

NLWJC - Kagan

Counsel - Box 024- Folder 009

**Religion - Department of Defense
Schooling**

Flo,

Since we are having difficulty connecting on the phone, my suggestion is that you refer this to DOD/GC's office, perhaps through Elena Kagan in the Counsel's office. I understand Elena has taken over Steve's religious freedom portfolio.

Elena,
Could you
call me about
this?

Flo
X67701

NAE beating me up
Don Argue.

THE WHITE HOUSE

Alan Kreczko,
Steve Newirth
suggested I have
you review
this. Could
you give me
your thoughts?
Thanks.

Sl. Moller
X67701

Steve,

How would you handle this? Is it legal or should I send it to state?

I need to get a response to them.

Thanks,

FLO

URGENT

NAE
NATIONAL
ASSOCIATION of
EVANGELICALS

FACSIMILE

Dr. Robert P. Dagan, Jr.
Vice President, Office of Public Affairs
1023 15th Street N.W., Suite 500
Washington, DC 20005
Phone: 202-759-1011
Fax: 202-642-2392

National Office
450 Gunderson Drive
Carol Stream, IL 60133
Phone: 708-665-0300
Fax: 708-665-8878

Don Argue, Ed.D.
President

NAE Office of Public Affairs Fax Number: 202/842-0392

DATE: July 1, 1996

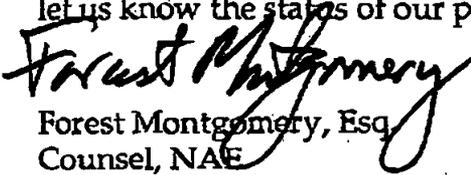
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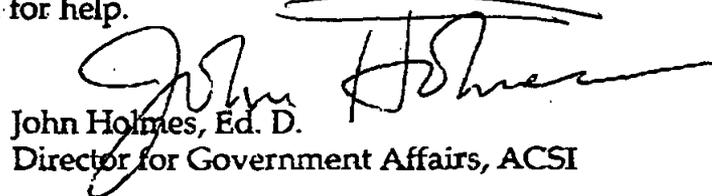
TO: Flo McAfee
FAX: 456-6218 (OEOB/White House)
FROM: Forest Montgomery and John Holmes
RE: Plea to the President for a U. S. Military Family

URGENT

MESSAGE: Flo McAfee – We faxed your office a copy of the letter we sent to the President on May 13, 1996 on that day. So far, we have not heard any response from our letter. (Copy attached.)

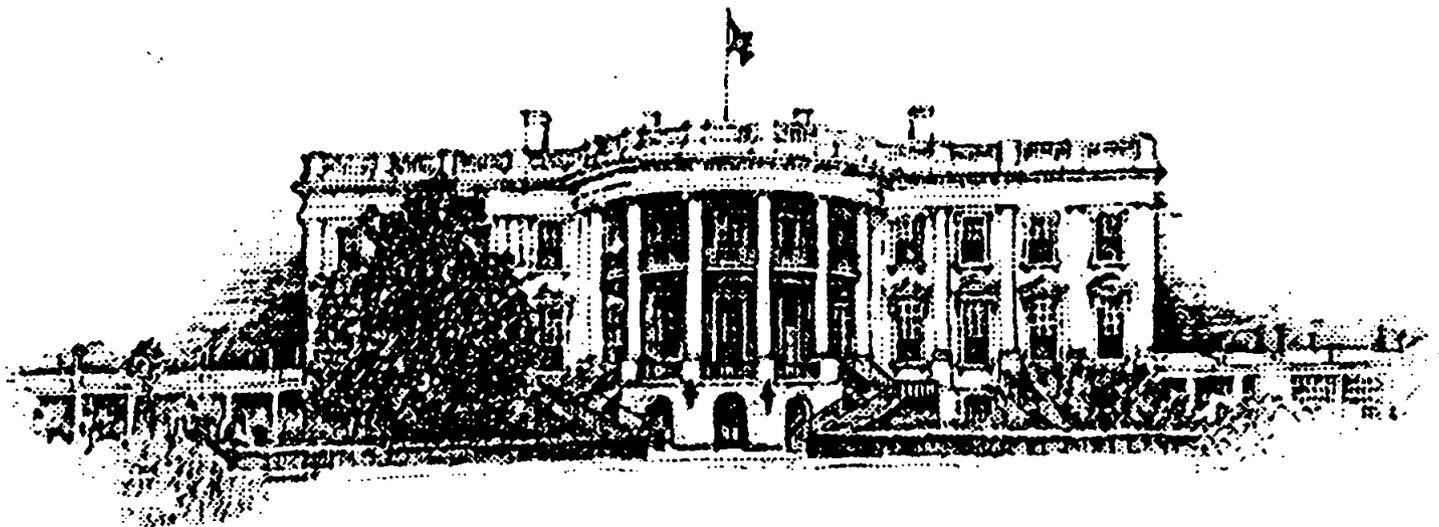
The Burrell family is still in limbo regarding the new school year. We hope that President Clinton can do something to rectify this unfair treatment of a U. S. military family serving the United States of America in Quito, Ecuador. Please let us know the status of our plea for help.


