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RELIGIOUS FREEDOM

"Let us never believe that the freedom of religion imposes on any of us some responsibility to run from our convictions. Let us instead respect one another's faiths, fight to the death to preserve the right of every American to practice whatever convictions he or she has, but bring our values back to the table of American discourse to heal our troubled land."

President Bill Clinton
November 16, 1993

Religion has always played a central role in the President's life. The President firmly believes that religion is an issue that should draw us together, not tear our communities apart. President Clinton has worked hard to help people of different faiths find common ground while adhering to the spirit of the First Amendment and its imperative that our government must neither establish nor interfere with religion, but rather respect the role religion plays in our families and our nation.

America is blessed with adherents of every significant religion, but what truly distinguishes this nation is the ability of Americans of different faiths to live side by side and work together for the common good. President Clinton will continue to work to protect the religious freedoms we all treasure while helping us find the common ground we all share.

A RECORD OF ACCOMPLISHMENT:

- **Religious Freedom Restoration Act (RFRA):** President Clinton worked to pass the RFRA -- one of the most important civil rights bills for religion in American history. Supported by nearly 70 civic and religious groups, the Religious Freedom Restoration Act mandates that government cannot interfere with religious practice unless health or safety are jeopardized. Even then, the government must pursue its interest in the manner least burdensome to religion.
 - President Clinton directed the general counsel of each department of the federal government to prepare a report on religious rights issues that could arise in the course of their department's operations and to designate a staff lawyer to monitor new policies for violations of the RFRA. These procedures insure that federal agencies take account of Americans' religious sensibilities at the earliest stages of the policymaking process.
 - President Clinton directed the Justice Department to file a brief arguing that the RFRA entitled a church to retain money contributed by a bankrupt couple. The 8th U.S. Circuit Court affirmed President Clinton's opinion, ruling that the protection of creditors was not a compelling government interest of the sort required to justify encroachment upon religious freedom under the RFRA.

- **Guidance on Religion in Public Schools:** President Clinton directed the Justice Department to issue guidelines on acceptable forms of religious expression in public schools. The Clinton Administration's 1995 Guidance on Religion in Public School directs school officials to permit forms of religious expression including allowing students to bring Bibles to school, participate in student religious groups and say grace before meals. The President wanted to give guidance that could help parents, teachers, school officials and community leaders work together to address these difficult issues.
- **Working to End Church Arson:** President Clinton moved quickly to focus the nation's attention and resources to help stop the rash of church burnings across the country, prosecute those responsible and speed the rebuilding process. The President enacted legislation toughening criminal penalties for those convicted of burning religious institutions, providing for loan guarantees to non-profit groups -- including churches -- victimized by arson, and appropriating funds to combat church arson. In addition, President Clinton established a task force to coordinate investigations of church fires and ordered the establishment of a 24-hour, toll-free hotline to collect information on church fires.
- **Promoting Character Education:** President Clinton has actively promoted the teaching of ethical values in America's schools. Recognizing that basic moral values such as discipline, tolerance and civility are common to all beliefs, the President has encouraged schools to teach young people how to be good citizens as well as successful students. The Clinton Administration has provided grants to help school districts develop comprehensive character education programs.
- **First-Ever Class-Action Suit:** Under President Clinton, the Equal Employment Opportunity Commission filed its first class-action suit on the basis of religion. The EEOC challenged Dillard Department Stores' mandatory weekend work policy, ultimately settling the case in favor of the claimants whose religious beliefs did not allow them to work during the Sabbath. Many churches and synagogues were prepared to join the government's case as friends of the court.
- **Religious Freedom Day:** In recognition of the role of religious freedom in promoting democratic virtues, President Clinton declared January 14th as Religious Freedom Day. President Clinton invited Americans to use the day to reflect upon "the awesome power of religious liberty, not only to unite the citizenry in common cause, but also to empower us to question age-old beliefs and lift this Nation toward enlightenment."

✓ Congress Defends Religious Freedom ✓

Three years ago the Supreme Court threw away decades of precedent and watered down the religious liberty of all Americans. In a case involving the religious use of peyote by American Indians, the Court declared that states could criminalize all consumption of the substance without considering their laws' impact on the free exercise of religion.

