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THE WHITE HOUSE  
WASHINGTON

May 1, 1997

**MEMORANDUM FOR THE PRESIDENT**

**FROM:** CHARLES F.C. RUFF   
Counsel to the President

**SUBJECT:** RELIGIOUS EXPRESSION IN THE FEDERAL WORKPLACE

We are preparing to put into final form a Presidential Memorandum and accompanying Guidelines addressing the issue of religious expression in the federal workplace. These documents reflect the principles that led to your issuance of guidelines on religious expression in the public schools two years ago. Before the documents are presented to you for approval, however, we wanted to solicit your reactions on the substance of the proposal and the process we have followed.

**BACKGROUND**

For the past year the Counsel's Office, in conjunction with representatives from the Christian Legal Society, People for the American Way, the American Jewish Congress and the Department of Justice, has worked on developing guidelines governing religious expression in the federal workplace. Representatives from the National Catholic Conference, the National Council of Churches, the Baptist Joint Committee on Public Affairs, the Union of American Hebrew Congregations, the National Association of Evangelicals, the Equal Opportunity Commission, and the Office of Personnel Management have also, from time to time, been involved in these discussions.

The idea for this project originated with the Steve MacFarlane of the Christian Legal Society, Marc Stern of the American Jewish Congress, and Eliot Mincberg of People for the American Way in response to the 1995 proposed EEOC guidelines addressing harassment in the workplace. The sections of the proposed EEOC guidelines addressing religious harassment were controversial and generated wide-ranging opposition from religious groups who believed that the EEOC guidelines might be construed by employers as prohibiting all religious activity in the workplace. MacFarlane, Stern, and Mincberg believed that a set of guidelines dealing with religious expression in the workplace could be drafted which would be acceptable to most, if not all, religious organizations.

Accordingly, MacFarlane, Stern, and Minberg drafted a set of proposed guidelines which they circulated to various religious groups in the hopes that these guidelines could be issued as the product of a broad alliance of religious organizations. The Counsel's Office, however, suggested that it might be possible to issue the guidelines as a joint project of the White House and the religious groups if the guidelines were modified to meet certain objections and if they were narrowed to apply only to the federal workplace. The religious groups agreed and a draft entitled "Guidelines on Religious Exercise and Religious Expression in the Federal Workplace" was completed earlier this month. In its final form, the draft sets forth general principles and offers hypothetical examples illustrating the appropriate application of the principle involved.

The federal agencies that have been involved in the process, the Department of Justice, the Office of Personnel Management and the Equal Employment Opportunity Commission have signed off as to the basic propriety of issuing of the Guidelines. DOJ has also signed off on the constitutionality and legal validity of the principles and hypotheticals set forth in the Guidelines. DOJ and OPM, however, have raised policy objections to the Guidelines. These objections are discussed in Section V. below.

#### **RELIGIOUS EXPRESSION IN THE WORKPLACE - GENERAL PRINCIPLES**

The basic principle underlying the guidelines is that religious expression in the federal workplace should be entitled to the same level of protection accorded non-religious expression. For example, if a federal employee is allowed to display a poster with a non-religious message in her office, she should be allowed to display a poster with a religious message. Similarly, if employees are allowed to use space for non-religious meetings they should be allowed to use the same space for religious meetings.

The Guidelines also reflect that special restriction upon religious speech may be required in some circumstances. This would occur when an employee's private speech is perceived as an official endorsement of religion, thus violating Establishment Clause prescriptions, or when the religious speech in question constitutes religious harassment or is coercive. The Guidelines also make clear that religious speech, like non-religious speech, can be restricted when it unduly interferes with workplace efficiency.

#### **RESOLUTION OF ISSUES ARISING UNDER THE GUIDELINES**

The Guidelines state that they are not intended to create any new right, benefit, or responsibility enforceable by any party against the United States, its agencies, its officers, or any person. Rather persons with questions regarding interpretations of the Guidelines are directed to bring those questions to the Office of the General Counsel in their department or agency. There are no other enforcement provisions.

## PROPOSED ISSUANCE OF THE GUIDELINES

The Guidelines would be distributed by OPM as an attachment to a Presidential Memorandum announcing your support for the principles contained in the Guidelines and directing the heads of all agencies to comply with its provisions. The religious groups envision an announcement ceremony similar to the one surrounding the issuance of guidelines addressing religious expression in the public schools.

## AGENCY OBJECTIONS

As noted previously, DOJ and OPM have raised policy objections to the Guidelines. Specifically, both agencies have questioned the need for the issuance of the Guidelines on grounds that accommodating religious expression has not been a significant problem in the federal workplace and issuing the Guidelines, accordingly may raise more problems than it solves. OPM is additionally concerned with the potential impact of some of the hypotheticals contained in the document. Of particular concern to OPM is the Guidelines' use of controversial and potentially divisive examples of expression, such as religious proselytization or the advocacy of pro-life positions, as illustrations of what is legally permissible. The agency argues that these illustrations may be read by federal personnel, including supervisors, as an active invitation to engage in the potentially divisive conduct (rather than as a mere illustration of their rights to engage in that conduct) with the result being a dramatic increase in divisive expression in the federal workplace and a subsequent harm to federal workplace morale. For similar reasons, OPM also objects to the hypothetical which indicates that an applicant for federal employment can not be compelled to take a religiously objectionable oath as a condition of employment. OPM asserts that this example may actively encourage persons to avoid the oath requirement.

