

THE BROOKINGS INSTITUTION

FAITH-BASED & NEIGHBORHOOD PARTNERSHIPS IN THE OBAMA ERA:  
ASSESSING THE FIRST YEAR AND LOOKING AHEAD

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**Welcome and Introductory Remarks:**

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**Opening Address:**

JOSHUA DUBOIS  
Director, The White House Office of Faith-Based and  
Neighborhood Partnerships

**The State of Social Science Research:**

E.J. DIONNE, JR., Moderator

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Professor of Sociology, Religion, and Divinity  
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**The State of Law:**

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Vice President and Chief Legal Officer  
World Vision

BOB TUTTLE  
Professor, George Washington University Law School

**Reflections on the Past, Present, and Future of Government  
Partnerships with Faith-Based and Neighborhood Organizations:**

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REVEREND LARRY SNYDER  
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## P R O C E E D I N G S

MR. DIONNE: I want to welcome everyone here today. I want to welcome Joshua DuBois. It is so exciting to see you all here. When I was coming into the room just now, someone said, "What a great room of people." And that's the way I feel.

My name, by the way, is E.J. Dionne. I'm a Senior Fellow here at Brookings, and I want to say at the outset that you actually are, you and the folks who are coming in the course of day, a truly extraordinary audience. It's amazing how much good work and how many good works are represented in this room. You represent a very broad range of opinion, a very broad range of traditions. You include nonbelievers as well as believers, many different political points of view.

As I say, the groups who are part of, account for a lot of good work in our country, and there is some disagreement among us here over exactly how government should help faith-based groups. But I think we all join together to honor the extraordinary work done by faith and community groups, and also to honor religious liberty.

There is such political polarization right now. Some people might say, in some other job I have, I am partly responsible for it. But there is such political polarization now that I think it's worth celebrating the commitments that people bring to their faith and to their communities, and that those commitments often bridge the most vexing political divides in

our country. As Dr. King said, "We can hew out of a mountain of despair a stone of hope." We can transform the jangling discords of our nation into a beautiful symphony of brotherhood. So welcome, everyone, to our symphony today.

And today is actually devoted to the very practical work that these aspirations require. We're here to look at how government partnerships with faith-based and community groups have worked in recent years to examine the changes in continuities of federal policy in this area under President Obama and to look ahead.

I will say no more because I can't wait to hear our opening speaker, Joshua. I was going to introduce him, but just to compress the program I asked my dear friend Melissa to introduce him. We're very, very happy to have him with us today, and all our other distinguished speakers and panelists. So I just want to pause for a brief moment to say a few thanks.

The first is to my dear friend and Brookings colleague, John Dilulio, who just sent us an e-mail this morning. John was hoping to be here, and there was a sickness in his family. He had to rush off for that, but we are going to miss him today. John has inspired so many of us to engage in work and study in this area. He's deeply inspiring to me. In fact, when I look at all the work John does for the least among us, it just makes me feel very guilty, but since I am a Catholic that is my natural state.

He inspired Brookings' earliest work in this area, and 13 years ago in this room John and I organized a meeting very much like this one. Some of you were actually there at that meeting. It was one of the very early discussions of faith-based partnerships. John is indispensable to so many here, and certainly to me and to so many people in so many communities.

I also want to thank Luis Lugo and the Pew Charitable Trust. They are in no way responsible for this meeting. They are absolved of any responsibility for what we do here, but they were very important to us in our early work in this area, and I remain very grateful.

I want to express deep gratitude to Seymour Weingarten. Where are you, Seymour? Welcome. And also to Dave Myers. Without them this meeting simply wouldn't have happened, and without Seymour so much of the work Melissa and I have undertaken over the last couple of years would have been impossible.

And I have to thank Darrell West of the Vice President and Director of Governance Studies here at Brookings. We stole Darrell from Brown University, and I am so grateful that we did. He is a spectacular colleague, and he's been really enthusiastic and supportive of our work.

And, lastly but not least, it is my pleasure to thank and introduce Melissa Rogers. I'm proud to say she's a Nonresident Senior Fellow here at Brookings. She's a professor at Wake Forest Divinity School. We're partners in setting up this meeting. She and I have been working together

on issues related to religion and public life for a decade, and what a joy it has been.

And I want to tell President Obama through Joshua that I am proud to have found Melissa long before he did. And she joined, as some of you know, she joined the President's Faith-Based Council right when it was set up. She became its chair in January. Wherever she is and whatever she is doing, I hope I have a chance to work with Melissa Rogers, so welcome Melissa.

(Applause)

MS. ROGERS: Thank you so much, and, E.J., thank you for that exceedingly generous introduction. Any of you know who have had the wonderful opportunity to work with E.J., it's both a delight and an inspiration, and I'm grateful, deeply grateful for the chance to work with him and continue our work together.

And I want to thank all of you for coming this morning. I want to thank Seymour Weingarten in particular, and Dave Myers for being here and supporting our work, and all the other thanks that E.J. gave, I want to underscore.

I also want to thank Joshua for being here with us this morning. He, as you know, is special assistant to President Obama and Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships. In this capacity, DuBois helps direct the Obama administration's engagement with faith-based and other nonprofit

organizations. He is very young, but he is one of President Obama's longest serving aides. DuBois -- Joshua was a legislative aide to then Senator Obama.

He also spent time working for Representatives Rush Holt and Charles Wrangle. He also has been an associate pastor of a small Pentecostal Church in Cambridge, Massachusetts, and he received a Masters in Public Affairs from Princeton University as Woodrow Wilson School, and a Bachelors degree from Boston University.

Joshua was raised in Nashville, Tennessee.

I can say that it is a great pleasure and honor to work with Joshua, and I can also say with great confidence that I surely didn't have the skills and composure in my mid-20s that Joshua possesses, so welcome, Josh. We're very much looking forward to hearing from you. Thank you, Joshua.

(Applause)

MR. DuBOIS: Well, let us pray. I'm just kidding. Is Barry here? Please don't.

Good morning, everyone. It's really a pleasure to be here this morning, and thank you, E.J. and Melissa, for that wonderful welcome. It's been an honor to work and learn from both of you for quite awhile now, and I'm deeply appreciative of your leadership in this critical arena of faith and public life.

I also want to thank members of our staff at the White House and across federal agency centers that have joined us today, especially our

core team at the White House with Marv Vanderslyce and Michael Weir and Ben O'Dell.

I want to thank the members of our Presidential Advisory Council and other key leaders who are going to participate in panels throughout the rest of the day. It promises to be a fascinating series of conversations, and I'm really glad that the Brookings Institute put this all together.

And, finally, on behalf of President Obama I want to thank all of you. I want to thank you for being here today, but, more importantly, for your interest in helping the federal government navigate the fascinating and important and sometimes fraught currents of religion in American life. Through your work with nonprofit organizations and churches, through your scholarly efforts, through your reporting and your blogging, and advocacy and even litigations, you are partaking in a difficult but rewarding task of finding an appropriate intersection between personal faith and public affairs. That journey, that search for the right balance between religion and politics in America, is one President Obama has been on for quite a long time. And for a number of years I've been honored to walk that road with him.

I'm going to spend most of my time talking about the work of our office today in the road ahead. But first I'd like to tell you a little bit about how this all started.

My first foray into the mix of religion and politics was -- with this president -- was in the late summer and fall of 2005. The President, of



course, was the junior senator from Illinois at the time working hard on behalf of the good folks of Chicago and downstate, and all the points in between. And I was a very young Senate staffer for him, fresh out of graduate school in public affairs, and some brief time on the Hill, still affiliated as an associate pastor with a small church in Cambridge, Mass.

The President's Christian faith was very important to him, as it is today. He is not only a Christian but also a constitutional scholar. Then Senator Obama had strong beliefs about how religion and the government could responsibly connect and where those two forces should diverge as well. But he had never put all this together in one speech before. One message to the people of Illinois and the American people as well. Senator Obama had not yet in a public forum shared his views on how we can all reconcile our private values with our public lives. nor had he spoken of the ways that he seeks to do this each and every day.

So one day he called me in his office, and I was joined by some folks who remained good friends and mentors to this day, Pete Rouse and Mike Strautmanis, and he said -- and I'm paraphrasing now: Guys, I want to give a major address about religion in America, about my faith, but also about the ways that all Americans live out their values in the public square.

But before he gave the speech, Senator Obama said he wanted to start by learning more about how religious organizations were impacting society in communities across the country. He wanted his address to be

informed by the work of groups on the ground meeting human needs, and he wanted us to go out and learn about and from these groups in advance of his speech. I was the most junior person in that room by at least 20 years. That task, of course, was assigned to me, and over the next few weeks which grew into months, I believe I pestered probably every religious group in Washington and a good many across the country.

I sat down with the Friends Committee and learned about their efforts around peace. I talked with my friends at Catholic Charities about SCHIP and went to my Protestant friends on Maryland Avenue to learn more about Church World Service.

I called Evangelical pastors around the country and connected with a young man named Ebu Patel about interfaith service. I used my vacation time to attend annual conventions of historically black denominations and began pestering Rabbi David Saperstein at the RAC and Nathan Diamond at the Orthodox Union, an activity that, unfortunately for them, persists to this date.

From coffee with church/state experts to meetings with my Buddhist friends, I worked to expand my own knowledge of the religious and community-based landscape in our country, knowledge which had been limited to life as a preacher's kid and classroom study, and time and service to my own church. And the main question that I head during this search was, how are these organizations and individuals impacting the world around them? What role, if any, should the government play in

supporting that good work? And, finally, what were the opportunities for navigating religious difference in the contours of pluralism which includes nonbelievers as well, in order to find common purpose on the most difficult issues that we face as a nation?

In hundreds of conversations and coffees and conventions, I reported back to the President on what I'd learned and took that information and subsequent conversations then and combined it with his own rich history of living and working at the intersection of faith and public life. And then he wove all of this together in a major address at Reverend Jim Wallace's Cultural Renewal Conference in the early summer of 2006.

The President's Cultural Renewal speech is perhaps his most important address on religion, one that is often overlooked, but I believe is deeply illuminating of our work today. In fact, one of the sponsors of today's event, our good friend E.J., said at the time that Vincent Earl/Obama speech may be the most important pronouncement by a Democrat on faith and politics since John F. Kennedy's Houston speech in 1960.

In this speech, the President talked about his own Christian walk. He also spoke to the fissures that too often divide people of faith in religious and secular America and proposed some basic principles for, as he said at the time, joining a serious debate about how to reconcile faith with our modern pluralistic democracy. It was a speech with a number of key messages and a candid personal account as well, but I believe one of

the core bottom lines was this: That faith and values can be tremendous forces for good in our world, and government can enable some of that good work, but only when we have a clear eye on our core constitutional commitments, and when we can disagree without being disagreeable and seek out common ground wherever we can.

The President, of course, said it much more eloquently than I just did, but it's that believe, that core belief that motivates our work to this day.

