AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

NOTE: S. 2206, approved October 27, was assigned Public Law No. 105–285.

Statement on Signing the International Religious Freedom Act of 1998

October 27, 1998

Today I have signed into law H.R. 2431, the ''International Religious Freedom Act of 1998.'' My Administration is committed to promoting religious freedom worldwide, and I commend the Congress for passing legislation that will provide the executive branch with the flexibility needed to advance this effort.

The United States was founded on the right to worship freely and on respect for the right of others to worship as they believe. My Administration has made religious freedom a central element of U.S. foreign policy. When we promote religious freedom we also promote freedom of expression, conscience, and association, and other human rights. This Act is not directed against any one country or religious faith. Indeed, this Act will serve to promote the religious freedom of people of all backgrounds, whether Muslim, Christian, Jewish, Buddhist, Hindu, Taoist, or any other faith.

I intend to nominate Dr. Robert Seiple, the Special Representative of the Secretary of State for International Religious Freedom, for the position of Ambassador at Large created under the Act. It is my understanding that he will act as an ex-officio officer of the U.S. Commission on International Religious Freedom, an organization that is advisory in nature and does not have the authority to make specific findings concerning violations of religious freedom.

Section 401 of this Act calls for the President to take diplomatic and other appropriate action with respect to any country that engages in or tolerates violations of religious freedom. This is consistent with my Administration's policy of protecting and promoting religious freedom vigorously throughout the world. We frequently raise religious freedom issues with other governments at the highest levels. I understand that such actions taken as a matter of policy are among the types of actions envisioned by section 401.

I commend the Congress for incorporating flexibility in the several provisions concerning the imposition of economic measures. Although I am concerned that such measures could result in even greater pressures—and possibly reprisals—against minority religious communities that the bill is intended to help, I note that section 402 mandates these measures only in the most extreme and egregious cases of religious persecution. The imposition of economic measures or commensurate actions is required only when a country has engaged in systematic, ongoing, egregious violations of religious freedom accompanied by flagrant denials of the right to life, liberty, or the security of persons—such as torture, enforced and arbitrary disappearances, or arbitrary prolonged detention. I also note that section 405 allows me to choose from a range of measures, including some actions of limited duration.

The Act provides additional flexibility by allowing the President to waive the imposition of economic measures if violations cease, if a waiver would further the purpose of the Act, or if required by important national interests. Section 402(c) allows me to take into account other substantial measures that we have taken against a country, and which are still in effect, in determining whether additional measures should be imposed. I note, however, that a technical correction to section 402(c)(4) should be made to clarify the conditions applicable to this determination. My Administration has provided this technical correction to the Congress.

I regret, however, that certain other provisions of the Act lack this flexibility and infringe on the authority vested by the Constitution solely with the President. For example, section 403(b) directs the President to undertake negotiations with foreign governments for specified foreign policy purposes. It also requires certain communications between the President and the Congress concerning these negotiations. I shall treat the language of this provision as precatory and construe the provision in light of my constitutional responsibilities to conduct foreign affairs, including, where appropriate, the protection of diplomatic communications.

Section 107 requires that the Secretary of State grant U.S. citizens access to U.S. missions abroad for religious activities on a basis no less favorable than that for other nongovernmental activities unrelated to the conduct of the diplomatic mission. State Department policy already allows U.S. Government mission employees access to U.S. facilities for religious services in environments where such services are not available locally. The extension of this practice to U.S. citizens who generally enjoy no privileges and immunities in the host state has the potential to create conflicts with host country laws and to impair the ability of U.S. missions to function effectively. Care also must be taken to ensure that this provision is implemented consistent with the First Amendment. Accordingly, I have asked the Department of State to prepare guidance to clarify the scope of this provision and the grounds on which mission premises are generally available to nongovernmental organizations.

Finally, I will interpret the Act's exception in section 405(d) concerning the provision of medicines, food, or other humanitarian assistance to apply to any loans, loan guarantees, extensions of credit, issuance of letters of credit, or other financing measures necessary or incidental to the sale of such goods. Additionally, I will interpret the license requirements in section 423 regarding specified items to apply only to countries of particular concern.

William J. Clinton

The White House,
October 27, 1998.

NOTE: H.R. 2431, approved October 27, was assigned Public Law No. 105–292. An original was not available for verification of the content of this statement.

Statement on Signing the Curt Flood Act of 1998

October 27, 1998

Today I am pleased to have signed into law S. 53, the ''Curt Flood Act of 1998.'' This legislation is the successful culmination of bipartisan efforts to treat employment matters with respect to Major League Baseball players under the antitrust laws in the same way such matters are treated for athletes in other professional sports.

It is especially fitting that this legislation honors a courageous baseball player and individual, the late Curt Flood, whose enormous talents on the baseball diamond were matched by his courage off the field. It was 29 years ago this month that Curt Flood refused a trade from the St. Louis Cardinals to the Philadelphia Phillies. His bold stand set in motion the events that culminate in the bill I have signed into law.

The Act appropriately limits baseball's special judicially created antitrust exemption by expressly applying the antitrust laws to certain conduct of Major League Baseball; the applicability of the antitrust laws with respect to all other conduct is unchanged. The Act in no way codifies or extends the baseball exemption and would not affect the applicability of those laws to certain matters that, it has been argued, the exemption would legitimately protect (including franchise relocation rules and the minor leagues).

The Act does not in any way limit the standing of the United States to bring an antitrust action. The antitrust laws protect the public's interest in the efficient operation of the free market system, thereby protecting consumers, and the United States has standing to sue to enjoin all violations.

It is sound policy to treat the employment matters of Major League Baseball players under the antitrust laws in the same way such matters are treated for athletes in other professional sports.

William J. Clinton

The White House,
October 27, 1998.

NOTE: S. 53, approved October 27, was assigned Public Law No. 105–297. An original was not available for verification of the content of this statement.