

# Introduction

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Like a camel easing its nose under a tent, “charitable choice” slipped into the American public arena in 1996. Hardly anyone noticed. The initiative was planted as a small part of the giant welfare reform act by then-U.S. Sen. John Ashcroft, a paladin of the Religious Right who believed that 70 years of anti-religious public policy had unfairly excluded religious groups from competition for public funding. As a remedy, his legislative brainchild authorized government agencies to accept applications for social service contracts from religious groups without requiring them to suppress many of their distinctive religious characteristics.

Some of the handful of non-specialists who registered the passage of charitable choice immediately called it another gambit by the Religious Right to push things their way. Indeed, many still react this way to the idea of funding “faith-based” social services at the expense of conventional “secular” programs. But over the long haul, the reaction to charitable choice has turned out to be far more complex.

For one thing, some of the most prominent figures on the Religious Right—charitable choice’s putative chief beneficiaries—have been cool to hostile. Serving the general public with social service programs isn’t a high priority for many of the nation’s conservative Protestants, who emphasize soul winning above all else. And while those on the left worry about the potential damage of putting public funds and services under the control of sectarians, it turns out that far more people worry about the potential damage religious groups could suffer as a result of taking Caesar’s coin. There is, in other words, opposition to charitable choice for a host of reasons all across the spectrum.

But, perhaps more remarkably, it is now clear that there is also broad support for increasing the role of religious organizations in the provision of social services. There is lively and partisan disagreement about how far to go, what limits to impose, and what protections to require. But in an age when government services are widely considered to be either illegitimate or ineffectual, there’s very widespread hope that religious people and organizations can bring positive transformation to services like drug and alcohol rehabilitation, violence prevention, and care for the dependent young, elderly, and disabled.

It’s been a revelation to many, but the kind of drastic separation of church and state that had been imposed in the twentieth century in realms like public

education, has never taken place in the arena of social services. Publicly funded, religiously tied social service organizations have always played a big role in American society. A long history of collaboration between government and religious institutions in areas like care for dependent children, the retarded, and the mentally ill is still going strong. Rooted in the nineteenth century, when cities and states routinely funded Protestant, Catholic, and Jewish orphanages and other welfare organizations, this collaboration—which flourishes largely outside the public eye—has even intensified since the 1960s. “Faith-based organizations” also play a large role in administering government-funded humanitarian assistance programs abroad.

Human services organizations like Catholic Charities USA, Lutheran Services in America, and Jewish Family Services hold large government contracts to provide services all over the United States. The key factor here—especially for conservatives like Ashcroft—is that these organizations, although imbued with strong religious motivations, are for the most part separately incorporated non-profit organizations that follow the same norms and procedures, including non-discrimination in hiring, as “secular” social service organizations.

Ashcroft and other conservatives wanted to “unfetter” religious organizations, to allow them to operate as frankly religious enterprises and to permit them to hire staff on the basis of religious affiliation. No current proposals permit contractors to force clients to participate in religious activities. Supporters also often said they wanted to enable very small groups, especially congregations, to compete for and receive government support for their social service ministries.

In the climate of the late 1990s, it turned out that there was very broad support for allowing more access by religious groups to government funding for social services. This support came from both Republicans and Democrats—the Clinton administration, in fact, was far more eager to encourage government-religious group partnerships than any previous administration. In the mid and late-1990s, scholars like John DiIulio of the University of Pennsylvania argued vigorously for charitable choice from a position he described as both Democratic and Catholic. As welfare reform initiatives took hold, experiments in charitable choice took place in many states, including California. A measure of the warm, although rather vague, reception that has greeted charitable choice was that both George W. Bush and Al Gore embraced it early and strongly in their presidential campaigns.

As president, Bush pushed his “faith-based” initiative with remarkable vigor and persistence. In the second week of his administration, he made the expansion of charitable choice legislation his theme of the week, a banner example of compassionate conservatism, and opened a White House Office of Faith-Based and Community Initiatives headed by DiIulio.

For much of the spring, however, Bush’s faith-based initiative drifted into

ever-sharper partisan conflict. Conservatives in Congress gave little support to the White House's version of charitable choice and offered their own instead. Controversy erupted frequently over whether faith-based organizations that received government funding could be exempted from local and state anti-discrimination laws. In July, leaked correspondence between the White House and Salvation Army surfaced in which the Army agreed to support charitable choice in exchange for an exemption against local and state laws banning discrimination in hiring against homosexuals.

At several points it looked as though the White House had completely lost control of the initiative—and that many of President Bush's advisors outside the Office of Faith-Based Initiatives wanted to cut it loose. But, repeatedly, in the late spring and summer, President Bush himself went to bat for charitable choice of a moderately pluralist sort. In a commencement speech at Notre Dame, in an appearance at a Catholic feeding center in Cleveland, and in other places, the president proclaimed his deep philosophical and policy commitment to charitable choice.