By radically changing the ground rules for deciding claims of religious liberty, the Court alarmed organized religion, civil liberties organizations of all stripes and Senators as different in outlook as Edward Kennedy of Massachusetts and Orrin Hatch of Utah. The House has passed a bill aimed at correcting the situation and now the Senate is expected to pass it overwhelmingly.

The Religious Freedom Restoration Act reasserts a broadly accepted American concept of giving wide latitude to religious practices that many might regard as odd or unconventional. The bill deserves passage.

Before 1990, when law and religion collided, the Court had required government to show a compelling interest and to use the least intrusive method of enforcement. For example, a state could not deny unemployment compensation to a Seventh Day Adventist for refusing work on Saturday, her Sab-

bath. Not every religious claim was honored. The Court never recognized a religious refusal to pay taxes, but in many cases it gave breathing room to individual faith and conscience.

Then suddenly, and unnecessarily, the Court declared in the peyote case that states could enforce generally applicable laws, even if they trampled on serious religious claims, so long as the laws weren't deliberately aimed at religion.

Several unfortunate applications of this new test followed. For example, a general law routinely requiring autopsies in traffic deaths was enforced despite some relatives' claims that their religious beliefs were deeply offended.

The bill, which President Clinton says he will gladly sign, would instruct government not to "burden a person's exercise of religion," even if the "burden" results from a law that is aimed at everyone and not meant to interfere with religious practice — unless there is a "compelling interest." If religious exercise must be limited, the bill says it must be done in the least restrictive way possible.

With the Restoration Act, Congress asserts its own interest in protecting religious liberty. It's a welcome antidote to the official insensitivity to religion the Court spawned in 1990.

November 2, 1993

MEMORANDUM FOR DISTRIBUTION

FROM: Melanne Verveer
RE: Signing the Religious Freedom Restoration Act (RFRA)

The Senate last week overwhelmingly passed the RFRA. The version the Senate passed is slightly different from what the House passed. The final bill to reconcile the minor differences is expected to clear the Congress this week.

Senator Kennedy mentioned to me that it would be fitting to have the bill signing at the Jefferson Memorial given Jefferson's role in history on religious liberty and the separation of church and state.

The President strongly supported the RFRA and told religious leaders gathered for a recent White House breakfast that he looked forward to signing the bill. Many of the religious leaders have been calling to underscore the importance of the bill signing. It affords an opportunity to bring together a diverse group of religious leaders and to re-state the nation's commitment to religious liberty. The RFRA had the support of religious groups spanning the political spectrum.

DISTRIBUTION:

Roy Neel
Howard Pastor
Alexis Herman
George Stephanopoulos



file
Church

THE WHITE HOUSE
WASHINGTON

November 15, 1993

MEMORANDUM FOR MELANNE VERVEER, SUZANNA VALDEZ

From: Chris Lin
Office of Public Liaison
Subject: RFRA Update

I wanted to update you on the invitation calls made on Friday for the Religious Freedom Restoration Act Signing on Tuesday. Attached please find a list of 100 calls made as well as the 55 "Yes" responses we received.

The noticeable holes in both lists include:

African American churches and ministers
Native American participants

There has also been concern expressed with regards to the balance between the right and left groups represented on Tuesday.

INVITED

Head
United States Catholic Conference
Washington DC

HEAD/ CHIEF RABBI
Contact: Sarrae Crane (to find head)
United Synagogue of Conservative Judaism

Mr. Robert Abrams
New York State Attorney General
New York NY

Mr. David Ackerman
Congressional Research Service

Mr. Robert Alpern
Director
Unitarian Universalist Association
of Congregations
Washington DC

The Elder Melvin Ballard
Member, Council of the Twelve Apostles
The Church of Jesus Christ of Latter-Day Saints
Salt Lake City UT

Reverend Bert Beach
Conference of Seventh Day Adventists
Silver Spring MD

Ms. Kay Bengston
Assistant Director for Advocacy of Public Policy
Lutheran Office for Governmental Affairs
Washington DC

Mr. Hyman Bookbinder
Policy Chair
NJDC
Washington DC

Ms. Susan Brave
Program Director
United Methodist Church, Board of Church and Society
Washington DC

The Reverend Robert Brooks
Presiding Bishop's Staff Officer
Episcopal Church
Washington DC

Bishop Browning
Episcopal Church
Washington DC

Ms. Joan Campbell
General Secretary
National Council of Churches
Washington DC

Mr. Abba Cohen
Director, Washington Office
Agudath Israel of America
Washington DC

Mr. Mike Cromartie
Senior Fellow
Ethics and Public Policy Center
Washington D.C.

