. Although Fr. Anastassy already had said he could not make it, there should be a parishioner or two of his there. That is my hope. I have cc'd him.

Had I been there, I would have noted the following (which you may read in lieu of my being there):

Although the population of Orthodox Christians in North Dakota has always been small, we have been a part of the history of this state from the turn of the last century. In fact, in the early 1900s, C.C. Young, a German-Russian who went across America helping to establish Russian Orthodox Church buildings (and various economic enterprises) visited Dickinson together with Anatoly Kamensky, a priest-monk. Anatoly Kamensky is now a canonized saint of the Orthodox Church because he died for his faith later in Russia during the Revolution. In 1916, the Orthodox in Ukraina, ND built a parish building, which is now a historical site in Belfield. Likewise, the building for Holy Trinity Orthodox Church in Wilton is also a historical site. Greek Orthodox immigrants founded parishes in Grand Forks and Minot. A small congregation also existed in Pembina. Over time, populations have shifted and now there is the parish in Minot (St. Peter the Aleut) and one in Fargo (Holy Resurrection).

As Orthodox Americans we are privileged to live in a country where religious freedom is not only discussed but lived. Yet, we are also aware that such is not the case everywhere in the world. This bill speaks specifically to the difficulties of the ecumenical patriarchate in Istanbul. As I mentioned to you in my letter, Byzantium had been evangelized early on in the Christian era and after the seat of the Roman Empire moved there, the local archbishop was elevated to the status of patriarch (an event that happened in 381). If we fast forward to the late twentieth century, we see a continued existence of the Ecumenical Patriarch but one that is now much more restricted. This bill is not calling for some returned to some imagined glorious past but rather seeking basic religious freedom for the Ecumenical Patriarchate.

This is no small matter. Only a few thousand Orthodox remain in Istanbul. Most have left. Ecumenical Patriarch Bartholomew himself is generally restricted to one area of the city and his seminary was forcibly closed in 1971 (in part, in order to make it more difficult for the training of future church leaders or even a patriarch). Turkey has even made it law that any future patriarch must be a Turkish citizen and the government has, in the past, closed and claimed other buildings.

Senator Tim Mathern
429 16th Avenue South
Fargo, ND 58103-4329

Honorable Tim Mathern,

I am writing to you as a local Orthodox priest within your district, with the support of Igumen Anastassy Fehr, the priest of the Orthodox parish in Minot. As you may know, religious freedom is not to be taken for granted and in some countries, much work is yet needed. In Turkey, the situation for Christians remains difficult and the treatment of the Ecumenical Patriarch in Istanbul serves as a touchstone for religious freedom in that country.

Orthodox Christians here in America have begun a movement entitled the Religious Freedom Project for the Ecumenical Patriarchate. Orthodox Christianity has been the traditional Christian religion of Byzantium (later Constantinople and now Istanbul) from apostolic times and the office of the patriarch has existed since 381. In the twentieth century, strictures against the patriarch and the Orthodox population were put in place (including the forcible closing of the seminary). In response, the Religious Freedom Project for the Ecumenical Patriarchate has begun the process of obtaining legislation from each of the fifty states in America asking Turkey to grant such religious freedoms. More information may be found here:
http://www.archons.org/issues/religious_freedom/index.asp#rf

It is my hope that you will support this initiative, the Orthodox Christian Initiative in North Dakota (SR 4014). Because the Orthodox population in North Dakota is small, Fr. Anastassy and myself have obtained the support of Bishops William Rindy and Mark Narum, the ELCA bishops of North Dakota, as well as Bishop Aquila of the Roman Catholic Diocese of Fargo, making this an ecumenical appeal for religious freedom.

Sincerely,

Rev. Fr. Oliver Herbel, Ph.D.
Holy Resurrection Orthodox Church, Fargo

V. Rev. Igumen Anastassy
St. Peter the Aleut Orthodox Church, Minot

Most Rev. Samuel D. Aquila, D.D.
Archbishop of the Diocese of Fargo

Rev. Bishop William Rindy
ELCA Bishop of Eastern North Dakota

Rev. Bishop Mark Narum
ELCA Bishop of Western North Dakota

Yet, there are signs of hope. Recent discussions with the Turkish government has resulted in the return of one building (a former orphanage) and the attitude in the government is slightly receptive to the discussion concerning religious freedom, a discussion important for its desired entry in the European Union.

Although this bill by itself will not shake the foundations of the Turkish government, it will be a small drop of water of a stream of resolutions that will be placed before the Turkish government this fall. We are trying to get as many states to pass these resolutions as possible. I hope North Dakota will join us in doing this. For if there's one thing I have learned, as one born and raised in North Dakota, it is that we North Dakotans cherish our God-given freedoms and our God-given calling to help our neighbors.

