

# Administration Kills Brief Filed in Bizarre Minnesota Bankruptcy Case

In a surprising reversal, President Clinton has directed the Justice Department to withdraw a brief it filed in a controversial religious freedom case, the *Wall Street Journal* reported (September 16, 1994). In *Christians, Trustee v. Crystal Evangelical Free Church*, a trustee in bankruptcy court attempted to seize funds donated to the church by a couple in the year preceding their filing for bankruptcy. A federal district court ruled in favor of the trustee, stating that the couple received nothing of value for their donations, and the church appealed that decision to the United States Court of Appeals for the Eighth Circuit.

One of the most troubling aspects of this case was the Justice Department's decision to support the trustee's attempt to force the church to turn over the couple's contributions, thereby severely undermining the recently passed Religious Freedom Restoration Act. The federal statute, which President Clinton signed last spring, was designed to strengthen the protection for religious freedom which had been severely eroded by a Supreme Court decision in 1990.

The anti-religious position taken by the Justice Department in its brief was met by a storm of protest from a variety of religious groups as well as from conservative Republicans. Orrin Hatch, the Republican Senator from Utah who was co-author of the new law, criticized the Clinton administration's interpretation of the act, saying the Justice Department's action "effectively guts it [the act]."

President Clinton ordered withdrawal of the brief, which was signed by Solicitor General Drew Days, the administration's

chief appellate lawyer, as oral arguments were about to begin before the appeals court. Senator Hatch applauded the president's decision, stating "I am glad to see this administration has, upon careful review, realized the error and corrected its ways."

The Catholic League joined a coalition of religious organizations in filing a friend of the court brief in support of the church.