And, in the meantime, many large religious bodies have been swinging in line to support some version of the expansion of charitable choice. Over the summer, both the United Methodist Church and the Presbyterian Church (U.S.A.)—mainline Protestant denominations with the size, administrative capacity, and theological commitment needed to expand their social service activities—adopted qualified statements in favor of the initiative. So did the nation's Roman Catholic bishops.

As this book goes to press, legislation authorizing the expansion of charitable choice has passed the House of Representatives and awaits action in the U.S. Senate. The major issues at play have to do with the degree to which religious groups will be exempted from human rights and institutional regulations when they serve as government contractors and whether funding levels for human services will be increased or new faith-based organizations will compete with existing contractors for existing allocations.

The political situation is extremely complex. In August John DiIulio resigned his position in the White House, thus depriving the administration of its most powerful advocate. And the terrorist attacks of September 11 radically altered all legislative priorities. In October the president signaled his willingness for the initiative to go forward without exempting religious groups from workplace discrimination laws, as Democrats wish. For their part, Democrats will likely frame any expansion of charitable choice as an experiment to be funded by larger welfare budgets. Given a weak economy and renewed federal budget deficits, the politics of funding will probably be combative and partisan.

And yet, there may be a number of powerful incentives for moderates and liberals to continue the experiment with public funding of faith-based organizations. The time limits on welfare eligibility imposed by the welfare reforms

on the mid-1990s are kicking in just as the economy slows. The only attainable vehicle that could provide more support to the very poor and dependent may well turn out to be charitable choice.

In any case, what's now being debated is the *expansion* of charitable choice. As noted above, it's been on the books since 1996. Given the widespread uncertainty surrounding the legislation, government agencies and many religiously tied service providers moved slowly over the past few years. So, in many parts of the country, charitable choice projects are just emerging from planning and funding pipelines. As a result, very little litigation over constitutional claims and counterclaims has taken place yet. But, without doubt, that litigation is on the way. No matter how long congressional discussion of funding the faith-based initiative goes on, or what final form the faith-based initiative takes, the legislative, judicial and executive branch processes will be complex and fascinating.

Because of the sprawling and diverse universe of American social service programs, there will also be significant regional variations to take into account. (The devolution of policy-making authority since the 1970s has relocated many of the critical decisions about welfare programs and policy to the local level). The debate over the structure and implementation of charitable choice is, therefore, a consequential and long-term story that will present notable professional challenges to journalists.

The purpose of this volume is primarily to assist American journalists in their coverage of the debate over charitable choice and help them to assess the impact of the charitable choice projects that are already working their way through state and local governmental processes.

Journalists, who began to cover the charitable choice debate actively in the late 1990s, have been frustrated by how little reliable research has been conducted so far, by how little experts can say about what works and what doesn't. This book aims, therefore, to pool the work of a group of eight leading scholars to provide historical and contextual information about the role of religious groups in American public life and reliable data about what American religious groups are doing now in the realm of social services.

No project has the resources to pursue every important angle or question. One critical choice in this project was to frame the question largely in terms of American urban life. The vast majority of the nation's population and religious organizations function in the context of metropolitan regions. We asked our scholars the simple question: How will charitable choice work? What factors will shape its success or failure?

Each of our eight contributors is a leading figure in his or her area of expertise; together they reflect disciplinary approaches ranging from sociology and political science to history and law. The group convened in Hartford in the fall of 2000 for a planning session, and the following February presented initial drafts at a conference attended by some two dozen print and broadcast journalists from around the country. What follows has benefited from the lively

discussion at that conference.

We did not assemble a group that we thought likely to produce a unanimous response of any sort. But, in fact, most of these essays find ample reason for caution. One distinctive aspect of the contemporary debate over the efficacy of faith-based social services has been the assertion that congregations are the major untapped source of new skill and energy for social services. Most of our authors are skeptical about that. They agree that congregations often provide highly significant programs, but doubt that America's congregations—most of which are small—have the organizational capacity, the financial resources, or even the theological commitment to compete for and administer complex long-term government contracts.

Analyzing the religious contours of American metropolitan life, Jan Shipps, Mark Chaves, and Nancy Ammerman offer unusually detailed pictures of what American religious groups, and especially congregations, are doing now to offer social service ministries. Timothy Matovina, Fredrick Harris, and Gerald Gamm offer analyses of the history and public policy approaches taken by particularly significant urban religious groups. Peter Dobkin Hall and Fredrick Harris suggest that the potential for corruption in government contracts and the disillusionment that could accompany scandal are major potential drawbacks. And Marc Stern offers a powerful legal analysis of the issues and decisions that will shape this important new stage of church-state relations in the United States.

An Appendix includes three articles by members of the Greenberg Center staff, originally published in the *Nation*, the *Washington Post*, and the Center's magazine, *Religion in the News*.

This is the third and final volume in a series underwritten by the Pew Charitable Trusts through a grant to the Greenberg Center. The first two volumes, *Religion and American Politics: The 2000 Election in Context* and *Religion on the International News Agenda* proved useful not only to working journalists but to a wider public of teachers and interested citizens as well. Given the timeliness of this volume, we hope that it will contribute to better coverage and improved public discussion of the place of faith-based organizations in American public life.