There are, however, strong counter arguments to DOJ's and OPM's positions. First, while it may be true that accommodation of religious expression in the federal workplace has not yet been a significant problem, these issues will likely become more common as religious organizations direct their attention to workplace issues. As noted in Section I, guidelines on religious expression in the workplace would have been issued and disseminated by religious organizations with, or without, our participation. The process leading to the development of these Guidelines thus has arguably only allowed us to get out front on a difficult issue.

Second, OPM's objection to the use of hypotheticals involving controversial religious expression may be descriptively accurate but it misses the fundamental point that examples involving controversial expression are absolutely necessary to illustrate the first amendment principle at stake. The principle that is at the heart of the Guidelines is that speech may not proscribed simply because it might be found offensive. This principle, by definition, can not be demonstrated by examples using non-controversial speech. OPM is correct that offensive speech or proselytization by supervisors raises a special set of concerns, particularly when the

activity approaches coercion or harassment, but the Guidelines recognize the specific problems associated with the speech of supervisors and address them directly.

Finally, OPM's objection to the loyalty oath hypothetical may be addressed on a number of counts. First, the conclusion that this hypothetical will encourage persons to avoid the oath requirement seems unlikely as a practical matter. Second, the right to forego loyalty oaths on religious grounds is protected under the Religious Freedom Restoration Act if not the constitution and the argument as to why people should not be informed of their rights is not readily apparent. Third, the religious groups have made clear that any changes in the existing document could easily lead to an unraveling of the agreement as a whole.

### **RECOMMENDATIONS**

Given your support for the policies and principles contained in the Presidential Memorandum and Guidelines, we recommend that we finalize the documents and prepare them for your execution. Draft copies of the documents are attached for your reference.

\_\_\_\_\_ Prepare Presidential Memorandum and Guidelines for Execution

\_\_\_\_\_ Explore agency objections further

\_\_\_\_\_ Discuss

(May 1 Draft)

MEMORANDUM FOR ALL HEADS OF AGENCIES

SUBJECT: Religious Exercise and Religious Expression in the Federal Workplace

Religious freedom is central to the American system of liberty. Our nation's founders erected the twin pillars of this freedom, guaranteeing the free exercise of religion and prohibiting the establishment of religion by the state, in the very First Amendment to the Constitution. Throughout our history, men and women have come to this nation to escape religious persecution and secure this precious freedom. They and others have built a nation in which religious practices and religious institutions have thrived -- exactly because each individual has been able to choose for himself or herself whether and, if so, how to worship.

In the four years I have served as President, nothing has given me greater joy than the efforts of this Administration, in tandem with a broad coalition of individuals and organizations, to support freedom of religion. In 1993, I was proud to reaffirm the rightful and historic place of religion throughout our society when I signed the Religious Freedom Restoration Act, which protects the exercise of religion from being inappropriately burdened. In 1995, I was similarly proud to protect appropriate religious expression in the public schools when I directed the Secretary of Education to issue guidance to public school districts on the extent of permissible prayer and other speech of a religious character.

Today I focus on the federal workplace, directing all heads of federal agencies to comply with Guidelines on Religious Exercise and Religious Expression in the Federal Workplace to be distributed today by the Office of Personnel Management. All civilian executive branch agencies, officials, and employees must follow these Guidelines carefully. Strict adherence to these Guidelines will ensure that federal employers will respect the rights of those who engage in religious practices or espouse religious beliefs, as well as those who reject religion altogether. In particular, it establishes the following principles:

First, federal employers shall permit employees to engage in personal religious expression (as they must permit other constitutionally valued expression) to the greatest extent possible, consistent with interests in workplace efficiency and requirements of law. Of course, work is for work, and an agency may restrict any speech that truly interferes with its ability to perform public services. In addition, the agency may have a legal obligation to restrict certain forms of speech that intrude unduly on the legitimate rights of others. But when an agency allows non-religious speech, because that speech does not impinge on these interests, the government also usually must allow otherwise similar speech of a religious nature. The one exception to this principle of neutrality -- an exception mandated by the Establishment Clause -- is when religious speech would lead a reasonable observer to conclude that the government is endorsing religion. Subject to this exception, an agency may not typically subject religious speech to greater restrictions than other speech entitled to full constitutional protection, and therefore shall allow much of this speech to go forward.

Second, federal employers may not discriminate in employment on the basis of religion. This means that an agency may not hire or refuse to hire, promote or refuse to promote, or otherwise favor or disfavor a potential, current, or former employee because of his or her religion or religious beliefs. It means that an agency, or any supervisor within the agency, may not coerce an employee to participate in religious activities (or to refrain from participating in otherwise permissible religious activities) by offering better (or threatening worse) employment conditions. And it means that an agency shall prevent any supervisor or any employee from engaging in religious harassment or creating, through the use of intimidation or pervasive or severe ridicule or insult, a religiously hostile environment.

Third, an agency must reasonably accommodate employees' religious practices. The need for accommodation arises in many circumstances -- for example, when work schedules interfere with Sabbath or other religious holiday observances or when work rules prevent an employee from wearing religiously compelled dress. Once again, governmental interests in workplace efficiency may be at stake in such cases. But an agency, as specified in greater detail in the Guidelines, must always accommodate an employee's religious practice in the absence of non-speculative costs and may need to accommodate even when doing so will impose some hardship.