President Obama announced the formation of the White House Office of Faith-Based and Neighborhood Partnerships on February 5, 2009, and placed it strategically within the Domestic Policy Council. However, our work on this office in fact started months before that announcement with the help of some good friends deeply invested in these issues, including Melody Barnes, the head of the DPC, and Mark Litton, who's the director of our HUD Center today and I believe is here today. We spent the time between Election Day and the Office's announcement examining what worked in the previous effort; what didn't work in developing the framework for this office. That effort helped us identify both some real opportunities and formidable challenges.

On the opportunity side, the first and most important asset left behind by the previous administration was the structure of the office itself. It is unique in the federal government in that we have one White House office with a coordinating relationship with multiple agency centers around

government. Each of these centers is tasked with connection their own federal agency to a local faith-based and other nonprofit organizations. This interagency structure is an enormous benefit. It means that across bureaucratic lines we can collaborate immediately on the issues that impact nonprofit organizations in a way that few other offices can.

This structure itself is a testimony to the foresight of some good folks in the previous administration, including President Bush himself. However, during the transition period we found some real challenges as well. Most immediately, while there were some very high-performing agency centers that built specific policy initiatives, work force development at the Department of Labor and the Mentoring Children of Prisoners' program at HHS really stand out, many of these centers left behind uncertain evidence of their impact. In fact, outside of the great work of a few centers, many of the smaller centers appeared to focus almost exclusively on distributing announcements about federal grants, if that.

We also found that legal and constitutional issues confronted the initiative: Issues like helping grantees appropriately segment their funds and ensuring the protection of beneficiary rights were left unattended without a specific plan for addressing these crucial topics.

And, finally, perhaps most importantly, the public perception of the faith-based initiative was at best erroneous, especially toward the end, and at worse deeply negative. This perception deserves further explanation.

Dating back to my time in the Senate and certainly throughout the 2008 campaign, there was one overarching view that I recall so many others having about the faith-based initiative. It was all about the money. From store-front churches in South Carolina to huge congregations in the Midwest, everyone from religious leaders to civil libertarians had the perception that the Faith-Based Office consisted of a big pot of money in the White House, dollars that everybody knew about but only a few had access to.

Now to be fair, this perception may not have reflected the reality of the initiative. It's an often misunderstood point that there's absolutely no dedicated funding stream specifically for faith-based groups. And the White House Faith-Based Office and our affiliated agency centers have no role in the decisions about federal grants, but the perception existed nonetheless, and it was reinforced by the day-to-day work of the office in its centers that had the appearance, at least, of measuring their success based on the dollar amounts that flowed to faith-based groups. And it is this fundamental issue, this dollar-driven perception and mission that we knew we had to tackle in President Obama's iteration of the Faith-Based Office.

We had to tackle it because at the end of the day, the President knows that the relationship between the federal government and religious organizations must not be about money alone. Many faith-based groups do not want to receive federal funds because of the various restrictions

attached to it -- attached to those dollars. Many others should not receive federal grants because they're either unable or unwilling to separate those funds and use them through appropriate means. So we must find a way to work with the vast majority of those faith-based organizations who will not receive money from the government while ensuring, of course, that those who wish to apply for and receive federal support do so in a way that respects both their rights and responsibilities.

So if we're turning the corner on this dollar focus perception, if it's not all about money, what's the whole thing about now? How are we shifting our core measurements of success, the way we define ourselves? What's the guiding vision for President Obama's Office of Faith- Based and Neighborhood Partnerships?

Well, our guiding vision is this: To connect with faith-based and other neighborhood organizations on specific challenges confronting our communities and partner with those groups to strengthen their good work. Critically, this support may not always be about federal grants. We don't measure our success based on how many dollars flow to faith-based organizations; instead we measure our success based on the impact that our partnerships with faith-based and other neighborhood groups have on individuals and families and communities across the country.

This is a fundamental shift, one that does not necessarily lend itself to a sound bite, but is critical to the future of the Faith-Based Initiative nonetheless by serving as a convener, by sharing critical information, by

building organizational capacity, by catalyzing private support, instill where appropriate, informing organizations of the grants that they can apply for. We seek to be a nimble, creative, and flexible supporter of faith-based and other nonprofit organizations around the country. It's not just about the dollars and cents. Instead it's about impacts on individuals and families and communities.

Let me give you a few concrete examples of how this shift had borne itself out over the last year. This year our partnership center at HHS we spent a tremendous amount of time working with local houses of worship and other nonprofits on developing and tapping into their existing public health infrastructure. We used the challenge of the H1N1 crisis to create a tool kit for faith-based groups and other community leaders to help them respond to the virus, and now we're working with these same organizations to make sure that when future public health challenges come down the road, they have the ability to keep their own congregations safe and be havens for their communities as well.

This effort did not involve a transfer of money to faith-based organizations. Instead it involved the collaborative sharing and receiving of knowledge that helped to protect families around the country. And if we built on our success in the public health arena and create lasting connections that work not just for H1N1 but also future public health challenges, then our efforts will help make communities across the country



healthier and safer. This is a critical new partnership enabled by the new vision of our office.

Another example is our work around fatherhood. For years President Obama has been deeply concerned with the challenge of father absence in America and attendant outcomes that derives for children around the country, particularly in communities where the rates of father involvement are particularly low. In response to this, we've led the administration's approach to fatherhood issues and launched a national conversation on fatherhood. We convene local groups for regional efforts on fatherhood, and by the end of next month, we will have engaged five Cabinet secretaries in that work. We're learning from these very same organizations about what works and what doesn't, and we use that knowledge to help lead a policy process with HHS that culminated in the recent President's budget announcement of a new fatherhood, marriage, and family innovation fund that puts community impacts first.

This work as a convener has also been expressed in the mentoring field. Prior to a major event we did with the President, we brought together mentoring organizations like Mentor, Inc., and corporations like Viacom, in a partnership that led to a sponsoring of mentoring programs at their corporate offices around the country. This is a new way of doing things.

The list of partnerships goes on. We worked with groups to sponsor over 4,000 interfaith service projects, during the administration's United

We Serve, Summer of Service campaign. Right now we're working through our Aid Center, a center at USAID, to bring together NGOs and collaboration around Haiti response.

We launched a new Feed a Neighbor Anti-Hunger Initiative, and we're working with the broader Domestic Policy Council and White House Council on Women and Girls on a common ground agenda around unintended pregnancy and reducing the need for abortion, an effort that has engaged many of our council members.

And we joined with the National Security Council and the State Department, and others on the President's address in Cairo, in ensuring that the State Department could ably follow up on that speech to engage religious and civic communities abroad. These partnerships with local organizations are not about money alone. They're not about picking winners and losers; instead they're about partnering with groups and sectors to have an impact on real world problems. That's how we'll measure our success, and that's how slowly but surely we're turning the perception and reality of the Faith-Based Initiative around.

We have some help in this effort, including a first of its kind: Presidential Advisory Council on Faith-Based and Neighborhood Partnerships. This body was established to provide advice to the President and to our office on how the federal government can more effectively partner with faith-based and other nonprofit organizations. It's a

wonderfully diverse group. Progressives and conservatives from different religious and nonreligious backgrounds, folks who may agree with the President on many issues and many who don't. This reflects the broader approach of our office. We're making sure that people know, no matter what background you're from, whether you are religious or secular, and regardless of your political perspective, your views are welcome in this Office and on our Council.

And although the Council's first year of work has not yet concluded, they've done a terrific job so far. They're focusing on six core areas where the government might improve its partnership with local faith-based and other nonprofit organizations, partnerships that relate to the economic recovery and domestic poverty, environmental issues, fatherhood and healthy families, interreligious dialogue, global poverty and the reform of the Faith-Based Office itself.

They are approaching consensus on the vast majority of their recommendations across religious and partisan and ideological lines, and even when they disagree, they've done so with civility and respect. We are very much looking forward to their final report and to receiving their recommendations for how the government and local groups can better serve American families.

The other thing that helps us -- beyond the Council that helps us -- is a new focus on the legal and constitutional footing of our office. We intentionally task the Advisory Council with formulating recommendations

to improve this footing. When their final report is released, it will include key advice on issues like developing easily accessible guidance for faith-based organizations that equally emphasize separation requirements as well as protection for religious identity. It'll recommend around higher standards for transparency of federally-funded partnerships and ensuring that the rights of beneficiaries or federally-funded social services are protected.

We also continue to work with our colleagues in government to take a clear-eyed approach to other difficult issues including religious hiring. We know that there is a tremendous desire for finality on this topic. We also know that due to its importance, decisions must be made carefully and with all due diligence. That's a process we're in and one we take very seriously.

Now stepping back to the big picture, it's important to know that there are some down sides to this new focus on partnerships instead of dollars alone. While these partnerships are deeply important, and I believe far more impactful for every-day Americans, they may not always be front-page news. And some have deemed them as less substantial than other guiding visions.

Fights over dollars and cents and quibbles about religious politics are far more attractive to our good friends in the media. and partisans on both sides have been helping faith-based organizations respond to disasters and strengthen families, and ensure that at-risk young folks have

mentors, and promote interfaith cooperation abroad. That criticism comes with the territory, and I imagine it will persist, but it makes the work no less important. In fact, I believe that work is far more important than the majority of controversies discussed about this office.

Another challenge is, if you're going to do partnerships thoughtfully and measure your work, it takes time. In just a year of operation, and actually much less for many of our centers, I'm deeply proud of what we've been able to accomplish, but we're setting up for so much more in the years ahead.

For example, our Advisory Council has not yet even concluded the process of making its recommendation. We are working to form a new interagency working group on nonprofit capacity-building to develop a strategic plan for streaming capacity-building efforts across government. For the first time we're convening an interagency effort on religion and global affairs with the National Security Council, and that effort will soon begin its work.

We'll spend the next year forming new partnerships to close the mentoring gap and show that nonprofits are a part of our economic recovery and work with other faith-based and other neighborhood organizations on critical environmental issues. These and other efforts will take time as will the broader process of helping to shift how the public views the Faith-Based Initiative. They also do not easily lend themselves to the brief analysis of a new cycle, so I imagine that as this work

proceeds, we'll take some bumps and bruises, but we will keep going with the focus on our long-range vision of impacting American communities through innovative and measurable and constitutional partnerships.

As I conclude the speech and as we continue our work, I think back to two of the very first groups I visited upon entering this position. I wanted to get out of the building a bit, so I went to visit two outstanding local organizations here in Washington: Covenant House, a faith-based group, and Life Pieces to Masterpieces, which is not.

Now, Covenant House is the local branch of a national faith-based organization, and they do tremendous work with young people experiencing homelessness. The executive director of that organization took me around to meet some of the young folks who were working on their resumes at computer terminals and learning new skills through a tremendous program, the job training program they call Off the Block Artisans, and helping young parents connect with their families.

I then went over to Life Pieces and I met Mary Brown, who is director of that organization. And she told me about Life Piece's work as an after-school and summer program for some of the most at-risk boys and young men in the District. In fact, many of these guys -- and it's not an overstatement -- had experienced extreme violence in their homes, often the murder or assault of a parent or loved one. And Life Pieces takes an innovative approach to helping these young men find a better path.