Yours in Christ,
Rev. Dellas Oliver (Fr. Oliver) Herbel, Ph.D.
Holy Resurrection Orthodox Church

SCR 4014, Judiciary Committee Testimony, Senator Tim Mathern

#1: Government Interference in Patriarchal Elections

The Turkish government imposes restrictions on the election of the Ecumenical Patriarch and Hierarchs who vote for him by requiring that they must be Turkish citizens. In fact, the government arbitrarily can veto any candidate for the position of Ecumenical Patriarch. With the dwindling population of Hierarchs and Orthodox Christians in Turkey, we may not be able to elect an Ecumenical Patriarch in the not too distant future. This is tantamount to the asphyxiation of the leadership of the Holy Mother Church and a direct intervention of the Turkish government in ecclesiastical matters.

#2: Non-Recognition of "Ecumenical" Status

The Turkish government does not recognize the "Ecumenical" status of the Patriarch and Patriarchate. Turkish authorities do not allow the use of the term or title of "Ecumenical" for any religious activity whatsoever despite the fact that it has been used since the 6th century A.D. and recognized throughout the world. Turkey regards the Patriarchate as an institution whose leader is seen as the spiritual head of Orthodox Christians in Turkey alone rather than the leader of 300 million Orthodox Christians worldwide.

#3: No Legal Identity

The Ecumenical Patriarchate has no legal identity or bona fide legal personality in Turkey. The lack of a legal identity is a major source of problems for the Ecumenical Patriarchate including non-recognition of its ownership rights and the non-issuance of residence and work permits for "foreign" (i.e. - non-Turkish) priests who are essential to the continuity and functioning of the Ecumenical Patriarchate. The Turkish authorities do not allow the Ecumenical Patriarchate to own any property – not even its churches! The Patriarchal house itself is not recognized as the Patriarchate's property and even the Girls and Boys Orphanage Foundation on the Island of Buyukada (Prinkipos) for which the Patriarchate has held a deed since 1902 is not legally recognized by the Turkish government. The inability to secure work permits by "foreigners" who work at the Ecumenical Patriarchate results in these individuals having to leave the country every three months to renew tourist visas which disrupts the operation and productivity of the Ecumenical Patriarchate and discourages staffing from abroad.

#4: Closing of Seminary and Inability to Train New Clergy

The Ecumenical Patriarchate is unable to train new clergy in Turkey and its theological school was forcibly closed down by the Turkish Government. The Theological School of Halki was forcibly closed down by Turkish authorities in 1971. Since its closure, the Ecumenical Patriarchate has had to send the young men from its community desiring to enter the priesthood to one of the theological schools in Greece. In many instances, they do not return given the onerous restrictions in getting work permits and the general climate of intimidation. Despite promises by the Turkish government to re-open our theological school, there has been no progress. Left unresolved, the administrative functioning and future of the Ecumenical Patriarchate is imperiled.

#5: Confiscation of Property

The Turkish Government has confiscated thousands of properties from the Ecumenical Patriarchate. Through various methods, the Turkish authorities have confiscated thousands of properties from the Ecumenical Patriarchate and the Greek Orthodox community over the years including our monasteries, church buildings, an orphanage, private homes, apartment buildings, schools and land. Left unchecked, the remaining Greek Orthodox community of Constantinople (present day Istanbul) – the cultural heirs of the Byzantine Empire – will be threatened and ultimately be no more.

Senator Tim Mathern
429 16th Avenue South
Fargo, ND 58103-4329

Honorable Tim Mathern,

I am writing to you as a local Orthodox priest within your district, with the support of Igumen Anastassy Fehr, the priest of the Orthodox parish in Minot. As you may know, religious freedom is not to be taken for granted and in some countries, much work is yet needed. In Turkey, the situation for Christians remains difficult and the treatment of the Ecumenical Patriarch in Istanbul serves as a touchstone for religious freedom in that country.

Orthodox Christians here in America have begun a movement entitled the Religious Freedom Project for the Ecumenical Patriarchate. Orthodox Christianity has been the traditional Christian religion of Byzantium (later Constantinople and now Istanbul) from apostolic times and the office of the patriarch has existed since 381. In the twentieth century, strictures against the patriarch and the Orthodox population were put in place (including the forcible closing of the seminary). In response, the Religious Freedom Project for the Ecumenical Patriarchate has begun the process of obtaining legislation from each of the fifty states in America asking Turkey to grant such religious freedoms. More information may be found here:
http://www.archons.org/issues/religious_freedom/index.asp#rf

It is my hope that you will support this initiative, the Orthodox Christian Initiative in North Dakota (SR 4014). Because the Orthodox population in North Dakota is small, Fr. Anastassy and myself have obtained the support of Bishops William Rindy and Mark Narum, the ELCA bishops of North Dakota, as well as Bishop Aquila of the Roman Catholic Diocese of Fargo, making this an ecumenical appeal for religious freedom.