All of these principles are related. All are but variants or applications of a single rule of neutrality and fairness -- that federal employers shall treat employees with the same respect and consideration, regardless of their religious beliefs. Whether by allowing religious speech, preventing religious coercion or harassment, or making accommodations to religious practice, the government must act to ensure that the federal workplace is generous to followers of all religions, as well as to followers of none. The Guidelines will advance this goal. Although they doubtless will leave unresolved many difficult questions, arising from specific factual contexts and circumstances, they will clarify the obligations and appropriate commitments of the government, acting as an employer, to protect and enhance religious freedoms.

William Jefferson Clinton

# Economy Still Strong, With No Inflation Threat

## ECONOMY

By CHRISTINA DUFF

Staff Reporter of THE WALL STREET JOURNAL  
WASHINGTON — Everything from manufacturing to the labor market looked a tiny bit less robust in April. But in this economy, there's plenty of room to slow without causing concern.

The economy has been going great guns this year, soaring at an astonishing 5.6% annual rate in the first quarter and blowing out all predictions. The latest round of economic news follows its familiar refrain: Strong growth, no inflation.

"This is somewhat of a boring story after a while, but hey, it's still true," said analyst Kathy Bostjancic of UBS Securities, New York.

Here's what happened yesterday. (All government figures are seasonally adjusted):

- The National Association of Purchasing Management's closely watched index of manufacturing strength slid to 54.2 in April from a healthy 55 in March. That's still well above the 50 mark; anything below that level would indicate manufacturing is contracting. Instead, "it's booming, right along with the rest of the economy," said economist Daniel Meckstroth of the of the Manufacturers Alliance for Productivity and Innovation Inc., Arlington, Va.

Yet inflation remains nonexistent. All but 16% of purchasing executives surveyed said the prices they paid in April were either unchanged or lower than in the prior month. That pushed the prices subindex

down to 49.6 after four consecutive months of readings above 50.

- Initial claims for unemployment insurance jumped 28,000 to 347,000 last week, the Labor Department said. That's the highest level since the turn of the new year. The four-week moving average of claims, considered more accurate than the week-to-week fluctuations, rose 8,750 to 330,500, also the highest level since January.

But analysts said last week's increase was skewed by automobile strikes and flooding. And anyway, after today's employment report, which measures payroll gains and the unemployment rate and is considered a better measure of labor-market health, "nobody will even remember what happened to claims," noted Ms. Bostjancic of UBS.

- Personal income rose 0.6% in March after a 0.8% increase in February, while spending climbed 0.5% after an identical gain the month before, the Commerce Department said. (Adjusting for inflation, income climbed 0.5% in March, and spending rose 0.4%.)

Disposable income, or income after taxes, increased 0.6% after shooting up 0.8% in February. The combination of incomes and spending meant that Americans' saving rate — savings as a percentage of disposable income — edged up to 5.3% from February's 5.2% rate.

- Construction spending slipped 0.2% in March after a big gain of 2.1% in February, the Commerce Department said. Some analysts said mild winter weather meant more building than usual in February,

stealing some of the business from March. Analysts also expect that higher interest rates will slow the residential-housing market a bit, and that construction will ease as a result.

In the purchasing managers report, the manufacturing jobs subindex jumped to 52.8 in April from 51.6 in March. Those two months mark only the second and third times that the jobs subindex has been above 50 in the last 27 months, a sign of growth. Norbert Ore, director of the monthly survey and a purchasing manager for Sonoco Products Co., Hartsville, S.C., said companies are adding technical jobs as well as additional shifts to meet demand.

Orders and production are still going strong; their subindexes were a respective 57.9 and 56.6, well above the level that indicates expansion. And the order-backlog subindex was above 50 for the second month in a row, at 54.

In another fairly good sign for inflation, the supplier-delivery subindex shows that suppliers are slightly better able to meet their delivery schedules than they were in March. That index is closely watched, because slow delivery times can mean bottlenecks that push up prices. That subindex was 53.4 in April, down a bit from 53.6 in March.

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## S. Sues Boeing, Alleging the Company Knowingly Used Defective Copter Parts

By THOMAS E. RICKS

Staff Reporter of THE WALL STREET JOURNAL  
WASHINGTON — The Justice Department sued Boeing Co. for selling helicopters to the Army that the company allegedly knew contained defective parts.

In a three-page statement, Boeing said it "adamantly denies" the allegations in the suit. The Seattle aerospace and defense company said the claims of civil fraud "are based on uninformed suspicions and conjecture" and vowed to defend itself vigorously.

Filed in federal court in Cincinnati on Wednesday and unsealed yesterday, the suit stems from about \$1.9 billion in contracts held by Boeing between 1985 and 1993 for nearly 400 remanufactured CH-47 Chinook helicopters, which the military uses for moving troops and cargo.

The suit alleges, among other things, that for more than seven years, Boeing knowingly delivered remanufactured helicopters with transmission gears that didn't meet contractual specifications. It also claims that the faulty transmission gears caused the crashes of two of the aircraft. In one crash, two people sustained minor injuries and the helicopter was destroyed; the other crash caused \$1 million in damage. It couldn't be determined last night whether the Army is still flying any of the questionable helicopters or whether anyone was injured in the second crash.

Raising a host of related allegations, the suit, which seeks unspecified damages, charges that Boeing performed inadequate inspections after those crashes, that it knew the subcontractor supplying the equipment had problems controlling the quality of its products, and that it misled the government about those problems. In addition, the department charged that Boeing's chief metallurgist in 1994 made false statements related to all this.

All in all, the government charged that Boeing represented the gears as safe "when Boeing knew they were unsafe," and that the company failed to disclose the problem to the Army, and even "concealed evidence relevant" to the inquiry into the cause of the two helicopter crashes.