They use art. All of the boys, whether they're six years old or 26 work together to paint masterpieces, beautiful collaborative paintings, stirring pictures that depict both the challenges of their lives and the hope that they see ahead. Many of these paintings were visually stunning and really stopped me in my tracks.

Now, this was a moving experience for me and in an innovative bode of service but, more importantly, it's working. Life Pieces work with these young men after school and in the summer is having a measurable impact on their rates of high school completion and college entrance, on how they view themselves and how they navigate the world around them. And I decided that I wanted this office to be a resource for groups like Life Pieces.

Sometimes that may be through financial partnerships, making sure that they can compete on an equal basis for federal grants. But other times it may be about civic partnerships, using our convening power to bring them together with like-minded organizations, helping bring private resources to the table where appropriate, sitting down with them and listening and learning so that their good work can shape our policy.

We have to be flexible. We have to listen more than we talk, and we have to both expand our vision of partnerships while at the same time tightening it around core constitutional principles. And if we can do that, I believe we can move this Faith-Based Initiative forward, and maybe, just maybe, we can contribute to the work that then Senator Obama

challenged us to do, and its call to a renewal address years ago: The work of reconciling the beliefs of each of us with the good of all.

Thank you so much for having me.

(Applause)

And I would like to take the questions.

MR. DIONNE: Yeah, thank you. I want to invite folks in the back, there are seats up front here. It's like church, the front sets are always empty. So just come on up, please.

I noticed -- by the way, did you notice that he -- that Joshua said he welcomed even the litigation. And it reminded me of John Dilulio when he was in the equivalent of Joshua's job, He was looking at a group one day, and he said, "In America, we don't really care about something unless we're willing to go to court, so sue me," he said to the crowd.

For the record, Joshua did not say that.

MR. DuBOIS: I did not say that.

MR. DIONNE: And the other thing is I want to welcome Stanley Carlson Tease who was in the Bush faith-based office, and when Joshua mentioned that big pot of money, he smiled and nodded knowingly. So I assume he knows where that big pot of money went.

MR. DuBOIS: Where is it?

MR. DIONNE: But, yeah, we're going to get it out of you before the meeting's over.



Let me start and then -- I want to ask two questions: 1) playing the role of that dastardly, divisive media that you mentioned. And the other not.

The first is the -- I was talking the other day to my friend Mary Bogle, who noted there are six million children in the country who will spend their entire lives in poverty from their entire childhood in poverty. And I guess one of the questions I wanted to ask which is kind of outside of the framework of the usual church/state debate that we have around this: Is it not the role of an office like this to put people like that much more in the forefront of our public discussions that you are almost in a unique place to get people's attention on the left-out? And I just wonder, and is there more that can be done in that area.

And then, playing the classically divisive journalistic world, there was that piece in The Wall Street Journal the other day about, you know, some of the more progressive groups being sort of -- especially on the civil liberties issues -- being frustrating. I have had the sense that you have very carefully avoid controversy in this areas for a variety of actually quite sensible political reasons. And I noticed that when you talked about the hiring issue, the words you used were "carefully and with all due diligence."

Could you talk about the whole notion that your first task coming in has been to kind of avoid controversy in this area, and why is that simply a wrong-headed journalistic view on my part?

MR. DuBOIS: Well, taking those in turn and great questions. The first one, certainly we have a role in addressing domestic poverty, but through the lens of partnership with local nonprofits. So there are two parts of that: If we can connect through our agency centers or through the White House with local nonprofits and help them better serve those in greatest need, and that's something that we're, you know, that we are committed to do and that we do across our centers. But the broader sort of topics of public debate related to poverty in our country, you know, we focus on making sort of religious voices are heard but again our focus is through the lens of specific nonprofit partnerships.

Does that, you know, make sense?

SPEAKER: Well, I guess my --

MR. DuBOIS: The question is that an office like this could actually play something of a prophetic role in an area where we don't pay - - we, all of us, don't pay enough attention.

MR. DuBOIS: And I think we're trying to play that role, but in specific areas. I don't think that, you know, we are charged with, I guess, shouting from the rooftops about core issues, but instead focusing on the specific ways through either closing the mentoring gaps in our country or increasing father involvement we can impact these problems.

So there are other folks who do that, but I think there's a bit of a difference in our role there.

And on the second issue, you know, I think we have in many ways very intentionally confronted the difficult legal issues related to this office. You know, I think one thing that folks kind of gloss over is the fact that we've set up the Advisory Council and a task force to that council with confronting many of those issues.

Now, the religious hiring issue is something separate. It's something that, of course, we know people are very concerned about in that there's a tremendous public interest in. And it's something that we are very carefully and thoughtfully taking a look at. But I think the first piece can't be glossed over that through our Advisory Council and through the recommendations that they will put forth in just a few weeks, you know, they're going to take a hard look at some of the core legal issues related to this office. And we welcome that, and we did that very intentionally.

MR. GOLDEN: I could go on, but I want to get to on the --

Hi, Josh. My name is Wilson Golden, and I'm with a traditional mainline Protestant church here in town, New York Avenue Presbyterian. And in addition to the great history going back 200 years and a lot of presidents have come and gone over the years, and a traditional ministry a couple blocks from the White House. We do a lot of social action ministries --

MR. DuBOIS: Mm-hmm.

MR. GOLDEN: -- many rooted in the Civil Rights and Peace Movements of the '60s. Dr. King was a regular visitor, and we have ministries around homelessness, youth mentoring, community club for D.C. schools socialization program. We host Habitat and a lot of other groups.

How does a traditional church that sort of hosts and houses a very active social action ministry, in other words, not just a sort of focus group.

MS. JOHNSON: Yes.

MR. GOLDEN: How do we interacted with your office?

MR. DuBOIS: Sure. Well, I think there's a number of key ways, but, most importantly, through our agency centers. So, for example, on your issues related to homelessness and housing, we have a center at HUD that's working on innovative partnerships around housing issues. They connect that department with local nonprofits to have a greater impact on key issues.

Mark, our Center director, is here today, and they've done trainings, for example, across the country on helping local organizations and congregations help their members avoid foreclosure. And so, you know, I think it's about connecting to each of those agency centers and through the White House office as well.

You can do that very simply through our website at [whitehouse.gov/partnerships](http://whitehouse.gov/partnerships) which lists out all of those agency centers that you can connect with.

MR. DIONNE: Rob?

MR. MARUSE: Hey, Josh, Rob Maruse from Associated Baptist Press.

MR. DuBOIS: Hey.

MR. MARUSE: And I'm sorry for missing most of your speech, so maybe you've addressed this, but just in case you haven't. One of the legal issues that you have addressed in the Council is the probably the second most controversial issue, whether churches should form separate 501(c)(3)s. You had a closely divided Council vote on that a couple of weeks ago. I just wonder what does the administration plan to do with that advice, narrowly divided as it is, from the Council?

MR. DuBOIS: Sure. Well, we are actually concluding the process of finalizing that Council report. So we are holding on sort of the administration's perspective on these issues and on moving forward on as many of those recommendations as we can until that report is submitted.

So that will happen in the near future, and at that point we'll make a determination about what we can implement and what we can't.

MR. DIONNE: Please, the lady in red and white -- or crimson and white?

SPEAKER: Hi. I have a couple of questions. I'm interested when you said that your office will help nonprofits build capacity. I'm wondering what, specifically, you plan to do.

MR. DuBOIS: Sure.

SPEAKER: Are you talking about CDBG funds that are -- have been used over the years for operational expenses, or, you know, how are you going to build capacity?

MR. DuBOIS: Sure.

SPEAKER: And then related to that, when you say you want to work in partnership to help nonprofits serve those in need, what does that mean?

MR. DIONNE: But could you identify yourself? I just want everybody to know who everybody is, unless somebody has reason to keep deep cover.

SPEAKER: I guess I have reason to keep deep cover. No, I'm Cheryl Buford, and I'm an independent consultant and doing a lot of work with Stanley at IRFA.

MR. DIONNE: Thank you.

MR. DuBOIS: Okay, on the first question about capacity-building, the first and most important thing we're doing is really cataloging what the federal government is doing in the capacity-building space and really trying to streamline that.

What we found is that, you know, there is some big significant effort that HHS, especially in summit, the Corporation for National Service that folks know about, but everyone from Labor to the Forest Service is doing some sort of nonprofit capacity-building, but it's not all in one place yet.

And agencies aren't talking with one another about the funds and the support that's available there.

So we have convened a new interagency working group on nonprofit capacity-building to pull this all together in one place for the first time so that organizations can better know what's out there for them. So I think that's one important thing.

We're also going to focus on specific effort to work at HHS, the capacity-building fund at the Corporation for National Service and make sure where we can that those are supported. And think through, you know, as legislation emerges and as administration efforts move forward on service delivery that where possible those efforts have a capacity-building function as well. We don't want to just fund and support services but also shrink the local nonprofits.

In terms of the second question about what partnerships mean, you know, I think that's what, you know, a lot of the points in the speech spoke to in terms of in specific issue areas, whether it's mentoring or public health, or disaster response or interfaith cooperation. We're going to identify specific challenges and then take a creative approach to addressing those challenges.

MR. DIONNE: By the way, Adelle, do you want to come in at some point? Where are you?

Oh, do you want to come in now, or later, or you can pass for now?

SPEAKER: (Off mic)

MR. DIONNE: Could you identify yourself to everybody else?

MS. BANKS: Adelle Banks. I was Religion News Service. I'm wondering, as the Director of the Office, what you're hoping will come from those Council recommendations, whether you suspect there will be specific policy changes, or just could you be as specific as you can about what happened?

MR. DuBOIS: Definitely. Well, you know, I don't want to prejudge the final process, but what I do know is that it's been a very thoughtful process, one that's been sort of equally involved and involving. And the issues that they've taken up are extraordinarily substantive, and we're going to take them very seriously.

So we will look at what comes in to us, and then, you know, judge what we can implement and what things may cause -- may pose more challenges. But again, it's something we're taking very seriously.

MR. DIONNE: By the way, I think we had originally planned the timing of this meeting come after those recommendations were given. So we were not trying to provide Josh with a way of getting off the hook.

But then, for some reason the decision was made to postpone these. So that's why --

MR. DuBOIS: Not to come to this meeting.

MR. DIONNE: Just wanted to -- Father Tom Reese and then Mr. Coleman. You can take a mic right in front there.



FATHER REESE: Tom Reese from Georgetown University, Josh. Your emphasis seems to have been on the delivery of service by churches and church-related organizations. There's a whole other advocacy side in terms of church organizations and some organizations, religious organizations, whose principal function is advocacy. In other words, they want a place at the table --

MR. DuBOIS: Mm-hmm.

FATHER REESE: -- and determining not simply things that affect churches but for the war, et cetera, et cetera.

