Extent

12 folders, approximately 528 pages

Summary

This collection consists of records related to the Religious Freedom Restoration Act (RFRA) of 1993. It contains memos from members of Congress to the President, official reports of the Senate and House on the RFRA, correspondence with concerned citizens and activist groups, speech drafts and talking points, briefing papers, and copies of the legislative record.

Scope and Content Note

The materials in FOIA 2016-0433-F are a selective body of documents responsive to the topic of the FOIA. Researchers should consult the archivist about related material. This collection contains memos from Congress to the President, official reports of the Senate and House on the RFRA, correspondence with concerned citizens and activist groups, speech drafts and talking points, briefing papers and copies of the legislative record.

Biographical Note

The Religious Freedom Restoration Act (also known as RFRA), is a federal law that “ensures that interests in religious freedom are protected.” It was passed by a unanimous vote in the House of Representatives, a nearly unanimous Senate vote and was signed into law by President Clinton on November 16, 1993. The law reinstated the “Sherbert Test”, named for the Supreme Court decision in Sherbert v. Verner that provided for judicial relief for citizens whose religious liberties were restricted by laws that were religiously neutral, not just openly hostile to religious freedom. The RFRA states that the “Government shall not substantially burden a

person’s exercise of religion even if the burden results from a rule of general applicability.” For most of the Nation’s history, the Supreme Court had held in numerous cases, (Reynolds v. US), (Cantwell v. Connecticut) for example, that the First Amendment’s Free Exercise Clause only applied to “private belief and not to public conduct”. This strict interpretation allowed employers and governments to require certain believers to violate their religious convictions in order to comply with rules such as working on their Sabbath. In Sherbert v. Verner (1963), the Supreme Court greatly modified this interpretation of the First Amendment to require states to meet a "strict scrutiny" standard when restricting religiously motivated conduct. This meant that the government needed to have a "compelling interest" regarding such a restriction. The case involved Adele Sherbert, who was denied unemployment benefits by South Carolina because she refused to work on Saturdays, something forbidden by her Seventh-day Adventist faith. In Wisconsin v. Yoder (1972), the Court ruled that members of the Amish faith need not comply with universal education laws because laws that "unduly burden the practice of religion" without a compelling interest, even though they might be written as neutral to religion, would still be unconstitutional. However in 1990, the Supreme Court ruled in Employment Division v. Smith, that the State of Oregon could deny unemployment compensation to two Native-Americans who had failed an employment drug test because they had used Peyote in a religious ritual. This ruling in favor of the State of Oregon that critics viewed as sharply different from the earlier Sherbert and Yoder rulings, resulted in Congressional action in the form of the Religious Freedom Restoration Act. Later Supreme Court rulings have further modified the relationships between the First Amendment’s Free Exercise Clause and laws which have been seen to impinge on religious freedom. See – City of Boerne v. Flores and Gonzalez v. O Centro Espirita Benifecente Uniao do Vegetal, among others.

Record Type

Textual

System of Arrangement

Records that are responsive to this FOIA request were found in this collection area—Clinton Presidential Records: White House Staff and Office Files. Staff and

Office files were maintained at the folder level by staff members within their individual offices and document all levels of administration activity. Staff and Office files are processed at the folder level, that is, individual documents are not selected and removed from a folder for processing. While this method maintains folder integrity, it frequently results in the incidental processing of documents that are not wholly responsive to the subject area.

Access

Collection is open to all researchers. Access to Clinton Presidential Records is governed by the Presidential Records Act (PRA) (44 U.S.C. Chapter 22, as amended) and the Freedom of Information Act (FOIA) (5 U.S.C. 552, as amended) and therefore records may be restricted in whole or in part in accordance with legal exemptions.

Copyright

Documents in this collection that were prepared by officials of the United States government as part of their official duties are in the public domain. Researchers are advised to consult the copyright law of the United States (17 U.S.C. Chapter 1) which governs the making of photocopies or other reproductions of copyrighted material.

Provenance

Official records of William Jefferson Clinton’s presidency are housed at the Clinton Presidential Library and administered by the National Archives and Records Administration (NARA) under the provisions of the Presidential Records Act (PRA).

Topical Subjects

Religions
Freedom of religion

Constitutional amendments

Processed by

Staff Archivist, 2016. Previously restricted materials are added as they are released.

Last Modified Date

2016-06-23

Container List

The following is a list of documents and folders processed in response to FOIA 2016-0433-F:
Box 1
Clinton Presidential Records: White House Staff and Office Files
Chief of Staff
George Stephanopolous
Religious Freedom Restoration Act [OA/ID 8034]
Clinton Presidential Records: White House Staff and Office Files (continued)
Clerk’s Office
Bill Files
Nov 16 1993 [Religious Freedom Restoration Act [OA/ID 15567]
Counsel’s Office
Doug Band
RFRA – Religious Freedom Restoration Act [OA/ID 10924]
Chris Cerf
RFRA [Religious Freedom Restoration Act] [OA/ID 6734]
Cliff Sloan
Religious Freedom [1] [OA/ID 4578]
Religious Freedom [2] [OA/ID 4578]
RFRA [Religious Freedom Restoration Act] [OA/ID 4578]
First Lady’s Office
Melanne Verveer

Religious Freedom Restoration Act [OA/ID 20050]
Intergovernmental Affairs
Marcia Hale
Religious Freedom Restoration Act [OA/ID 12117]
Public Liaison
Maria Echaveste
7/7 RFRA [Religious Freedom Restoration Act] [OA/ID 11491]
Deborah Fine
Religious Freedom Restoration Act – RFRA [OA/ID 5101]
Speechwriting
Michael Waldman
RFRA [Religious Freedom Restoration Act] [OA/ID 14439]