The Justice Department went out of its way to underscore that Boeing was being held accountable for the way it handled parts from a supplier. "Prime contractors, like Boeing, who do business with the Department of Defense, will be held fully responsible for knowingly using defective parts that they buy from subcontractors," Assistant Attorney General Frank Hunger said in a statement.

Asserting that the Chinook has "one of the lowest mishap rates" of helicopters of its type, Boeing said it is confident that gears made by the subcontractor that are "in the fleet today are conforming to contract specifications." Regarding the allegations against the metallurgist, a Boeing spokesman said the claims in the suit are "totally and categorically false."

The company said that the subcontractor, Speco Corp., changed its manufactur-

ing processes in 1991, and that none of the parts made since then has failed. Between 1991 and 1993, Boeing said, it spent more than \$2 million to reinspect the gears.

Speco, a specialty aviation parts company, filed for protection from creditors under Chapter 11 of the federal bankruptcy code in December 1995, according to the suit. In May of that year, the suit notes, a former quality-control engineer for the company filed a whistleblower complaint against Speco.

Speco settled its liability with the government in March for \$7.2 million, but expects to pay out less than 10 cents on the dollar under its Chapter 11 proceedings, said Harry Henning, a lawyer for the Springfield, Ohio, company. "Speco settled for the best interests of its creditors, but denied and continues to deny any responsibility in connection with the CH-47 gear failures," Mr. Henning said.

—Andy Pasztor in Los Angeles  
contributed to this article.

## Treasury's Gotbaum To Fill Budget Post At the White House

By a WALL STREET JOURNAL Staff Reporter

WASHINGTON — Joshua Gotbaum, the Treasury Department's assistant secretary for economic policy, is moving to the No. 3 job at the White House budget office, Budget Director Frank Raines said.

Mr. Gotbaum will fill the associate executive director post left vacant when Jacob Lew was promoted to deputy director last year. A successor for Mr. Gotbaum hasn't been named.

Mr. Gotbaum, who had worked for the budget office during the Carter administration, has been at Treasury since December 1995. He had been assistant secretary of defense for economic security.

Separately, Treasury is expected to announce that Gary Gensler, a Goldman, Sachs & Co. partner, will be nominated to be assistant secretary for domestic finance, overseeing the government's massive borrowing program.

## Groups Back Amendment Securing Religious Rights

By a WALL STREET JOURNAL Staff Reporter  
WASHINGTON — Conservative religious groups, after serious internal disagreement, now appear to be coalescing behind a single proposal for a religious-rights amendment to the Constitution.

The proposal by Rep. Ernest J. Istook Jr. aims to secure "the people's right to pray and to recognize their religious . . . traditions on public property, including schools." The Oklahoma Republican had introduced a separate school-prayer amendment during the last Congress, but it collapsed in part because of opposition from some key Christian groups, like the Southern Baptist Convention and the National Association of Evangelicals.

Both groups contended that Mr. Istook's earlier proposal would have compromised the rights of religious minorities. They supported an alternative measure by Rep. Henry Hyde (R., Ill.) that forbade the government from discriminating against religion but didn't address school prayer as explicitly.

"This most recent proposal . . . represents a consensus which we can endorse," said Richard D. Land, president of the Southern Baptist Convention's policy arm.

Mr. Istook's proposal was reworded several times in an effort to address the concerns of the dissenting groups and win their support. A spokeswoman for Mr. Istook said he plans to introduce the proposal formally next week.

THE WALL STREET JOURNAL

FRIDAY, MAY 2, 1997

## Remarks By The President on Religious Liberty in America

*Religion*



**James Madison High School  
Vienna, Virginia  
July 12, 1995**

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Thank you, Secretary Riley, for the introduction, but more for your outstanding leadership of the Department of Education and the work you have done not only to increase the investment of our country in education, but also to lift the quality and the standards of education and to deal forthrightly with some of the more difficult, but important issues in education that go to the heart of the character of the young people we build in our country.

Superintendent Spillane, congratulations on your award and the work you are doing here in this district. Dr. Clark, Ms. Lubetkin. To Danny Murphy, I thought he gave such a good speech I could imagine him on a lot of platforms in the years ahead. He did a very fine job.

Mayor Robinson, and to the Board of Supervisors -- Chair Katherine Hanley, and to all the religious leaders, parents, students who are here; the teachers, especially the James Madison teachers, thank you for coming today.

Last week at my alma mater, Georgetown, I had a chance to do something that I hope to do more often as President, to have a genuine conversation with the American people about the best way for us to move forward as a nation and to resolve some of the great questions that are nagging at us today. I believe, as I have said repeatedly, that our nation faces two great challenges: First of all, to restore the American dream of opportunity, and the American tradition of responsibility; and second, to bring our country together amidst all of our diversity in a stronger community so that we can find common ground and move forward together.

In my first two years as President I worked harder on the first question: How to get the economy going, how to deal with the specific problems of the country, and how to inspire more responsibility through things like welfare reform and child support enforcement. But I have come to believe that unless we can solve the second problem we'll never really solve the first one. Unless we can find a way to honestly and openly debate our differences and find common ground, to celebrate all the diversity of America and still give people a chance to live in the way they think is right, so that we are stronger for our differences, not weaker, we won't be able to meet the economic and other challenges before us. Therefore, I have decided that I should spend some more time in some conversations about things Americans care a lot about and over which they're deeply divided.