What is the role of your office in dealing with advocacy organizations that are church-related?

MR. DuBOIS: That's a good question. I would broaden our umbrella a bit beyond just churches to nonprofits, and that actually gives us a lot of room to work through partnerships which is between with religious organizations and other nonprofits as well.

But in terms of advocacy, that's really in many ways not the responsibility of our office, and it's important to draw that line for many reasons for the sort of the legal footing of this office.

Now that doesn't mean, though, that religious leaders should not continue to have a significant voice in the public debates that are happening in our country and within the White House as well. The Office

of Public Engagement make sure that voices are heard on a regular basis, and I think they've done a tremendous job at that as well.

And we'll work, you know, in a separate capacity from this office to make sure that voices are heard. But in terms of our day-to-day work at the Faith-Based Office and our affiliated agency centers, that's really focused on nonprofit partnership.

MR. DIONNE: Bill Coleman, a member of our board, distinguished public servant. Thank you.

MR. COLEMAN: Sir, I'm William Coleman. I'm a partner of a law firm in town.

MR. DIONNE: Could you speak up, Bill, a little bit? Yeah, it's on. Just put it close to your mouth.

MR. COLEMAN: I'm a partner in a law firm in Washington, and we're all over the world.

One, I take it the law is pretty clear that there has to be a separation between church and state.

MR. DuBOIS: Mm-hmm.

MR. COLEMAN: For that reason, I take it that the federal government, if the federal government wanted to give \$2 billion, \$2 billion to Notre Dame, is it'd probably be unconstitutional.

But if, instead, there are 50 students that finish high school and apply to Notre Dame for admission and get admitted, they certainly have the right to take those student funds and that would be constitutional.

With respect to other things, if you have an entity created by a Catholic church, for example, for example, but it's not limited to Catholics across the board, they could take money from the federal government, can't they?

MR. DuBOIS: Yes. I think the core focus, and there are folks, you know, there are lawyers across this room who could -- I'm including you, of course -- who could speak to this in great detail is on what's being done with the money. What services are being provided. And if the services are secular in nature, then, you know, there's a fair amount of flexibility for competing there. But we just need to make sure that the dollars are not going towards a specific religious purposes.

MS. ROGERS: Can I just mention that --

MR. COLEMAN: But they can say, "Thank God you gave us some money."

MS. ROGERS: I'd just mention we're going to have a panel a little later in the day that will look specifically at the law and the specific legal issues, and that might also be of interest to you in terms of discussing these issues in more detail.

MR. DuBOIS: That's great.

MR. DIONNE: Actually, after President Obama gave his speech at Notre Dame, Joshua found that pot of money and just -- they did get \$2 million, so -- but you've heard that here first.

To over there. Yeah, please?

MR. DAUGHTRY-WISE: Daniel Daughtry-Wise. I worked for about 10 years in the intersection between the federal government and really small grass roots organizations serving the poor, and I guess I do have to disclose I currently work for -- there are many things in a Compassion Capital Funds support, but I'm here on my own time, so my interest is broader than that.

My question is around this sometimes been it's the Faith-Based Office, and then there's this, as you say, it's not just the Faith-Based Office, it's the Faith-Based Community Office or the Faith-Based Neighborhood Initiative. And you're broadening your -- you're trying to make that more clear and things like that.

In my experience, the most inspiring organizations that I've sat down with are these very, very small organizations with few staff, maybe no staff, volunteer-run. To what extent is that connecting with those really grass roots, street-based organizations a focus of your office regardless of whether they're religious -- religiously affiliated or not?

I notice in the last budget that Compassion Capital Fund and the Strengthening Communities Fund at the HHS, which funds very small, like ten to twenty-thousand-dollar grants across the country, hasn't been funded, which, you know, that's a year-to-year decision. And that the other capacity-building initiatives, we have no -- you mentioned as that the corporation has grants that are a minimum of \$100,000, which is

minimum, so average is probably going to be higher. And I just -- has that played any role in your discussions around policy, or --

MR. DuBOIS: Sure,

MR. DIONNE: Could I make your question more pointed? Are you asking if they're moving away from those smaller capital --

MR. DAUGHTRY-WISE: Whether that's been intentional or just a fluke, I guess.

MR. DIONNE: -- the past year. yeah. Thank you.

MR. DuBOIS: You know, it's a very important question, and I think a real challenge and one that we're attempting to take on. There are some capacity issues that, you know, need to be worked, and I'll be candid about. You know, we are a relatively small office in any office, and there are a lot of local nonprofits out there. And so we have to think about how to have maximum impact giving the capacity that we have. And we can do that sometimes working through regional groups and national groups to make sure that information and resources flow down.

Sometimes we can go to communities themselves, and we've done that as well. But other times it's about making sure that the capacity-building support is there across government. And again, these are year-to-year funding decisions, but what we're hoping to do, as I mentioned before, through regular service delivery funds across government, really make sure that agencies are thinking about an OMB is thinking about the need for capacity-building to come alongside that service delivery.

So that's -- it's sort of a general answer: 1) is that I acknowledge the challenge from the perspective, you know, of the Office in its day-to-day work; and 2) that we, you know, we're just going into keep pushing to make sure that capacity-building is there where possible.

MR. DIONNE: Could I place you on that, because -- Mark Chavez is in the room, he's going to be on the next panel -- that it's always been a problem in this area where lots of people were talking about the smaller grass roots groups saying, gee, these, you know, government always bypasses these, and we got to do more for them. And yet you run smack into the fact that many of these smaller groups, precisely because they're so small, cannot deliver services with any of the kind of efficiency, at least in principle, that larger groups can.

MR. DuBOIS: Yes.

MR. DIONNE: And, you know, the commitment is there, the desire is there, but the capacity isn't.

Could you talk about sort of how you, a little more about how you've been thinking of this tradeoff? Because I think it's a practical problem when you're dealing with government money where the taxpayers don't want, in principle, love these groups, may, if they heard about them, but wouldn't -- wasn't money wasted on groups that really didn't have a lot of capacity to deliver the service.

MR. DuBOIS: Well, one helpful thing is that in terms of helping local nonprofit smaller groups reach capacity, we're not the only

ones out there that know how to do that and can do that. In fact, there are many organizations and entities that can help us with that work so that these groups can get up to capacity.

One key part of our new interagency effort on capacity-building is going to be to connect with the larger foundations and its mediaries and others who can work, to sort of share the load and the burden of capacity-building out there. So I think acknowledging that, you know, there are other resources we can point to when government capacity-building efforts aren't enough is one way to address that problem.

MR. DIONNE: Please. Yes, our colleague and friend, please tell everybody who you are.

DR. KRAMER: Ricky Kramer -- Frederica Kramer. I'm an independent consultant, but I spent a lot of the last decade doing work on this at the Urban Institute, and I'm wondering, unless I missed it because I came in late -- I apologize -- this stuff is hard to do. Capacity-building is hard to do, partnerships are hard to do. We've had 50 years of trying to do that for the Great Society programs, and I've heard very little discussion of a research and evaluation strategy to know how to -- to learn how to do this --

MR. DuBOIS: Sure.

DR. KRAMER: -- and learn how to replicate it. And I think the issues that are important, it seems to me, are in very many different levels. There's systemic effect. If you really were successful, there are huge

systemic effects that could happen in local social service delivery systems that you need to know about, and whether they go in the right direction or the wrong direction, who gets served, who doesn't get served, and so forth.

The partnerships themselves, as I said, are hard to do. There's a history of that, but you need to attach it to some monitoring and collectable evaluation on what happens and what not, what works. There are clearly constitutional issues, you talked about that.

MR. DuBOIS: Mm-hmm.

DR. KRAMER: It's a question of how you evaluate that is a big one.

And then the very big one which has dogged many people in the field is what makes for effective services, and the question from that, then, is how do you replicate it not only across faith-based organizations but in the secular world so that you have models that in fact do serve the entire range.

And I don't hear and haven't heard the impetus which could come from your office to the -- both the -- this -- the agency centers and to the research offices and to how you turn this into a learning process to deal --

MR. DuBOIS: Sure.

DR. KRAMER: I had a program that was clearly -- I just want to say one more thing --

MR. DuBOIS: Yes.



DR. KRAMER: -- that one of the problems with the -- with the prior administration's approach to this was not just the political, the imbed -- the appear apparently political issue imbedded in it, but that there was no -- no evaluation associated with Sprints in sending out all the money for the capacity -- the small capacity grants. We don't know what happened with them. Thank you.

MR. DuBOIS: Well, it's a very good question and one we spend a lot of time thinking about, in fact, just had a gathering of our Center directors to think through how going into the next year we strengthened our process of monitoring evaluation. And a number of answers, and sometimes I gloss over this only because it's something that is such a core commitment of this president, and sort of all of the proposals that he's moving forward through the budget and other areas that I just forget to mention it.

Take, for example, our new effort around fatherhood that we're working on with HHS. The whole focus of that budget proposal is on -- is on measuring what works and then bringing core models up to scale and making sure the money is there to do that. So I think sort of issue area by issue area, as the President is proposing new programs, especially those that relate to our office, we're going to try to make sure that the monitoring evaluation is imbedded in that.

And we're also going to do our part through the nonfinancial and the civic partnerships that we create to count and number and measure those

and then publicize them with greater transparency through our website, through annual reports, and so on and so forth.

So, you know, I think it's -- it is a challenge. It's one that we're willing to take on, but I can certainly assure you that it's something that we're focused on.

MR. DIONNE: Thank you very much.

Let's see. The gentleman over here on the right?

MR. DISSONVENNER: Hi, my name is Scott Dissonvenner. I'm a political scientist at the University of Getting in Germany. Thank you, Joshua, for your talk. You were mentioning about capacity-building, faith-based, and --

MR. DIONNE: Could you hold the mic a little closer just so we --

MR. DISSONVENNER: Yeah. You were talking about capacity-building of faith-based and a neighborhood initiative, but there's a flip side of the coin there to where if you have Federal Interagency Committee of faith-based initiatives that have greater capacity, you also have the ability of using those initiatives in a governance capacity, you know, at the same time improving the capacity of the agencies of the United States government to fulfill their mission. And you talk about the H1N1 --

MR. DuBOIS: Yes.

MR. DISSONVENNER: -- virus example and also about using faith-based organizations to give input into a policy innovation process.

To what extent is this a conscious effort in what you're doing?

MR. DuBOIS: Sure, it's very much a conscious effort, a conscious effort and it's something that we need to make sure to pause and do every time we're seeking to communicate information to local groups or resources and so forth, make sure that we're also hearing from them about how we can improve our day-to-day operations. We're doing it in capacity-building field; we will do it in an international field as well.

We're doing it now in terms of our coordination around the response to the Haitian disaster, so the short answer to your question is that it's something that we're very intentional about. We want to make sure that we're listening as much as we're talking. And, you know, we will -- we will err from time to time, but it's something that we're very much focused on.