Sincerely,

Rev. Fr. Oliver Herbel, Ph.D.
Holy Resurrection Orthodox Church, Fargo

V. Rev. Igumen Anastassy
St. Peter the Aleut Orthodox Church, Minot

Most Rev. Samuel D. Aquila, D.D.
Archbishop of the Diocese of Fargo

Rev. Bishop William Rindy
ELCA Bishop of Eastern North Dakota

Rev. Bishop Mark Narum
ELCA Bishop of Western North Dakota

Dear Senator:

I write to you today on behalf of myself and my brothers in Christ, the Rev. Bishop William Rindy, ELCA Bishop of Eastern North Dakota, the Rev. Bishop Mark Narum ELCA Bishop of Western North Dakota, and the Most Rev. Samuel D. Aquila, Bishop of the Roman Catholic Diocese of Fargo.

We join together requesting your support for Senate Concurrent Resolution 4014. The resolution urges the government of Turkey to recognize the legal and religious rights of the Ecumenical Patriarch of Constantinople, who is the spiritual head of millions of Orthodox Christians worldwide. The oppressive situation of the Ecumenical Patriarch is well-documented. The U.S. Commission on International Religious Freedom has called the situation "serious" and has urged immediate action.

It is tempting with all the important legislative work before you to dismiss such a resolution as irrelevant to the work of the Legislative Assembly. I ask that you resist that temptation. For one thing, the situation in Turkey has consequences for our Orthodox brothers and sisters here in North Dakota. Moreover, the extent to which Turkey recognizes legal and religious rights will determine whether it becomes a full partner with the United States and Europe in economic and political matters; matters which could eventually impact North Dakota.

Most importantly, we must never forget that respect for religious liberty is at the heart of who we are as a country and as a state. SCR 4014, in a sense, expresses North Dakota's recognition that religious freedom is fundamental. It should never be denied and its denial should never be ignored.

We urge your support for Senate Concurrent Resolution 4014.

Thank you for your consideration.

Bishop Paul Zipfel

Senator Tim Mathern SCR 4014 Talking Points for Floor Debate

38 such resolutions have been adopted by 33 states. (I can't find any instance of a state rejecting such a resolution.) Source: <http://www.archons.org/resolutions/>

The situation of the Ecumenical Patriarch is not in dispute. The 2010 report of U.S. Commission on International Religious Freedom found that "serious limitations on the freedom of religion or belief continue to occur in Turkey," particularly with regards to Ecumenical Patriarch.

Local Consequences. As the spiritual leader of Orthodox Christians worldwide, the inability of Ecumenical Patriarchate to exercise its legal and religious rights has consequences for Orthodox faithful in North Dakota.

It would be like the City of Bismarck stripping all property and legal rights, and restricting the travel of ELCA Bishop Mark Narum.

The resolution will give encouragement and support to the President and Congress to implement the recommendations of the U.S. Commission on International Religious Freedom, which call for direct and multilateral efforts to pressure Turkey to recognize legal and religious rights.

Local Ecumenical Importance The situation is of such importance that the spiritual leaders of North Dakota's largest denominations are urging adoption of this resolution:

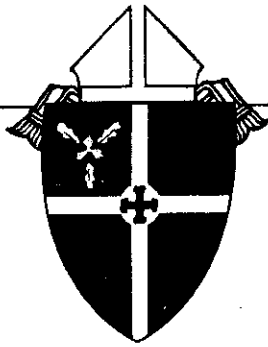
Rev. Bishop William Rindy
ELCA Bishop of Eastern North Dakota

Rev. Bishop Mark Narum
ELCA Bishop of Western North Dakota

Most Rev. Paul A. Zipfel
Roman Catholic Bishop of Bismarck

Most Rev. Samuel J. Aquila
Roman Catholic Bishop of Fargo

It is in North Dakota's Economic Interest Turkey is seeking entry into the European Union, an action that the United States supports as being in our country's economic interests and which could open new economic opportunities for North Dakota products. The European Union, however, is insisting that Turkey make progress in respecting religious liberties, especially concerning the Ecumenical Patriarch, if it wants full membership into the union.



Diocese of Bismarck

THE CHANCERY

420 Raymond Street • P.O. Box 1575 • Bismarck, ND 58502-1575
Phone 701-223-1347 • Fax 701-223-3693 • TOLL FREE 1-877-405-7435
www.bismarckdiocese.com

February 17, 2011

Dear Senator:

I write to you today on behalf of myself and my brothers in Christ, the Rev. Bishop William Rindy, ELCA Bishop of Eastern North Dakota, the Rev. Bishop Mark Narum, ELCA Bishop of Western North Dakota, and the Most Rev. Samuel D. Aquila, Bishop of the Roman Catholic Diocese of Fargo.