Ms. Marilyn Dugan
National Association of Evangelicals
Washington DC

Mr. Bob Dugan, Jr.
Director, Office of Public Affairs
National Association of
Evangelicals
Washington DC

Dr. James Dunn
Executive Director
Baptist Joint COmmittee on Public
Affairs
Washington DC

Ms. Betty Ehrenberg
invite her as well as number One
person
The Orthodox Union

Mr. Warren Eisenberg
Director, International Counsel
B'nai B'rith International
Washington DC

Mr. William Fairback
Christian Embassy
Vienna VA

Mr. Marcus Faust
Washington Counsel
Church of Jesus Chris, Latter Day
Saints
Washington DC

Ms. Ruth Flower
Friends Committee on National
Legislation
Washington DC

Mr. Richard Foltin
Legislative Director and Counsel
American Jewish Committee
Washington DC

Mr. Edward Gaffney
Dean and Professor
Valparaiso Law School
Valparasio IN

Mr. Richard Gathro
Vice President
Christian College Coalition
Washington DC

Ms. Elenora Giddings-Ivory
Presbyterian Church, USA
Washington DC

Ms. Judy Golub
Executive Director
American Arts Alliance
Washington DC

Pastor Everett Goodwin
Senior Pastor
The First Baptist Church
Washington D.C.

Dr. Marvin Griffin
Historian
National Baptist Convention of
America, Incorporated
Austin TX

Dr. Os Guinness
The Trinity Forum
Bourke VA

Mr. Steve Gutow
National Jewish Democratic Council
Washington DC

Mr. Jim Halpert
People for the American Way Action
Fund
Washington DC

Mr. Stan Hastey
Executive Director
The Alliance of Baptists
Washington D.C

Mr. Jerry Herbert
Director
The American Studies Program
Washington DC

Mr. Jess N. Hordes
Washington Director
Anti-Defamation League
Washington DC

Dr. Rex Horne
Pastor
Immanuel Baptist Church
Little Rock AR

Dr. E. Edward Jones
President
National Baptist Convention of
America
Shreveport LA

Reverend David Jordan
President
D.C. Ministers Fellowship
Rockville MD

Father Peter Klink, S.J.
Jesuit Social Ministries
Washington DC

Ms. Dianne Knippers
President
Institute of Religion and
Democracy
Washington D.C.

Ms. Tiffany Krause
Washington DC

Mr. David Lackman
Washington DC

Ms. Linda Lader
Washington DC

Ms. Beverly LaHaye
Concerned Women of America
Washington DC

Mr. Richard Land, Sr.
Christian Life Commission
Southern Baptist Convention
Franklin TN

Mr. Douglas Laycock
University of Texas
TX

Rabbi Mordechai Liebling
Federation of Reconstructionist
Congregations

Mr. Jay Lintner
United Church of Christ, office of
Church in Society
Washington DC

Mr. Thomas May
Executive Director
Layman's National Bible
Association
New York NY

Dr. Michael McConnell
University of Chicago
Chicago IL

Mr. Steven T. McFarland
Director, Center for Law and
Religious Freedom
Christian Legal Society
Annadale VA

Mr. Donald Miller
Church of the Brethren
Washington D.C.

Mr. Elliott Mincberg
People for the American Way Action
Fund
Washington DC

Mr. Frank Monahan
Director of Government Liaison
U.S. Catholic Conference
Washington DC

Mr. Forest Montgomery
Counsel
National Association of
Evangelicals
Washington DC

Ms. Sammie Moshenberg
Director of Washington Operations
National Council of Jewish Women
Washington DC

Ms. Julie Nussbaum or head
National Council of Jewish Women
Washington DC

Ms. Jan Parshall
Concerned Women of America
Washington DC

Mr. Robert Peck
First Amendment Counsel
American Civil Liberties Union
Washington DC

Mr. Mark Pelavin
Washington Representative
American Jewish Congress
Washington DC

