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## Memorandum on Religious Exercise and Religious Expression in the Federal Workplace

August 14, 1997

*Memorandum for the Heads of Executive Departments and 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 and one-half years I have served as President, I have been proud of the efforts of my 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 continues to protect the exercise of religion from being inappropriately burdened by Federal agencies, entities, and institutions. In 1995, I was similarly proud to support the protection of 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 the heads of executive departments and agencies ("agencies") to comply with the *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 agencies 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, the Guidelines establish the following principles:

First, agencies 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, the workplace is for work, and an agency may restrict any speech that truly interferes with its ability to perform public services. In addition, an 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 nonreligious speech, because that speech does not impinge on these interests, an agency 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 should allow much of this speech to go forward.

Second, the Federal Government 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. This means that an agency, or any supervisor within an 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 this 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, agencies 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 nonspeculative

costs and may need to accommodate such practice even when doing so will impose some hardship on the agency's operations.

All of these principles are related. All are but variants or applications of a single rule of neutrality and fairness—that agencies 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 Federal 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 Federal Government, acting as an employer, to protect and enhance religious freedoms.

WILLIAM J. CLINTON

## Statement on Child Safety Locks for Handguns

*August 14, 1997*

This week, Smith and Wesson, the world's largest manufacturer of handguns, announced that it is forging a partnership with the Master Lock Co. to provide a child safety lock with every handgun sold for commercial use. I applaud both of these companies for their efforts to promote gun safety.

I particularly want to commend Smith and Wesson for taking an important and responsible step for children's safety. Child safety locks are the right thing to do. In 1994, 185 children were killed by accidental gunshot wounds. That is why my anti-gang and youth violence legisla-

tion would require that all federally licensed gun dealers provide such safety devices with every handgun sold. And that is why on March 3<sup>d</sup> I ordered all Federal agencies to provide child safety locks with the thousands of handguns they issue to Federal law enforcement officers.

Child safety locks have garnered the wide support of law enforcement, the medical community, many local governments, and now a part of the firearms manufacturing industry. This fall the full Senate considers the anti-juvenile crime legislation. I hope they will include the child safety lock as part of the legislation.

## Remarks at the National Archives and Records Administration Announcing the White House Millennium Program

*August 15, 1997*

Thank you very much. Governor Carlin, thank you for hosting us here in this wonderful place,

in the shadow of our most important historical documents. I thank the British and Australian