

United States Senate

July 18, 2023

COMMITTEES
APPROPRIATIONS
BANKING, HOUSING, AND
URBAN AFFAIRS
BUDGET
JUDICIARY
SMALL BUSINESS AND
ENTREPRENEURSHIP

The Honorable Rashad Hussain
Ambassador at Large
Office of International Religious Freedom
United States Department of State
2201 C Street, NW
Washington, D.C. 20520

The Honorable Douglas Hickey
Ambassador to Finland
U.S. Embassy Helsinki
Itäinen Puistotie 14 B
00140 Helsinki, Finland

Dear Ambassador Hussain and Ambassador Hickey:

On December 15, 2022, I wrote to you concerning the criminal prosecution of two Finnish Christians, Dr. Päivi Räsänen and the Reverend Dr. Juhana Pohjola, by the Office of the Prosecutor General in Finland. In that letter, I expressed my support for Räsänen and Pohjola's unanimous acquittal. Fortunately, the Helsinki District Court rejected the prosecution's "ethnic agitation" charges for the supposed crimes of tweeting a Bible verse and questioning whether the Lutheran church should be sponsoring a Helsinki Pride event.¹

Despite Räsänen and Pohjola's being acquitted, overzealous prosecutors will once again have the opportunity to convict the Christians for expressing their orthodox beliefs.² This is only possible due to the Finnish government's ability to appeal a "not guilty" verdict, and because of Finland Criminal Code's restriction of free speech on occasions in which a person expresses an opinion deemed "threatening" to a protected group.³ This is the worrisome situation that Dr. Räsänen and Dr. Pohjola now face—come August, these Christians will once again be put on trial for expressing their beliefs.⁴

¹ Sean Nelson, *Finland Ends Its Prosecution of Two Citizens Who Expressed Biblical Views in Public*, NATIONAL REVIEW, Mar. 31, 2022, <https://www.nationalreview.com/2022/03/finland-ends-its-prosecution-of-two-citizens-who-expressed-biblical-views-in-public/>.

² Elyssa Koren, *Religion Is Still on Trial in Finland*, NATIONAL REVIEW, Mar. 30, 2023, <https://www.nationalreview.com/2023/03/religion-is-still-on-trial-in-finland/>.

³ RIKOSLAKI [RL] [CRIMINAL CODE] 11:10 (Fin.). Available at <https://finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf>.

⁴ Alliance Defending Freedom International, *Freedom of Speech on Trial Again in Europe*, ADF INTERNATIONAL, <https://adfinternational.org/free-speech-on-trial/> (last visited June 22, 2023).

⁶ Paul Coleman, *Inside a Modern-Day Heresy Trial*, EUROPEAN CONSERVATIVE, Jan. 24, 2023, <https://europeanconservative.com/articles/essay/inside-a-modern-day-heresy-trial/>.

⁷ *Id.*

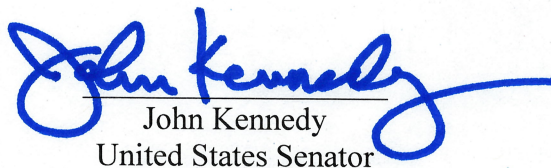
In America, the United States Supreme Court has said time and time again that non-violent speech is protected by the First Amendment.⁵ Americans are further protected by the Fifth Amendment's prohibition against double jeopardy—no one may be prosecuted twice for the same offense. In Finland, however, not only can someone face the threat of imprisonment for expressing their sincerely held religious beliefs, that person can be tried *a second time* following an acquittal whenever Finnish prosecutors appeal the decision.

Imprisoning Räsänen and Pohjola would have chilling consequences for free speech everywhere. It is bad enough that police investigated Räsänen and Pohjola for months, while their theology was questioned and their public statements scrutinized—going all the way back to a pamphlet they published in 2004.⁶ These actions alone damaged their reputations and placed immense stress on their families. Taking the next step and condemning these Christians to prison would send the message that Finland does not permit certain religious viewpoints and put the citizens of countries with similar laws on notice. A guilty verdict would chill free expression in Finland and elsewhere by creating an atmosphere of self-censorship.

This unjust outcome need not occur. When people are punished for acting on their conscience, under the vague standard of “threatening” a protected population, who can feel secure in their speech? I urge Ambassador Hussain and Ambassador Hickey to closely monitor the criminal appeal of Dr. Räsänen and Dr. Pohjola's acquittal and to stand up for religious freedom and the non-violent expression of sincerely held religious beliefs. To quote Dr. Räsänen: “The more we are silent, the narrower the space for freedom of speech and religion.”⁶

Thank you for your continued attention to this important matter.

Sincerely,


John Kennedy
United States Senator

⁵ See, e.g., *Matal v. Tam*, 137 S. Ct. 1744 (2017).

⁶ See *supra* note 2.