Today I want to talk about a subject that can provoke a fight in nearly any country town or on any city street corner in America -- religion. It's a subject that should not drive us apart. And we have a mechanism as old as our Constitution for bringing us together.

This country, after all, was founded by people of profound faith who mentioned Divine Providence and the guidance of God twice in the Declaration of Independence. They were searching for a place to express their faith freely without persecution. We take it for granted today that that's so in this country, but it was not always so. And it certainly has not always been so across the world. Many of the people

who were our first settlers came here primarily because they were looking for a place where they could practice their faith without being persecuted by the government.

Here in Virginia's soil, as the Secretary of Education has said, the oldest and deepest roots of religious liberty can be found. The First Amendment was modeled on Thomas Jefferson's Statutes of Religious Liberty for Virginia. He thought so much of it that he asked that on his gravestone it be said not that he was President, not that he had been Vice President or Secretary of State, but that he was the founder of the University of Virginia, the author of the Declaration of Independence and the author of the Statues of Religious Liberty for the state of Virginia.

And of course, no one did more than James Madison to put the entire Bill of Rights in our Constitution, and especially, the First Amendment.

Religious freedom is literally our first freedom. It is the first thing mentioned in the Bill of Rights, which opens by saying that Congress cannot make a law that either establishes a religion or restricts the free exercise of religion. Now, as with every provision of our Constitution, that law has had to be interpreted over the years, and it has been in various ways that some of us agree with and some of us disagree with. But one thing is indisputable: the First Amendment has protected our freedom to be religious or not religious, as we choose, with the consequence that in this highly secular age the United States is clearly the most conventionally religious country in the entire world, at least the entire industrialized world.

We have more than 250,000 places of worship. More people go to church here every week, or to synagogue, or to a mosque or other place of worship than in any other country in the world. More people believe religion is directly important to their lives than in any other advanced, industrialized country in the world. And it is not an accident. It is something that has always been a part of our life.

I grew up in Arkansas which is, except for West Virginia, probably the most heavily Southern Baptist Protestant state in the country. But we had two synagogues and a Greek Orthodox church in my hometown. Not so long ago in the heart of our agricultural country in Eastern Arkansas one of our universities did a big outreach to students in the Middle East, and before you knew it, out there on this flat land where there was no building more than two stories high, there rose a great mosque. And all the farmers from miles around drove in to see what the mosque was like and to try and figure out what was going on there.

This is a remarkable country. And I have tried to be faithful to the tradition that we have in the First Amendment. It's something that's very important to me.

Georgetown is a Jesuit school, a Catholic school. Secretary Riley mentioned that when I was there, all the Catholics were required to take theology, and those of us who weren't Catholic took a course in world religions, which we called Buddhism for Baptists. And I began a sort of love affair with the religions that I did not know anything about before that time.

It's a personal thing to me because of my own religious faith and the faith of my family. I've always felt that in order for me to be free to practice my faith in this country, I had to let other people be as free as possible to practice theirs, and that the government had an extraordinary obligation to bend over backwards not to do anything to impose any set of views on any group of people or to allow others to do so under the cover of law.

That's why one of the proudest things I've been able to do as President was to sign into law the Religious Freedom Restoration Act in 1993. It was designed to reverse the decision of the Supreme Court that essentially made it pretty easy for government, in the pursuit of its legitimate objectives, to restrict the exercise of people's religious liberties. This law basically said -- I won't use the legalese -- that if the government is going to restrict anybody's legitimate exercise of religion they have to have an extraordinarily good reason and no other way to achieve their compelling objective other than to do this. You have to bend over backwards to avoid getting in the way of people's legitimate exercise of their religious convictions. That's what that law said.

That is the kind of thing I've tried to do throughout my career. When I was governor of Arkansas in the

'80s, there were religious leaders going to jail in America because they ran child care centers that they refused to have certified by the state because they said it undermined their ministry. We solved that problem in our state. There were people who were prepared to go to jail over the home schooling issue in the '80s because they said it was part of their religious ministry. We solved that problem in our state.

With the Religious Freedom Restoration Act we made it possible, clearly, in areas that were previously ambiguous for Native Americans, for American Jews, for Muslims to practice the full range of their religious practices when they might have otherwise come in contact with some governmental regulation.

And in a case that was quite important to the Evangelicals in our country, I instructed the Justice Department to change our position after the law passed on a tithing case where a family had been tithing to their church and the man declared bankruptcy, and the government took the position they could go get the money away from the church because he knew he was bankrupt at the time he gave it. And I realized that in some ways that was a close question, but I thought we had to stand up for the proposition that people should be able to practice their religious convictions.

Secretary Riley and I, in another context, have also learned as we have gone along in this work that all the religions obviously share a certain devotion to a certain set of values which make a big difference in the schools. I want to commend Secretary Riley for his relentless support of the so-called character education movement in our schools, which has clearly led in many schools that had great troubles to reduced drop-out rates, increased performance in schools, better citizenship in ways that didn't promote any particular religious views but at least unapologetically advocated values shared by all major religions.

One of the reasons I wanted to come here is because I recognize that this work has been done here in this school. There's a course in this school called Combatting Intolerance, which deals not only with racial issues, but also with religious differences, and studies times in the past when people have been killed in mass numbers and persecuted because of their religious convictions.