Forest Montgomery, Esq.
Counsel, NAE


John Holmes, Ed. D.
Director for Government Affairs, ACSI

THE WHITE HOUSE

WASHINGTON



COUNSEL'S OFFICE

Facsed
7/30/96

FACSIMILE TRANSMISSION COVER SHEET

DATE: 7-30-96

TO: Walt Peters

FACSIMILE NUMBER: 703-693-7278

TELEPHONE NUMBER: _____

FROM: Elena Kagan

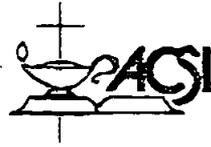
TELEPHONE NUMBER: 456-7594

PAGES (WITH COVER): 3

COMMENTS: Walt -
As promised. Thanks.

PLEASE DELIVER AS SOON AS POSSIBLE

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ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL

"That in all things He might have pre-eminence" Colossians 1:18

The Honorable William Clinton
President of United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

May 13, 1996

Re: Religious Freedom
for U. S. Military Families

ATTN: Religious Community Liaison

Dear Mr. President

It has been our privilege as evangelical associations to work with your administration on the passage and implementation of the Religious Freedom Restoration Act. We appreciate your commitment to religious freedom, and want to bring the following problem to your attention.

A U. S. Military family, stationed at the American Embassy in Quito, Ecuador, and committed Christians, have had their children enrolled in a fine Christian school in Quito. Alliance Academy, founded in 1929, has an excellent academic reputation. It holds dual accreditation with the Southern Association of Colleges and Schools and the Association of Christian Schools International. The Academy, which is affiliated with the Christian and Missionary Alliance Church and a National Association of Evangelicals member, has been certified in the past as an acceptable educational institution by DoDDS Panama. However, its suitability is now being challenged solely due to its religious character and the fact that a secular alternative is available.

The Richard Burrell family was notified on April 12, 1996 via telephone that their children can no longer attend Alliance Academy. Their children, Richard, Nicholas and Adam Burrell, will be allowed to continue as students at Alliance Academy only until the end of this school year. Each child has valid eligibility for the benefit both with the school and the DoD. What seems to be in question is whether the Alliance Academy, simply because it is a faith-based entity, is eligible to be recertified as an acceptable educational institution by the DoDDS Panama.

Mr. President, you recently praised the role of religious heritage in the education process. We are puzzled and dismayed that a school and a

NATIONAL/INTERNATIONAL HEADQUARTERS

MAILING P.O. Box 35097, Colorado Springs, Colorado 80935-3509
SHIPPING 731 Chapel Hills Drive, Colorado Springs, Colorado 80920-1027
PHONE 719/528-6906 • FAX 719/531-0831 • ORDER DEPARTMENT 800/367-0798

OFFICE OF GOVERNMENT AFFAIRS John C. Holmes, Ed.D., Director

1023 15th Street NW, Suite 500 A • Washington, DC 20005-2689
PHONE 202/789-3637 • FAX 202/842-0392

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policy that have apparently been working well are suddenly being called into question because of a family's choice of a religious school instead of a secular one for their children's education. Does this not violate their constitutionally protected right to religious liberty?

The Burrell family has been receiving DoDEA checks--in effect, vouchers--to pay for the children's schooling at Alliance Academy. On what grounds does the Department of Defense base its decision now to countervene the family's own choice of Non-DoDDS schools among those the DoDEA has in the past considered equally acceptable?