MR. DIONNE: Thank you. And the lady way in the back there? By the way, I want to welcome Marv Vanderslyce who's been working in this field for a long time --

MR. DuBOIS: Will you stand up, Marv?

MR. DIONNE: -- who's deputy director of the Office -- of the Faith-Based Office. Welcome, Marv, it's good to have you.

Ma'am?

MS. BUTLER: Hi, I'm "Teaky" Butler. I read a Bloggerator had some politics and (inaudible).

MR. DIONNE: Again, I'm sorry, could you hold it closer just so we could hear you.

MS. BUTLER: Sure. I'm a Bloggerator and one of those that you referenced, and I'm also a lawyer, so and sometimes constitutional lawyer.

MR. DuBOIS: That's really dangerous, a blog writer and a lawyer.

MS. BUTLER: Yeah, that's (inaudible) acceptable for oil companies. And I'm a big fan of Father Reese (inaudible). Hi.

My question is, I really like that you've mentioning international global direction that wasn't previously in the Bush administration. I was wondering if you were gearing away from exclusively as far as humanitarian and more of an ideological, potentially, focus on this. Have you heard of the gentleman who thinks that you can undermine Al Qaeda? He's written a book about this in 24 months.

MR. DuBOIS: Me, personally?

MS. BUTLER: No. In 24 months, if you -- if you label them a cult and attack their -- well, basically, attack the legitimacy or authenticity of their Islamic beliefs, and there are organizations in the faith-based arena that are really involved in conflict resolution and some of religious understanding and perspective.

And so my question is, what do you see in terms of the international focus being? Is it strictly humanitarian like Haitian relief? Or is it going to be something that can really undermine war, because we know that, you know, that's one of our huge budget crisis challenges, right? And we need to get out of it.

So is this a vehicle by which we could possibly move faith-based communities because we're in wars that have some religious ideological purported ostensible legitimacy, or that's -- if we -- if we have faith-based communities attacking that, is that something your office might move into in terms of the global reach?

MR. DuBOIS: Sure.

MR. DIONNE: Another way to ask it is, why haven't you undermined Al Qaeda yet, you know? Thank you for that question.

MR. DuBOIS: If I said we were working on it, people would take that too seriously, so, no. There are a couple things, major things that we're doing in the international space: 1) We're bringing the same partnerships vision I spoke to our Center at USAID to focus on the development and humanitarian issues that you mentioned at the top.

But, then, the 2nd thing is not nearly as specific as what you're talking about there, but we also -- we do want to take a step back and work with the State Department -- and this something that Myra and myself and R.E. Alexander and others have spent a lot of time on to make sure that they and others across government are able to navigate important civic and religious issues abroad. In many ways, the State Department and other entities, not just eight, you know, the White House has not been able to think through religious issues and the relationship between religious institutions and actors in our diplomacy and our development.

We want to think about that and think about a way to do that in a way that's constitutional and also effective as well. So it's much more general than the specific challenge that you pose, but that's what we're thinking about. It's more from an institutional perspective.

MR. DIONNE: Thank you. Let me do -- we've got to cut it off. Milton, please, we'll let -- you can have the last question.

MR. DIONNE: Thank you, I -- Josh was hesitant to ask 'cause we have an opportunity to visit on the task force, but this is not a question that I've ever posed to you, and we haven't talked about it.

Your sensitivities are so encouraging because you're sensitive to the separationist principle, you're sensitive to the whole matter of the way government and religious organizations intersect. You've been very careful today to say that you're working with members of the religious community with people who are not related to religion. You've emphasized the neighborhood component which is important.

In some of the congressional hearings, there have been questions about the name of the office. And in listening to you today just kind of brought all of that up again. Have you ever thought that the name of Faith-Based Office might ultimately be counterproductive to what the office is trying to do?

MR. DuBOIS: Sure. You know, it's a good question, and I would say that I'm very comfortable with the way that the office is both structured now and named as well. I think it's acknowledgement of the

very important role that many faith-based organizations have all across the country in terms of meeting specific human needs, but also other neighborhood organizations: civic groups, other nonprofits.

And I noted there are going to be some very sincere differences on this issue and that framing and naming is important. But the President has never been one to deny, and, in fact, he emphasizes the role of faith and values and the importance of faith-based organizations in our American life while acknowledging the other issues that you mention as sell.

So I know that there's going to be continued conversation about that, but I'm very comfortable with what they're named.

MR. DIONNE: I was going to say when you left what I have to say, thank you to the Director to the Office of Community Initiatives staff, too.

Well, last, I want to thank Joshua DuBois. A lot of people have been working in this area, and there are many books in the Bible that might inspire people. But I think in this area Job may be the most relevant book for someone doing this job.

In that speech of 2006 that Joshua referenced, President Obama said that we were tired of hearing more screed than sermon. We didn't quite hear a sermon today, although I'd love to hear that some day. But we definitely didn't hear a screed, and I just really want to thank you,

Joshua, for joining us today and for answering lots of questions. Thank you.

(Applause)

MR. DuBOIS: Thank you.

MS. ROGERS: Thanks very much.

MR. DIONNE: Emily, can I ask you a question? We may be over a bit. Should we break, or should we go straight to the next panel? Take five minutes and then we'll get the next panel up here. You can grab some more coffee, greet Josh.

(Recess)

MR. DIONNE: If I could call you here. David Saperstein told me when we called the five minute break that, of course, you know it's never a five minute break. But if everybody could begin to – could actually not begin to, but actually take their seats so we could get moving here. That shows the authority I have. Let me try again.

SPEAKER: Make an announcement about lunch.

MR. DIONNE: Yeah, no lunch for anybody who doesn't sit down now, how's that? Well, I'm just going to begin by introducing the panel, and we will pray that people will sit down. This is a very exciting panel and it's a very exciting moment for me, because I have been learning from Mark Chaves for a long, long time, and never actually met him until today.



You know, some people get excited about meeting Angelina Jolie, Brad Pitt, Kenya Bono, I'm excited to meet Mark Chaves. And then Melissa told me that sounds just like you, so I am now playing to my stereotype. But Mark is a Professor of Sociology, Religion and Divinity at Duke University, he's the author of many books, Congregations in America, Ordaining Women: Culture and Conflict in Religious Organizations. Very simply, Mark has done some of the most important work I think in his area, particularly his National Congregation Study, looking at what congregations actually do in this area, what their capacity is. I think it's foundational research and it's essential. Anybody who cares about this area should look at it.

Steve Monsma is a wonderful man whom I have had the pleasure of working here before. He is also a pioneer of research in this area. He's a Senior Fellow at the Paul Henry Institute for the study of Christianity and Politics at Calvin College. It's actually nice to remember former Congressman Paul Henry, who was really an extraordinary member of Congress. He'd be totally at sea in this polarized political environment actually. He was a moderately conservative republican from that part of Michigan and had extraordinary reach across party lines.

Steve is also a non-Resident Follow at the Institute for Studies of Religion at Baylor University. He's got a BA from Calvin, an MA from Georgetown, a PhD from Michigan State. He has also written a lot of books, including The Challenge of Pluralism, Church and State in Five

Democracies. And here's one whose title is totally appropriate to the moment, Faith, Hope and Jobs, and then it's Welfare to Work in Los Angeles. But we want a new edition where you will conjure up about six million jobs for us, Steve. Also Putting Faith in Partnerships, Welfare to Work in Four Cities, and a whole lot of other great work.

Rebecca Sager, this is a very nice story. Rebecca Sager is a great scholar. I met her a couple of years ago when she was working on the Hill. And her thesis advisor happened to be Mark Chavez. And I think one of the reasons Mark shut up today is, he got a kick out of being on the same panel with Rebecca today.

She is the author of the hottest new book in this field, if I can put it that way, Faith, Politics and Power, the Politics of Faith-Based Initiatives. It's on state implementation of the faith-based initiative. I guess it will be published this fall, it says here, but I've got it in my hand, so is this an old – it's out, yes. It's a good book, I have it. She has published a number of pieces on this, and it is just great to have her here.

And then as a respondent, we have respondents on both panels, and we are so grateful that Renata Cobbs Fletcher, who is Vice President for Youth Connections and Re-entry at Private/Public Ventures. On each panel, we wanted someone who has been in the trenches on the work that we are talking about, and Renata has done extraordinary work. Since joining PPV in 2003, she has worked on program design, technical assistance, capacity building for – on initiatives focused on improving the

lives of people in disadvantaged communities. One of the largest of these, Ready for Work, is a national multi-state prisoner re-entry demonstration project aimed at reducing crime and recidivism. And she also has a long and distinguished career.

I will just mention, since I'm mentioning everyone's books, she is the author of Mentoring Former Prisoners, A Guide for Re-entry Programs, and co-author of From Options to Action: A World Map for City Leaders to Connect Formerly Incarcerated Individuals to Work. This is one of the most important issues in our society and it's on that long list of important issues we do not pay enough attention to, so we are grateful for your work and grateful that you are here.

So because I think of him as Angelina Jolie or Brad Pitt or Kenya, I'm going to ask Mark to open this up.

MR. CHAVES: Thanks, E.J. It's actually a little bit of a mixed feeling to be on the panel with Rebecca, because I'm no where near old enough to have a student who's a distinguished scholar in her own right and on a panel like this, but it's a pleasure to be here. I'm going to take my time to tell you about results from one very specific research project. Let me back up. I'm going to focus my attention on congregations, meaning local places of worship, churches, synagogues, mosques and their role in this arena. That's what I know most about, that's what I study.

So with that focus, I'm going to tell you about results from one very specific recent research project, and then I'm going to make two broader points.

The recent research that I'm going to tell you about asked a very simple question; the question is, did the faith-based initiative as it existed over the last eight or ten years really, or 12 really, depending on when you date it, did it have any noticeable impact on American congregations and their role in social services arena?

Congregations, I sometimes in this arena feel a little self-conscience talking about local congregations, because local churches are only one type of religious organization targeted by the faith-based initiative, and in a lot of ways they're not the most significant type of organization in our – type of religious organization. Their significance I think pales in comparison to religious organizations dedicated to social services, like Catholic charities and Lutheran social services and Jewish family services and so on. But influencing congregations was, in fact, one of the goals of the faith-based initiative as it existed.

They were ideologically important to the initiative. They were held up as kind of ideal type examples of local holistic, personal, religiously based social services and organizations that were considered kind of the alternative to the current system.

Local clergy were targeted by the faith-based initiative, they were invited to conferences, and workshops, and seminars, and

brochures, web sites, guide books on how to apply for government grants – focused on them. They were among the small and inexperienced community organizations that wound up getting money through Compassion Capital Fund. And they were – the initiative also sought to encourage partnerships between other kinds of non-profit organizations and government agencies and congregations. So it makes sense to ask did all this activity have any impact on congregations, on local congregations. And, of course, one of the core assumptions of the faith-based initiative was that there is this untapped energy, creativity and resources lying dormant in congregations that could be available for mobilization by this initiative.