You can make a compelling argument that the tragic war in Bosnia today is more of a religious war than an ethnic war. The truth is, biologically, there is no difference in the Serbs, the Croats and the Muslims. They are Catholics, Orthodox Christians and Muslims, and they are so for historic reasons. But it's really more of a religious war than an ethnic war when properly viewed. And I think it's very important that the people in this school are learning and, in the process, will come back to the fact that every great religion teaches honesty and trustworthiness and responsibility and devotion to family, and charity and compassion toward others.

Our sense of our own religion and our respect for others has really helped us to work together for two centuries. It's made a big difference in the way we live and the way we function and our ability to overcome adversity. The Constitution wouldn't be what it is without James Madison's religious values. But it's also, frankly, given us a lot of elbow room. I remember, for example, that Abraham Lincoln was derided by his opponents because he belonged to no organized church. But if you read his writings and you study what happened to him, especially after he came to the White House, he might have had more spiritual depth than any person ever to hold the office that I now have the privilege to occupy.

So we have followed this balance, and it has served us well. Now what I want to talk to you about for a minute is that our Founders understood that religious freedom was basically a coin with two sides. The Constitution protected the free exercise of religion, but prohibited the establishment of religion. It's a careful balance that's uniquely American. It is the genius of the First Amendment. It does not, as some people have implied, make us a religion-free country. It has made us the most religious country in the world.

Let's just take the areas of greatest controversy now: All the fights over the past 200 years have been over what those two things mean: What does it mean for the government to establish a religion, and what does it mean for a government to interfere with the free exercise of religion? The Religious Freedom Restoration Act was designed to clarify the second provision -- government interfering with the free exercise of religion -- and to say you can do that almost never. You can do that almost never.

We have had a lot more fights in the last 30 years over what the government establishment of religion means. And that's what the whole debate is now over the issue of school prayer, religious practices in the schools and things of that kind. I want to talk about it because our schools are the places where so much of our hearts are in America, and where all of our futures are. And I'd like to begin by just pointing out what's going on today and then discussing it if I could. And, again, this is always kind of inflammatory; I want to have a noninflammatory talk about it.

First of all, let me tell you a little about my personal history. Before the Supreme Court's decision in Engel against Vitale, which said that the state of New York could not write a prayer that had to be said in every school in New York every day, school prayer was as common as apple pie in my hometown. And when I was in junior high school, it was my responsibility either to start every day by reading the Bible or get somebody else to do it. Needless to say, I exerted a lot of energy in finding someone else to do it from time to time, being a normal 13-year-old boy.

Now, you could say, well, it certainly didn't do any harm; it might have done a little good. But remember what I told you. We had two synagogues in my hometown. We also had pretended to be deeply religious, while there were no blacks in my school because they were in a segregated school. And I can tell you that all of us who were in there doing it never gave a second thought most of the time to the fact that we didn't have blacks in our schools and that there were Jews in the classroom who were probably deeply offended by half the stuff we were saying or doing -- or maybe made to feel inferior.

I say that to make the point that we have not become less religious over the last 30 years by saying that schools cannot impose a particular religion, even if it's a Christian religion and 98 percent of the kids in the schools are Christian and Protestant. I'm not sure the Catholics were always comfortable with what we did either. We had a big Catholic population in my school and in my hometown. So I have been a part of this debate we are talking about. This is a part of my personal life experience. I have seen a lot of progress made and I agreed with the Supreme Court's original decision in Engel v. Vitale.

Now, since then, I've not always agreed with every decision the Supreme Court made in the area of the First Amendment. I said the other day I didn't agree with the decision concerning the Rabbi who was asked to give the nonsectarian prayer at the commencement. I didn't agree with that because I didn't think it involved any coercion at all. I thought that people were not interfered with, and I didn't think it amounted to the establishment of a religious practice by the government. So I have not always agreed.

But I do believe that on balance, the direction of the First Amendment has been very good for America and has made us the most religious country in the world by keeping the government out of creating religion, supporting particular religions, and interfering with other people's religious practices.

What is giving rise to so much of this debate today I think is two things. One is the feeling that the schools are special and a lot of kids are in trouble, and a lot of kids are in trouble for nonacademic reasons, and we want our kids to have good values and a good future.

Let me give you just one example. Today, there is a new study of drug use among young people being released by the group that Joe Califano was associated with -- The Council for a Drug-Free America -- It's a massive poll of young people themselves. It's a fascinating study and I urge all of you to get it. Joe came in a couple of days ago and briefed me on it. It shows disturbingly that even though serious drug use is down overall in groups in America, casual drug use is coming back up among some of our young people who no longer believe that it's dangerous and have forgotten that's it's wrong and are basically living in a world that I think is very destructive.

And I see it all the time. It's coming back up, even though we're investing money and trying to combat it in education and treatment programs, and supporting things like the DARE program. And we're breaking more drug rings than ever before around the world. It's very disturbing because it's fundamentally something that is kind of creeping back in.

But the study shows that there are three major causes for young people not using drugs. One is they believe that their future depends upon their not doing it; they're optimistic about the future. The more optimistic kids are about the future, the less likely they are to use drugs.

Second is having a strong, positive relationship with their parents. The closer kids are to their parents and the more tuned in to them they are, and the more their parents are good role models, the less likely kids are to use drugs.

You know what the third is? How religious the children are. The more religious the children are, the less likely they are to use drugs.

So what's the big fight over religion in the schools and what does it mean to us and why are people so upset about it? I think there are basically three reasons. One is, most Americans believe that if you're religious, personally religious, you ought to be able to manifest that anywhere at any time, in a public or private place. Second, I think that most Americans are disturbed if they think that our government is becoming anti-religious, instead of adhering to the firm spirit of the First Amendment -- don't establish, don't interfere with, but respect. And the third thing is people worry about our national character as manifest in the lives of our children. The crime rate is going down in almost every major area in America today, but the rate of violent random crime among very young people is still going up.