Mr. Robert Peregoy
Senior Staff Attorney
Native American Rights Fund
Washington DC

Mr. Tyrone Pitts
General Secretary
Progressive National Baptist
Convention
Washington DC

Mr. Tom Pratt
President
Prison Fellowship
Reston VA

Ms. Roberta Rivera
Prison Fellowship
Reston VA

Dr. Gary Ross
Congressional Liaison
Conference of Seventh-Day
Adventists
Silver Spring MD

Mr. Lawrence Rubin
Executive Vice Chair
NJRAC
New York NY

Rabbi David Saperstein
Director of Religious Action Cener
Union of American Hebrew
Congregations
Washington DC

Mr. Willits Sawyer
Chairman
National Bible Week Luncheon
New Haven CT

Rabbi Alexander Schindler

John Selover, head in Boston
Christian Science Church
Boston MA

The Reverend Dr. Paul Sherry
President
United Church of Christ
Cleveland OH

Mr. Henry Siegman
Executive Director
American Jewish Congress
New York NY

Dr. Rajwant Singh
National Sikh Center
Silver Spring MD

T. LaMar Sleight
Director of Public Affairs
Church of Jesus Christ of
Latter-Day Saints
Washington D.C.

Mr. Jim Smith
Christian Life Commission,
Southern Baptist Convention
Washington DC

The Honorable Stephen Solarz
NY

Mr. Mark Talisman
Council of Jewish Federations
Washington DC

Mr. Doug Tanner
Faith and Politics Institute
Washington DC

Ms. Susan Taylor
Director of Public Affairs
Church of Scientology International
Washington DC

Mr. Richard Taylor or head
Regional Minister
Christian Church, Disciples of
Christ
Chevy Chase MD

Mr. Richard Templeton
National Director
Justice Fellowship
Annapolis MD

Reverend Oliver Thomas
Chairman
Coalition for the Free Exercise of
Religion
Washington DC

Mr. Robert Tiller
American Baptist Churches
Washington DC

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American Baptist Churches
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Mr. Steve Varnam
Chief Operating Officer
Justice Fellowship
Washington DC

Mr. Earl Volk
Executive Secretary
Friends Committee on National
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Washington DC

Reverend Phil Wagoman
Senior Minister
Foundry Methodist Memorial
Washington DC

Ms. Myrna Wahlquist
Vice President, Public Relations
and Media
Tucker and Wahlquist
Washington DC

Mr. J. Brent Walker
General Counsel
Baptist Joint Committee on Public
Affairs
Washington DC

Mr. Dan Weiss
Philadelphia Head, Baptist Joint
Committee
Philadelphia PA

Ms. Eleanore L. Wright
Program Assistant
National Council of Churches
Washington DC

Ms. Kim Yelton
Director of Government Relations
American United for Separation of
Church and State
Silver Spring MD

RSVP 'ed YES

Mr. Robert Abrams
New York State Attorney General
New York NY

Mr. Robert Alpern
Director
Unitarian Universalist Association
of Congregations
Washington DC

The Elder Melvin Ballard
Member, Council of the Twelve
Apostles
The Church of Jesus Christ of
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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

November 16, 1993

FACT SHEET: THE RELIGIOUS FREEDOM RESTORATION ACT

- * The President will sign the Religious Freedom Restoration Act, which reverses a 1990 Supreme Court decision that made it easier for states to restrict religious activities. The 1990 case, *Employment Division v. Smith*, changed the standard for reviewing government restrictions from a "compelling interest" test to a weaker "rational basis" test.
- * The bill being signed today, which was introduced by Senators Kennedy and Hatch and Congressmen Schumer and Cox, will require that the courts subject any government action which burdens the freedom of religion to a two-part test, in which the government must prove that the action is in furtherance of a compelling government interest, and is the least restrictive means of furthering that government interest.
- * The Religious Freedom Restoration Act was cosponsored by 60 Senators and 170 Representatives. It was strongly supported by the religious community, and easily passed both houses of Congress.
- * Joining the President for the signing ceremony will be approximately 200 religious leaders and clergy from Protestant, Catholic, Jewish, Islamic, Native American, Mormon, and other religious organizations, as well as members of Congress and leaders of secular civil rights organizations.

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