So did this activity change congregations? We can answer this question, by the way, because the National Congregation Study was first done in 1998, essentially year zero of the faith-based initiative, and we did it again in 2006 and 2007, so that's how I'm able to track change over kind of exactly the right time period. Did the faith-based initiative change? Yeah, it was really lucky just to have done that survey in 1998 and then all this happened.

So the answer is yes and no. I'm an academic member, so we have two hands and this in the internet, that congregation's interest in social services and in government partnerships increased over this period. More churches expressed interest in applying for government money, more did community needs assessments, more had a speaker from social

service organizations, so the faith-based initiative got congregation's attention in various kinds of ways.

Behavior, however, is another story, it didn't change, not at all. There's no increase in congregation social service involvement, no increase in paid staff doing social services in congregations, on increase in the percent to receive government money, it was three-ish percent in 1998, it's three-ish percent now. By the way, it was three-ish percent in 1950, as well. One of the myths of the faith-based initiative was that congregations couldn't receive government money, and that hasn't been true forever.

There was no increase in collaborations between churches and government or non-profits. There is one hint in the data that congregations that were already involved in this kind of work may have intensified their involvement in the work, which is – there's an irony there because, of course, one of the goals was to bring in the new kinds of organizations, but if any – if it had any impact at all, it was intensifying the work of the organizations the congregations were already involved, but the data is not clear on that point. But if there was any behavior change, that was it.

So the bottom line is that the faith-based initiative got congregation's attention, but had little or no impact on behavior, that's the punch line. So that's the specific research that I wanted to mention today. And there's – you can see the report. A working paper version of this

report is online on the National Congregation Study web site, it'll appear in March in the non-profit and voluntary sector of Quarterly, so if you want all the gory details, you can get them.

Two broader points I want to make; first is that I think it's clear why the faith-based initiative had so little impact on congregations, and I think there is a lesson here for any future version of this initiative with respect to congregations, but probably broader, as well.

I think the fundamental problem was the flood assumption that congregation-based social services represented an alternative to the current system. There really is no meaningful alternative system to be found in the religious world. Congregations long have occupied an important, but limited place in community social welfare systems.

Maybe more important, far from constituting an alternative to that system, congregation social service activity depends on it, well, it depends on it. It mainly exists in partnership by volunteers going to work at other organizations and so on. So to effect real change in our social welfare system with this in mind, a knowledge-based faith-based initiative should recognize that congregations already are part of social service delivery systems that include government agencies, large and small, religious and secular social service agencies. And there surely are ways to strengthen the system, but the faith-based initiative strategy of bypassing the existing system, redirecting resources from one to another part of it, and trying to build up one small part of it rather than building up the delivery network as

a whole was not likely to achieve that goal. So I hope that – and from Joshua's comments this morning, it sounds like this is the lesson that's been learned.

I hope that any future faith-based initiative wouldn't make those same mistakes of trying to bypass and imagining this alternative system that was out there.

One final broader point, and this has to do with kind of what I think, congregations do have something very special to offer this overall system I think. I think – and I think it gets overlooked, and I'd like to make a point, because I spend so much time criticizing things, I like to say something positive and constructive and – because –

MR. DIONNE: This is Washington, you don't have to do that.

MR. CHAVES: I felt the need over the last eight years to constantly call attention to the limits of churches role in the system, but maybe now it's time to focus on what -- the other side, the glass half full. I think congregations are especially and maybe uniquely good at mobilizing small groups of volunteers to do well defined tasks on a periodic basis, small groups of volunteers, well defined tasks, on a periodic basis, the eight people who cook once a week at the homeless shelter, the 12 people who will spend eight Saturdays on a habitat rehab project, the youth group that will spend two weeks in the summer painting a church, small groups of volunteers, well defined tasks, on a periodic basis.



The well defined and periodic part is important, because really the broader point is recognizing the limits – the value and the limits of volunteer-based activity. So I'm nervous about open ended mentoring programs, because that's not well defined, and there are cases of these programs that they fall apart precisely because the expectations are not well defined and periodic.

So I think the better way, making better use of congregations, or enhancing partnerships between congregations and government or non-profit or other kinds of social services agencies means figuring out how to better use that particular kind of resource. Now, that's a lot less sexy than giving the money and all the other things, but I think that is actually – if it were serious about enhancing partnerships with churches in particular, local congregations in particular, that's what they really do have to offer, I think.

And it's no accident that the kinds of things – the organizations that congregations most partner with are organizations like habitat or like local homeless shelters, because those are the organizations that have figured out how to use exactly that thing that I think churches really do have to offer the system.

So, you know, like Joshua said, that's not a headliner, that's not – I don't think it's – there's any legal or constitutional issues at all in enhancing that, it's not controversial, I don't think, but I think that actually is the more realistic way to think about focusing attention, if you care

about enhancing congregation's role in all of this. And I'll stop there, thanks.

MR. DIONNE: Thank you very much. I was thinking the title of your talk is much ado about, and then fill in the blank, and we can talk about that as we go. Steve Monsma, it's great to have you here. Steve and Mark have somewhat different points of view on this, which is one reason why we wanted them here, but they both do honest research, which is very helpful these days. Steve.

MR. MONSMA: I'm going to speak from the podium since I have some PowerPoint slides which hopefully we can call up, which may – hopefully will help in – okay, here we go. Okay. In my time, I would like to discuss what social science research is at least beginning to reveal in regard to whether or not faith-based programs are more effective in achieving the desired or hopeful outcomes among the program participants. Let me make three points. If I can make – well –

MR. DIONNE: Do we have a PowerPoint expert in the room? I certainly am not one.

MR. MONSMA: No; it should go to slide number two, but it's not doing it. My first point – okay. I was going backwards instead of forward. Well, okay, we can go on. My first point is that fully accurate outcomes research is difficult to do, some would say it's even impossible to do. And I could take the rest of my time this morning, you know, cataloging the challenges that good outcomes research faces, but suffice

me to say that we are dealing with real problem in the real world where this next to impossible to duplicate the controls that one can have in a laboratory situation or even in a double blind study such as is used in investigating a new drug.

I would only add that this is hardly a unique situation when it comes to public policy making. But that leads to my second point, and this is the most important one. In general, and with some exceptions in both directions, participants in faith-based social service programs tend to have somewhat better outcomes than do participants in comparable secular social service programs.

This was the conclusion that Robert Fissures reached in his delightfully entitled paper, *In God We Trust, All Others Bring Data*. He carefully examined 18 published peer reviewed empirical studies that compared the outcomes of faith-based and secular programs. He concluded, "The overall effect of faith-base in community programs, although modest in size, demonstrates that these programs tend to produce somewhat better outcomes compared with usual services, secular services or no special programming. The spectacularly better outcomes that anecdotal accounts of faith-based programs have compared to government or other secular programs, frankly, tend to melt away when programs are subject to careful empirical analysis. However, faith-based programs do tend to have slightly better outcomes than their secular counterparts, but often not at statistically significant levels."

Let me give a few examples of programs which may help to illustrate this basic point. For example, there was a minority adult flu vaccination program in the San Francisco Bay area which involved 15 churches where vaccinations were actually given at church, and 80 percent of the target adult minority participants in this study, 80 percent of them obtained the flu vaccine, the comparison group only 46 percent dead.

I think a little later on we're going to hear more about the Ready for Work Re-entry Program. But here again, especially at the three year level, which is hiding behind E.J. there, the faith-based in some community providers tended to have a lower recidivism rate than the national average, although not by a great deal.

An example where faith-based programs had significantly worse outcomes was in a California Welfare to Work study done by David Campbell at UC Davis. There the faith-based providers had a 41 percent success level, that is a person being employed at the end of the program versus non-faith providers at almost 80 percent, although Campbell points out that among the faith-based providers, they tended to have participants in their program that had more severe challenges, such as substance abuse problems, being ex-offenders, et cetera, than was the case among the non-faith-based providers.

Two examples of studies that I have conducted where outcomes were mixed or faith-based programs had, you know, slightly

better outcomes, Welfare to Work Program in Los Angeles, the book that E.J. mentioned earlier. There were really no significant differences in employment outcomes except the for profit providers did have significant, you know, even statistically significant better outcomes.

Faith-based providers were better, however, in terms of participants who already had a job being able to hold onto those jobs six months later, at about a 90 percent level, whereas for all of the groups, secular, government, secular, non-profit, faith-based, it was only at about the 75 percent level. Again, you see there's a difference, but not a huge difference.

I was involved in a study for the Department of Labor of a program for at risk and adjudicated Latino youths in five western cities; again, there were no really statistically significant differences between faith-based and secular providers. The faith-based providers by some outcome measures, they did a bit better, others, the non-faith-based providers, the secular non-profits did somewhat better.

These are illustrations of the basic point that I started out with. I'm at point number two. In general, and with exceptions, participants of faith-based social programs did slightly better than those in government programs and other secular programs.

This leads to my third point, that is, based on social science outcomes research, there is no basis either to exclude or to favor faith-based providers in government partnerships. There may be other

reasons, but in terms of outcomes, social science outcomes research, there's no basis either to exclude them or to favor them.

Persons attending faith-based programs experience roughly the same level of positive outcomes as do persons attending the programs of secular providers. Therefore, the all hands on deck approach for which President Obama has called means there's no reason to exclude faith-based programs from partnerships, and I'm thinking they're large financial partnerships with government. They have at least as much to contribute in providing services desperately needed by many in our society, as do their secular counterparts.

And here I want to make reference to the six million children that E.J. mentioned earlier that it's expected will live in poverty throughout their child. In a way, this is the ball that we need to keep our eye on, those who are in desperate need in what is probably the richest society in the history of the world.

That's a continuing tragedy and scandal, I would suggest, and as we attempt to deal with that tragedy and that scandal, whether it's children in poverty or others who are in desperate need, an all hands on deck approach is clearly needed, and to me, from social science research, that indicates this needs to include faith-based organizations of a wide variety of types, but also government run programs, secular for profit, and yes, even for profit programs, which also can be effective. Thank you.

MR. DIONNE: Rebecca, it's so good to have you here. Rebecca really – Mark has sort have been able to replicate his survey. Rebecca's is really one of the only or maybe the only full scale book on this subject since the change in administrations, and really a book that can look back at the whole of the Bush experience, and we're grateful that she's here.

MS. SAGER: Right; and what I'm going to talk about is really about the Bush experience and about what happened at the state level. So while most of what we talk about when we talk about the faith-based initiative is focused on the federal level, I really wanted to think a little bit about what's been happening at the state level.

Since 1996, nearly every state has implemented some aspect of the faith-based initiative, from creating sort of new state faith-based bureaucracies to passing a variety of faith-based laws. The vast majority of states have actively been pursuing their own version of the initiative.

States had to do this in an often kind of haphazard manner with little direction, funding or support from the federal government, and so they relied largely on what was happening in other states and had to kind of model what they were doing and what they saw around them. And in this talk, I'm going to use data collected on all state faith-based administrative and legislative practices until 2007. And I'm going to very

briefly try to sum up six years of work in seven minutes, examining what states did to implement –

MR. DIONNE: -- Mel Brooks –

MS. SAGER: -- what states did to implement the initiative, why these actions really didn't have much of an impact, and what states might consider doing next to create a better faith-based initiative.