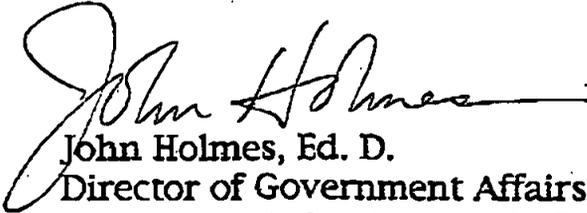
We understand that the situation of the Burrell family makes it necessary for them to choose one or another independent school (which, by the way, costs far more money) and that the DoD policy is to facilitate the schooling of military dependents by paying the legitimate education expenses incurred by families in their situation, as long as they choose a suitable school. We do not understand why the Burrell's choice of school has suddenly become inappropriate. We would appreciate a full explanation and solicit your help as the Commander-in-Chief to see that justice is done and that the religious rights of the Burrell family are vindicated. Please have someone keep us informed. It is our understanding that the critical offices include:

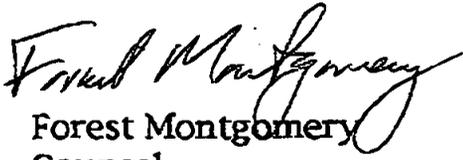
Director of Overseas Education
DODEA
ATTN: Bob Terzian
4040 Fairfax Drive
Alexandria VA 22203
PH: (703) 696-4387

Director of South American Schools
DODDS--Panama District
ATTN: Dr. Tyner
Unit 0925
APO AA 34002
PH: (507) 286-4146

Once again, we express our gratitude to you for your strong support of the Religious Freedom Restoration Act. We hope this case is simply one of misunderstanding.

Sincerely yours,


John Holmes, Ed. D.
Director of Government Affairs
Assn. of Christian Schools Int'l.


Forest Montgomery
Counsel
National Association of Evangelicals



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600



26 AUG 1996

MEMORANDUM FOR ELENA KAGAN, ESQUIRE, OFFICE OF THE WHITE HOUSE
COUNSEL

SUBJECT: Placements of Students in Parochial Schools by the DoD
Dependents Schools (DoDDS)

This responds to your FAX of July 30, 1996, in which you forwarded correspondence regarding the placement of students in parochial schools by DoDDS. In your absence, Paul Koffsky, of my staff, discussed this matter with Kathy Wallman. Ms. Wallman agreed that there is a reasonable legal argument that DoDDS may make parochial school placements when no school operated by DoDDS is available, provided that the parents request such placements. The existence of a secular private school does not defeat the ability of DoDDS to honor these parental requests.

The Director of the Department of Defense Education Activity, of which DoDDS is a component, issued a memorandum on August 14, 1996, restating this policy to all field staffs. A copy is attached.

I believe this resolves some confusion within DoDDS on this point, and should favorably resolve the issue raised in your fax. Please call me if we need to take any further action.


F. Whitten Peters
Acting General Counsel

Attachment





DEPARTMENT OF DEFENSE
EDUCATION ACTIVITY
4040 NORTH FAIRFAX DRIVE
ARLINGTON, VIRGINIA 22203-1635



August 14, 1996

MEMORANDUM FOR DODEA HEADQUARTERS STAFF
AREA SUPERINTENDENTS
DISTRICT SUPERINTENDENTS
SERVICE CENTERS

SUBJECT: Use of Parochial Schools

This is a follow-up to previous memoranda on the issue of funding parochial school enrollment for eligible dependents where schools operated by the DoD Dependents Schools (DoDDS) are not available.

We have determined that our policy is that DoDDS may enroll such students in parochial schools, irrespective of the availability of an approved secular non-DoDDS school, provided that the parents of these students propose the placement. These placements, like any assignment of a DoDDS student to a tuition-fee school, must comply fully with the guidance found in DS Regulation 2035.1, "Use of Non-DoD Schools" (July 1, 1991) and the December 29, 1983, letter signed by the then-General Counsel of the DoD.

Please forward a copy of this memorandum, together with a cover letter, to the parent/guardian of any child in your supervisory area who is currently enrolled in a parochial school.

/s/

Lillian Gonzalez
Director