We join together requesting your support for Senate Concurrent Resolution 4014. The resolution urges the government of Turkey to recognize the legal and religious rights of the Ecumenical Patriarch of Constantinople, who is the spiritual head of millions of Orthodox Christians worldwide. The oppressive situation of the Ecumenical Patriarch is well-documented. The U.S. Commission on International Religious Freedom has called the situation "serious" and has urged immediate action.

It is tempting with all the important legislative work before you to dismiss such a resolution as irrelevant to the work of the Legislative Assembly. I ask that you resist that temptation. For one thing, the situation in Turkey has consequences for our Orthodox brothers and sisters here in North Dakota. Moreover, the extent to which Turkey recognizes legal and religious rights will determine whether it becomes a full partner with the United States and Europe in economic and political matters; matters which could eventually impact North Dakota.

Most importantly, we must never forget that respect for religious liberty is at the heart of who we are as a country and as a state. SCR 4014, in a sense, expresses North Dakota's recognition that religious freedom is fundamental. It should never be denied and its denial should never be ignored.

We urge your support for Senate Concurrent Resolution 4014.

Thank you for your consideration.

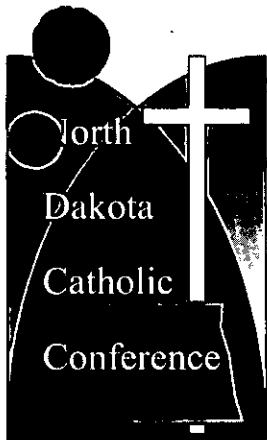
Sincerely in Christ,

+ Paul A. Zipfel

Most Reverend Paul A. Zipfel
Bishop of Bismarck

PAZ:dj

Rev. Bishop William Rindy, ELCA Bishop of Eastern North Dakota
Rev. Bishop Mark Narum, ELCA Bishop of Western North Dakota
Most Rev. Samuel D. Aquila, Bishop of the Roman Catholic Diocese of Fargo



*Representing the Diocese of Fargo
and the Diocese of Bismarck*

Christopher T. Dodson
Executive Director and
General Counsel

To: House Judiciary Committee
From: Christopher T. Dodson, Executive Director
Subject: SCR 4014 - Religious and Legal Rights for Ecumenical Patriarch
Date: March 21, 2011

The North Dakota Catholic Conference strongly supports Senate Concurrent Resolution 4014. This resolution, like those adopted in thirty-three other states, calls for the government of Turkey to recognize the legal and religious rights of the Orthodox Patriarch of Constantinople.

At the outset, we note that this resolution should not be seen as diminishing the plight of others around the world whose religious liberties are denied. Nor does it diminish the rights of other persecuted religious minorities in Turkey, such as Syriac and Armenian Christians. The situation concerning the Ecumenical Patriarchate, however, is unique because of its international and local implications.

The Patriarch is considered the first among equals among the patriarchs of the Orthodox Church. He is the spiritual leader of millions of Orthodox Christians around the world, including those here in North Dakota. The Turkish government, however, has suppressed the Patriarch's legal and human rights. These actions include the closing of seminaries, the confiscation of property, and restricting who can succeed him. The 2010 report of U.S. Commission on International Religious Freedom found that "serious limitations on the freedom of religion or belief continue to occur in Turkey," particularly with regards to the Ecumenical Patriarch, and called for direct and multilateral efforts to pressure Turkey recognize the patriarch's legal and religious rights.

Turkey is seeking entry into the European Union, an action that the United States supports as being in our country's economic interests and which could open new economic opportunities for North Dakota products. The European Union, however, is insisting that Turkey make progress in respecting religious

liberties, especially concerning the Ecumenical Patriarch, if it wants full membership into the union. The resolution will give encouragement and support to the President and Congress to implement the recommendations of the U.S. Commission on International Religious Freedom, which could help pave the way for Turkey's inclusion in the European Union and better economic and political ties between Turkey and states like North Dakota.

Ultimately, however, the reasons for this resolution are not economic. It is because we stand in solidarity with our Orthodox brothers and sisters in North Dakota. The rights of their spiritual leader, and indeed, the very existence of that spiritual leadership is at stake and they do not suffer alone.

That is why Bishop William Rindy, of the ELCA of Eastern North Dakota, Bishop Mark Narum, of the ELCA of Western North Dakota, Bishop Paul A. Zipfel of Roman Catholic Diocese of Bismarck and Bishop Samuel Aquila of Roman Catholic Diocese of Fargo have joined to urge passage of this resolution.

We hope you will agree and give a **Do Pass** recommendation to SCR 4014.