When the initiative first began in 1996, two main states took charge, marking out two very clear and very different paths. The first path was laid out in Texas under then Governor George Bush. The focus in Texas and later in the Bush White House was largely on implementing faith-based policies that would change government culture in the political environment to be friendlier and less restrictive to faith-based groups.

Then Governor Bush did this in Texas through eliminating regulations for just faith-based organizations, creating few guidelines for these groups to follow about church/state separation while performing social services, and mandating a change in government culture that was really about creating connections between faith and government, and making this a much more kind of what he thought would be a friendlier environment, a more welcoming one. The hope, which Mark has also talked about, was that once these restrictions were lifted, overtly sectarian groups, especially congregations, would become more involved in the social service sector. So it was sort of let's stop doing this, let's make this



more welcoming, friendlier, and these groups will start coming to us, and as Mark has said, that really, unfortunately, did not happen.

The second path the implementation states could have followed is the model begun in New Jersey around the same time. New Jersey's path to implementation offers a stark contrast to what happened in Texas. In New Jersey, not only were significant amounts of funding directed through their faith-based office to help already proven both faith-based and community-based organizations do social services, but they backed up this funding with clear guidelines regarding church/state separation, transparency about which groups received money and why, and engagement of community groups, not just faith-based organizations. And while there was still a focus on changing government culture to be more welcoming, this was not followed by special deregulation for these groups or special engagement of them to do social services. Since 1996, when these two early actors set out two possible roadmaps, states to varying degrees, by and large, followed the model established in Texas and the White House, a model that was more about using symbolic faith-based policy for political gain and blurring church/state separation rather than offering funding to proven groups to help the needy.

Following this path states by and large relied on three main symbolic types of implementation while politically expedient and useful did not do much to help FBO's or serve those in need.

First, the most common activity was for states to create an office of faith-based initiatives or a faith-based liaison. Modeled after the ones in Texas, these officials worked with faith-based groups in their communities and relative government officials to enhance cooperation.

When I interviewed 30 of the 33 liaisons working between 2003 and 2005, I found that most liaisons were very religious and had come to this position because they wanted to. They wanted to create these connections, but really help faith-based groups do social services better. And they came in with a lot of high hopes for the initiative. They worked hard to make something happen, but they soon found there was little or no money, and the political support for what they were doing was really just non-existent, and so over time, these hopes faded away.

I know that we tried to move kind of away from the money question, but all the liaisons I spoke with told me that to do much of anything, whether long term or periodic, whether with faith-based groups or with community groups, you need money, money that is given out under clear rules that respect legal boundaries.

As one liaison who I saw over this period for several years told me, where's the money, how are we supposed to do anything if we don't have any money. The sense that they are sent out on a mission without the tools to succeed led to a growing frustration that the only people who seemed to gain much from the initiative were the politicians who gained political goodwill from the faith community. By 2009, of the 30

I had spoken with, only two were still faith-based liaisons; almost all of them had left because of this growing frustration.

The second most common way states implemented faith-based initiatives was to enact a variety of different types of faith-based legislation. Between 1996 and 2007, 42 states enacted over 270 different types of faith-based laws. Again, this legislation offered little in the way of new funding; instead, these laws were more focused on loosening rules for faith-based groups and increasing their access and presence in government.

Finally, states also supported conferences aimed at increasing public awareness around the initiative. However, as David Quo has pointed out, these conferences also served as political rallying grounds for its political supports and were used to – for politicians that spoke at these conferences.

Because each of these three steps required little in the way of actual money, but generated much in the way of publicity and early public support for the initiative, politicians at the state level could, to put it bluntly, get all of the faith-based bang without a lot of the buck.

This emphasis on politics over policy has been that there's been, as Mark again pointed out, no significant increase in the numbers of partnerships between faith groups and the government and no significant increase in the number of congregations doing social services. So what now? How do we move forward to create a better faith-based policy? I

see three steps to move forward. First, state and local officials need to have the resources to take a look at what's already happening in their community. What connections are already being made? Who is doing what? What can the faith-based groups and their communities actually do?

Because state actors had no funds, most states did not even take this first step and often ended up repeating actions already being taken or stepping on toes. Second, we need to take time to listen to the faith-based community. They have their ear to the ground and know what is needed. Instead of telling groups that they should become active or telling them what kinds of things they need to do, they need to spend more time listening to them and what their needs are.

And again, most of them have said what they need is fiscal help to do things under clear guidelines to help the poor and needy that they see especially now needing more and more services from the churches that are really being stretched too thin. As one liaison said, we need to get these groups off their knees and onto their feet, and the only way to do this is money.

And finally, we can all learn from faith-based groups about what works and how to repeat those actions over time. We can then offer real assistance and clear guidelines to help them succeed in their missions. In one of the last interviews I did, the liaison said that he told

me while he saw many problems with the initiative, he cautioned, let's not throw the baby out with the baptismal water.

Continuing to follow similar patterns and implementation that offer little and material concrete help, but much and symbolic political and policy development, will only damage relationships between faith and government sectors.

The faith-based initiative works best in states like New Jersey when these groups are engaged by government in a way that helps them facilitate their goals through funding assistance that is done under concrete and easy to understand guidelines.

Many of these groups want to continue partnership with government, and there are, I'm hoping, some new ones who want to do this, and by focusing on what they need rather on what they can donate in the way of political capital is the first step forward. Thank you.

MR. DIONNE: Thank you so much. I was thinking the title of that paper could be Mammon as God's Essential Ally. I also want to thank our first presenters, and I'm going to say this after Renata speaks, I'm sure, one of the reasons we wanted to put this panel together is that this debate has so often been a fact free zone, and I'm grateful to all our participants for putting different sorts of very useful data information on the table. And Renata, welcome, it's great to have you. And as many of you know, PPV is one of the pioneers in this area, has done great work for a very long period of time.

MS. FLETCHER: Thank you very much. If you just give me a second, I'm a bit afraid of the PowerPoint here, so I may just do without it if I can't get it set up. Okay, great. Okay, there we go. Okay, great, thank you.

Thank you very much.

As E.J. mentioned, PPV has been engaged in faith-based work for some time. I have been with PPV for about seven years, and the bulk of that work has been on the Ready for Work initiative that was mentioned earlier. So I do have, I think as someone mentioned earlier, a lot of the sort of on the ground experience in terms of working with the faith-based office, with the faith office of the Department of Labor, et cetera. So I think PPV brings a unique perspective, and I'm not going to focus so much on Ready for Work because I think some of our background is important. Okay. And I'm going to skip some of this that I think has been covered.

I'm just going to jump right to PPV's faith-based work. A lot of that led by John Dilulio. PPV essentially began its work in the mid 1990's, with the question focused on learning of whether or not and how small to mid sized faith-based and religious organizations could provide solutions to urban problems. And we've heard a lot today just about poverty and some of the intractable issues, and this idea came up because those issues were not being solved.

And one of the things you hear often in communities is, all that's left standing are the liquor stores and the churches, so really identifying strategies for leveraging the services of faith-based organizations.

The first initiative was called Communities Serving Ministries, and out of that came two of PPV's signature faith-based projects, the first being Youth Education for Tomorrow, which is a literacy program, an after school program for children, the second being the Amachi Program, which is a mentoring program for children of prisoners, and the child care initiative kind of never got seated at PPV. We went on with the faith-based work to launch Faith in Action. I'm just going to go through these very quickly. The national faith-based initiative for high risk youth, which was a mentoring program that partnered us with the Department of Justice and sought to impact outcomes for at risk and high risk juveniles.

The Ready for Work demonstration project that we've talked about saw a lot of very promising outcomes for that specific to job placement, job retention, recidivism, as Stephen mentioned earlier, and lastly, some really strong correlations between participants who were mentored both on the juvenile and the adult side, their recidivism rates, and their ability to get jobs and stay in those jobs. So a lot of promise there, and I think a lot of the early work that John and others drove at PPV really, you know, resulted in Ready for Work, and I'm going to talk about that.

Religious and values, and then finally the Bush/Clinton Katrina Fund Grant Program, and we basically designed and administered that program specific to faith-based organizations and their recovery after Katrina. So through this work we sought to answer several questions, whether faith-based organizations can radically expand the recruitment, retention and mobilization of volunteers for social programs and why or why not, can FBCO's provide a higher level of service than secular organizations or larger FBO's, and finally, the circumstances under which small local faith-based organizations could effectively implement programming.

And we did and didn't answer some of these questions, so I'm going to get to that. We also had an interest in looking at the role of faith in programming, the capacity of faith-based organizations, and I'm really anxious to talk about that. A lot of questions I think are relevant to our work. Whether faith-based organizations were successful at attracting participants; if so, what type of participant, and the reasons why or why not.

So I'm going to just jump to the early 1990's. And with that as a context, and again, with John Dilulio driving the work, we looked at a program called the Youth Violence Reduction Partnership that was largely based on the Boston ten point miracle led by the Reverend Eugene Rivers, and it was a juvenile project that specifically reduced or at some point eradicated completely homicides among juveniles in Boston. But



when Philadelphia and PPV sought to recreate that through the Youth Violence Reduction Partnership, at that time, again, the early '90's, they deemed that there was not a faith-based organization within the city of Philadelphia that had the capacity to really pull off managing as a lead organization per the design of the YVRP.

I'd say from that, starting with 2003 and Ready for Work, and a little before that with the national faith-based initiative, which also, again, partnered us with the government, that PPV began to explore whether or not there were other ways for some of these smaller and mid sized groups to be able to effectively deliver programming, and that meant for us ideally through PPV serving as an intermediary, providing comprehensive capacity building and technical assistance.

And I think largely, at least with the work that PPV conducted, much of the work under the Bush Administration over the eight years that he was in office did sort of focus on that model of the smaller FBCO's, you know, having capacity building and having stronger and bigger organizations that intermediaries kind of help them develop. PPV's work really designed largely with Ready for Work and other initiatives to build stronger organizations that ideally would become more sustainable after we kind of pulled out, and thus, those organizations would be able to receive direct funding. So PPV actually served as an intermediary and refunded many organizations that, as was talked about earlier, would not be qualified for funding directly from the federal government.

A lot has been said earlier just about the volunteers. And I'd say PPV's work really underscores what's been said, that we have found that FBO's can add tremendous value to recruiting, retaining and mobilizing volunteers.

One of our findings also includes the fact that FBO's have been very successful at recruiting volunteers specific to serving kind of the most at risk populations. So looking, for example, at children of prisoners, looking at Ready for Work, that had a tremendous number of male volunteers recruited successfully for that program, and moreover, Males of Color. And with mentoring programs in particular, you know, as most of you all know, attracting adequate numbers of male volunteers to serve as mentors, and moreover, Males of Color is quite a challenge for organizations. And we found that by the faith-based organizations sort of working through the congregations to, you know, come out on the pulpit and pull in men and women to volunteer, that proved to be a very successful strategy.