So these questions take on a certain urgency today for personal reasons and for larger social reasons. And this old debate that Madison and Jefferson started over 200 years ago is still being spun out today basically as it relates to what can and cannot be done in our schools, and the whole question, the specific question, of school prayer, although I would argue it goes way beyond that.

So let me tell you what I think the law is and what we're trying to do about it, since I like the First Amendment, and I think we're better off because of it, and I think that if you have two great pillars -- the government can't establish and the government can't interfere with -- obviously there are going to be a thousand different factual cases that will arise at any given time, and the courts from time to time will make decisions that we don't all agree with, but the question is, are the pillars the right pillars, and do we more or less come out in the right place over the long run.

The Supreme Court is like everybody else, it's imperfect and so are we. Maybe they're right and we're wrong. But we are going to have these differences. The fundamental balance that has been struck it seems to me has been very good for America, but what is not good today is that people assume that there is a positive-antireligious bias in the cumulative impact of these court decisions with which our administration -- the Justice Department and the Secretary of Education and the President -- strongly disagree. So let me tell you what I think the law is today and what I have instructed the Department of Education and the Department of Justice to do about it.

The First Amendment does not -- I will say again -- does not convert our schools into religion-free zones. If a student is told he can't wear a yarmulke, for example, we have an obligation to tell the school the law says the student can, most definitely, wear a yarmulke to school. If a student is told she cannot bring a Bible to school, we have to tell the school, no, the law guarantees her the right to bring the Bible to school.

There are those who do believe our schools should be value-neutral and that religion has no place inside the schools. But I think that wrongly interprets the idea of the wall between church and state. They are not the walls of the school.

There are those who say that values and morals and religions have no place in public education; I think that is wrong. First of all, the consequences of having no values are not neutral. The violence in our streets is not value neutral. The movies we see aren't value neutral. Television is not value neutral. Too often we see expressions of human degradation, immorality, violence and debasement of the human soul that have more influence and take more time and occupy more space in the minds of our young people than any of the influences that are felt at school anyway. Our schools, therefore, must be a barricade against this kind of degradation. And we can do it without violating the First Amendment.

I am deeply troubled that so many Americans feel that their faith is threatened by the mechanisms that are designed to protect their faith. Over the past decade we have seen a real rise in these kind of cultural tensions in America. Some people even say we have a culture war. There have been books written about

culture war, the culture of disbelief, all these sort of trends arguing that many Americans genuinely feel that a lot of our social problems today have arisen in large measure because the country led by the government has made an assault on religious convictions. That is fueling a lot of this debate today over what can and cannot be done in the schools.

Much of the tension stems from the idea that religion is simply not welcome at all in what Professor Carter at Yale has called the public square. Americans feel that instead of celebrating their love for God in public, they're being forced to hide their faith behind closed doors. That's wrong. Americans should never have to hide their faith. But some Americans have been denied the right to express their religion and that has to stop. That has happened and it has to stop. It is crucial that government does not dictate or demand specific religious views, but equally crucial that government doesn't prevent the expression of specific religious views.

When the First Amendment is invoked as an obstacle to private expression of religion it is being misused. Religion has a proper place in private and a proper place in public because the public square belongs to all Americans. It's especially important that parents feel confident that their children can practice religion. That's why some families have been frustrated to see their children denied even the most private forms of religious expression in public schools. It is rare, but these things have actually happened.

I know that most schools do a very good job of protecting students' religious rights, but some students in America have been prohibited from reading the Bible silently in study hall.

Some student religious groups haven't been allowed to publicize their meetings in the same way that nonreligious groups can. Some students have been prevented even from saying grace before lunch. That is rare, but it has happened and it is wrong. Wherever and whenever the religious rights of children are threatened or suppressed, we must move quickly to correct it. We want to make it easier and more acceptable for people to express and to celebrate their faith.

Now, just because the First Amendment sometimes gets the balance a little bit wrong in specific decisions by specific people doesn't mean there's anything wrong with the First Amendment. I still believe the First Amendment as it is presently written permits the American people to do what they need to do. That's what I believe. Let me give you some examples and you see if you agree.

First of all, the First Amendment does not require students to leave their religion at the schoolhouse door. We wouldn't want students to leave the values they learn from religion, like honesty and sharing and kindness, behind at the schoolhouse door, and reinforcing those values is an important part of every school's mission.

Some school officials and teachers and parents believe that the Constitution forbids any religious expression at all in public schools. That is wrong. Our courts have made it clear that that is wrong. It is also not a good idea. Religion is too important to our history and our heritage for us to keep it out of our schools. Once again, it shouldn't be demanded, but as long as it is not sponsored by school officials and doesn't interfere with other children's rights, it mustn't be denied.

For example, students can pray privately and individually whenever they want. They can say grace themselves before lunch. There are times when they can pray out loud together. Student religious clubs in high schools can and should be treated just like any other extracurricular club. They can advertise their meetings, meet on school grounds, use school facilities just as other clubs can. When students can choose to read a book to themselves, they have every right to read the Bible or any other religious text they want.

Teachers can and certainly should teach about religion and the contributions it has made to our history, our values, our knowledge, to our music and our art in our country and around the world, and to the development of the kind of people we are. Students can also pray to themselves -- preferably before tests, as I used to do.

Students should feel free to express their religion and their beliefs in homework, through art work and

during class presentations, as long as it's relevant to the assignment. If students can distribute flyers or pamphlets that have nothing to do with the school, they can distribute religious flyers and pamphlets on the same basis. If students can wear T-shirts advertising sports teams, rock groups or politicians, they can also wear T-shirts that promote religion. If certain subjects or activities are objectionable to their students or their parents because of their religious beliefs, then schools may, and sometimes they must, excuse the students from those activities.

Finally, even though the schools can't advocate religious beliefs, as I said earlier, they should teach mainstream values and virtues. The fact that some of these values happen to be religious values does not mean that they cannot be taught in our schools.

All these forms of religious expression and worship are permitted and protected by the First Amendment. That doesn't change the fact that some students haven't been allowed to express their beliefs in these ways. What we have to do is to work together to help all Americans understand exactly what the First Amendment does. It protects freedom of religion by allowing students to pray, and it protects freedom of religion by preventing schools from telling them how and when and what to pray. The First Amendment keeps us all on common ground. We are allowed to believe and worship as we choose without the government telling any of us what we can and cannot do.

It is in that spirit that I am today directing the Secretary of Education and the Attorney General to provide every school district in America before school starts this fall with a detailed explanation of the religious expression permitted in schools, including all the things that I've talked about today. I hope parents, students, educators and religious leaders can use this directive as a starting point. I hope it helps them to understand their differences, to protect student's religious rights, and to find common ground. I believe we can find that common ground.

This past April a broad coalition of religious and legal groups -- Christian and Jewish, conservative and liberal, Supreme Court advocates and Supreme Court critics -- put themselves on the solution side of this debate. They produced a remarkable document called "Religion in Public Schools: A Joint Statement of Current Law." They put aside their deep differences and said, we all agree on what kind of religious expression the law permits in our schools. My directive borrows heavily and gratefully from their wise and thoughtful statement. This is a subject that could have easily divided the men and women that came together to discuss it. But they moved beyond their differences and that may be as important as the specific document they produced.

I also want to mention over 200 religious and civic leaders who signed the Williamsburg Charter in Virginia in 1988. That charter reaffirms the core principles of the First Amendment. We can live together with our deepest differences and all be stronger for it.

The charter signers are impressive in their own right and all the more impressive for their differences of opinion, including Presidents Ford and Carter; Chief Justice Rehnquist and the late Chief Justice Burger; Senator Dole and former Governor Dukakis; Bill Bennett and Lane Kirkland, the president of the AFL-CIO; Norman Lear and Phyllis Schlafly signed it together; Coretta Scott King and Reverend James Dobson.

These people were able to stand up publicly because religion is a personal and private thing for Americans which has to have some public expression. That's how it is for me. I'm pretty old-fashioned about these things. I really do believe in the constancy of sin and the constant possibility of forgiveness, the reality of redemption and the promise of a future life. But I'm also a Baptist who believes that salvation is primarily personal and private, and that my relationship is directly with God and not through any intermediary.

Other people can have different views. And I've spent a good part of my life trying to understand different religious views, celebrate them and figure out what brings us together.

I will say again, the First Amendment is a gift to us. And the Founding Fathers wrote the Constitution in broad ways so that it could grow and change, but hold fast to certain principles. They knew that all people were fallible and would make mistakes from time to time. As I said, there are times when the

Supreme Court makes a decision, and if I disagree with it, one of us is wrong. There's another possibility: both of us could be wrong. That's the way it is in human affairs.

But what I want to say to the American people and what I want to say to you is that James Madison and Thomas Jefferson did not intend to drive a stake in the heart of religion and to drive it out of our public life. What they intended to do was to set up a system so that we could bring religion into our public life and into our private life without any of us telling the other what to do.

This is a big deal today. One county in America, Los Angeles County, has over 150 different racial and ethnic groups in it -- over 150 different ones. How many religious views do you suppose are in those groups? How many? Every significant religion in the world is represented in significant numbers in one American county, as are many smaller religious groups -- all in one American county.

We have got to get this right. We have got to get this right. And we have to keep this balance. This country needs to be a place where religion grows and flourishes.

Don't you believe that if every kid in every difficult neighborhood in America were in a religious institution on the weekends, the synagogue on Saturday, a church on Sunday, a mosque on Friday, don't you really believe that the drug rate, the crime rate, the violence rate, the sense of self-destruction would go way down and the quality of the character of this country would go way up?

But don't you also believe that if for the last 200 years we had had a state governed religion, people would be bored with it, and they would think it had been compromised by politicians, shaved around the edges, imposed on them by people who didn't really conform to it, and we wouldn't have 250,000 houses of worship in America? I mean, we wouldn't.

It may be imperfect, the First Amendment, but it is the nearest thing ever created in any human society for the promotion of religion and religious values because it left us free to do it. And I strongly believe that the government has made a lot of mistakes which we have tried to roll back in interfering with that around the edges. That's what the Religious Freedom Restoration Act is all about. That's what this directive that Secretary Riley and the Justice Department and I have worked so hard on is all about. That's what our efforts to bring in people of different religious views are all about. And I strongly believe that we have erred when we have rolled it back too much. And I hope that we can have a partnership with our churches in many ways to reach out to the young people who need the values, the hope, the belief, the convictions that come with faith, and the sense of security in a very uncertain and rapidly changing world.

But keep in mind we have a chance to do it because of the heritage of America and the protection of the First Amendment. We have to get it right.

Thank you very much.

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