Re-entry, I'll just talk a little bit about, because I think, you know, in my opinion, in some of the talk about different types of programs that we hear about, with my vantage point of re-entry, it's somewhat unique in terms of needing for a number of program components to all be taking place at the same time has a demand for a strong level of partnership between public and private partners.

And I think what I have seen over the course of the last seven years that I've been with PPV is that when we started with Ready for Work, there was a lot of reticence I'd say from, you know, for example, jails, letting in mentors to go and recruit for the program, reticence of, you know, city governments wanting to partner with faith-based organizations.

And I'd say from sitting here now that a lot of that has changed. And when you look at the Second Chance Act RFP's, for example, that are coming out and that are articulating re-entry strategies, you see sort of solidly there the faith-based community as a partner, and I think that's been a big step over the course of the last few years. We found that the faith community can be successful with the Juvenile Justice Committee, I'm sorry, the juvenile justice community. Some of our early findings suggested that many of the faith-based organizations that we've worked with in the past had some difficulty distinguishing between at risk and high risk youth, two very different populations with different needs, and the early research there indicated potentially that that needed to be sharpened in order to serve more effectively.

Finally, that FBO's are not homogenous, and I don't want to preach to the choir here, but a lot of my work over the last seven years, you know, was sort of battling against the notion of one type of faith-based organization, you know, generally coming to mind the small, you know, mom and pop store front church, and what we found was, you know, as you all know, just a range from, you know, Catholic charities or goodwill,

you know, to the mom and pop shop, but a huge range in between of capacities, and what we feel we kind of contributed to Ready for Work and other projects was an ability to provide technical assistance that really took into account the culture and the structure and size of those organizations, and I think that's important for us to keep in mind. Another lesson learned is that with support, FBCO's can and do comply with the no proselytization rules. And there I'd have to say we were very careful, as was the federal government, in terms of ensuring, particularly because we had a mentoring component, that, you know, we were steering clear of any intrusion into government federal guidelines.

And I'd say, you know, initially coming in, there was a lot of concern on our part that, you know, people would not comply. They did comply; I'd say, again, there – a lot of our technical assistance work was around working with groups who did not want to feel that somehow by not proselytizing, they were compromising their values or mission, and I think we came out of that really with most of the groups having an understanding that, you know, or figuring out a way to sort of live their faith rather than trying to convert a mentor, so I think that's an important piece.

The religious orientation of an FBCO will not interfere with its recruitment of participants from other religions as long as there is no proselytization. As with secular programs, effective programming alone does not make for successful outreach. And, you know, part of PPV's work is really looking at recruitment strategies and those recruitment

strategies that work. Talked a bit about technical assistance, and here I'd say we strongly believe that quality technical assistance and capacity building are crucial to the success of small to mid sized FBCO's. And I think we found that to be true in the national faith-based initiative, Ready for Work, and yet – and I talked about the Youth Violence Reduction Partnership, and again, PPV's kind of growth in this field from that point of really trying to figure out how to work with those organizations.

We feel there's still a lot to learn, and you know, are really excited about this new administration and the, you know, sort of continuance of the faith-based office. A lot of questions have not been answered, and as someone said earlier, many of the programs not evaluated, so unfortunately, there's a lot that we don't know about what worked and what didn't work. And I would definitely argue that some of the things did work, but unfortunately, were not evaluated.

We don't know necessarily what role faith plays in effective service delivery. We talked a bit about effectiveness at service delivery. We feel that question is ultimately unanswered. Need to know what the differences are in effective service delivery between FBO's and secular CBO's of the same sizes, and whether or not there are unique contributions that FBO's can make. Are FBO's more effective with specific populations? If so, how and why? And then to the sort of capacity building question, because I'd say, again, looking at the Bush Administration, there were a lot of different capacity building, you know,

mighty things I know provided some technical assistance, we served as an intermediary.

A lot of different types of strategies that I think were not necessarily measured, as someone pointed out, and so we feel there's a tremendous opportunity kind of going forward with this administration to evaluate both the programs, but also the approach to capacity building.

And look at really what types of capacity building are most effective for which types of organizations. We need to inform the public about how or if capacity building or technical assistance can lead to sustainable change, and again, really looking to build organizations that ideally become fundable and sustainable and effective at going forward.

We wonder what type dosage and frequency of technical assistance is most effective, and whether high quality program replication among FBO's necessitates ongoing technical assistance or should end at some point. So we hope to definitely be a part of sort of the exploration going forward and are excited to be here. I do want to just say a quick thank you to John Dilulio, you know, both for his work at PPV, but also his generosity this past week and beyond, really just in terms of reflections on what we're talking about today.

One of our next steps going forward is to work with John on a PPV publication that will look at PPV's work, you know, both in the context of the government partnerships, but beyond that, and also articulate more fully some of the lessons that we think stand to be learned.

We will continue with our ongoing technical assistance work, which we work with FBO's sort of going forward. And really, as I talked about with the capacity building, hope that the government might consider at some point a future demonstration of research projects that get to the bottom of all of the questions that we have. So that's it, thank you very much.

MR. DIONNE: I'm going to say, those were spectacular presentations, thank you so much, Renata. I'm sitting here with – I was sitting here with the hope that after ten years of beating each other's brains out about this subject, we might actually be entering a period when we could take a quiet look at what works, what doesn't, and try to do what works. And I like the spirit of all the presentations, because I think that was at the heart of the entire discussion.

I want to ask a quick question to each of you, and it's all in the spirit of how do we figure out what works and how to go forward. Mark, I wanted to ask you, your earlier survey I always thought had an interesting finding which pointed to, and we talked about this a little this morning, some of the problems politically President Bush had with this, because if you looked at your earlier survey, the congregations that most wanted government help to do their work, they tended to be African American and Latino congregations, not other kinds of congregations.

They also tended to be more liberal or moderate congregations than conservative congregations. And so you ended up

with a disconnect, where the political base of the President do not lie in those congregations, so that the program in principal would be most popular in parts of the religious world, where he was least popular and where there might be more skepticism of what he was up to. What I wanted to ask you, and maybe I'll just ask all three questions – all four questions, you know, and then let you interact to them, we'll go to the audience. Have you – did you notice any change in any of those core findings over the two surveys, and do they have any political meaning? To Steve -- political, I mean not in the electoral sense, but in how we proceed on this.

To Steve, on the faith-based outcomes, it struck me from the research I've seen that it is in the end very hard to decide whether FBO's are more effective than more secular organizations.

I had a student who did a great study of the VA which had faith-based and non-faith-based programs, and she looked at two dimensions, one was faith-based and non-faith-based, the other was whether the programs had heavy veteran involvement or not. What she discovered, which doesn't surprise us when you hear it is, the two groups of programs, faith-based, non-faith-based, were about equally effective or ineffective, and actually the variable that mattered was how heavily involved veterans were.

And in the programs, the faith-based with veterans were very good, the non-faith-based with veterans tended to be good. It wasn't



uniform, but that was the thrust. And so there's part of me that thinks the whole question of looking at which are more effective may lead us down a blind alley, unless we can figure out is there something very specific that faith-based groups can do that other groups can't, and what in the world would that be, and that is sort of my question to Renata, as well, which is, while you say we need more research in this area, researchers, all of us always want more research in the area, I'm curious what your findings are.

And on Rebecca, and this really squares with Mark's presentation, in the end, it seems – it doesn't matter whether you're for faith-based or non-faith-based programs, what matters is how many resources are you willing to put into programs and help the disadvantaged. And if you put in a lot of resources with the idea that faith-based groups won't be discriminated against, they'll do well, and if you don't put many resources, no matter how much you talk about faith-based groups, they're not going to be able to do very much. And I just want you to talk about that research issue. So if we could go down the panel. And also please feel free to interact with each other's presentations.

MR. CHAVES: So the specific answer is that all those patterns still exist now. The black churches are way more interested in this than white churches, liberal churches are interested, and all those, however, I mentioned the interest in this kind of work and in government partnerships has increased, and that has increased among all the groups,

as well. So the differences are still there, but the increases are there across the board, yes.

MR. DIONNE: Was there any increase, a greater increase in some groups than others? Like were conservative churches, because of the administration's emphasis, more interested at the end of all of this or not?

MR. CHAVES: I don't think so, but I'm not sure, I don't think so. I remember – I know for sure that there was increase in all of them, I don't know that I had the statistical power to – differences in the slopes of those lines. All lines go up, it's unclear whether the slopes of the lines are different, if you see what I mean.

MR. DIONNE: Steve.

MR. MONSMA: Maybe just a couple comments. I think one thing – one distinction it's important to keep clear in our minds is between the work that churches or congregations as religious congregations are doing, which is what Mark has focused on in his research versus what religiously affiliated or religiously based 501C3 non-profit organizations are doing which I have focused on more. And I think it's important to remember that both of those are out there. When we're talking about faith-based initiatives, we're talking about much more than what congregations are doing, we're also talking about faith-based organizations that are 501C3 non-profit organizations. And, in fact, my

general observations, they are the larger and more important players in this whole mix.

The other point I would make, and this comes out of this study of at risk and adjudicated Latino youths in five western cities, where we did find there were significant differences, was between what we are able to call comprehensive programs.

And we visited all of these sites, we did focus groups of the participants, et cetera, and it became clear to me as we did these that some of the programs really were very comprehensive.

There was the government funded program, but then there was – they would attempt to hook the youth into a whole range of other programs. You visited these sites and the youth is just kind of hanging out, playing video games or ping pong, they would take them out to sporting events, they were – if they were faith-based, they would invite them to youth groups and affiliated church, et cetera, others of these programs tended to offer, you know, perhaps a class in anger management, for example, that would last for six weeks, meet twice a week in the evening, and that would be largely the extent of the program.

Well, when we compared the non-comprehensive with the comprehensive programs, suddenly there were statistically significant results. Those comprehensive programs that were creating for these youths that came out of very poor neighborhoods, often poorly performing schools, they started creating what these youths themselves sometimes

called a second family, or what I would call a counter culture to the culture of the streets, where many of them anyway had grown up. And they were doing much better in terms of education, in terms of employment, et cetera.

So perhaps the question we should ask is not so much faith-based versus secular, but more the nature of the program, whether offered by a secular organization or a religious organization.

MR. DIONNE: Thank you. Rebecca.

MS. SAGER: Well, E.J., you said resources matter, so how much funding is actually out there that these groups can apply for? Faith-based or secular is, obviously, really important. I mean if they feel like they're, you know, states are running dry of funds, federal governments are running dry of funds, then none of these groups are going to be able to get the help out there to do the things that they need to do.

I think that there are, you know, relatively small, easy to accomplish ways to help some of these groups do really important things. I mean churches, for example, like we're periodic based helping with food. As we know right now, food and security in this country is a very big problem. One in six people are on food stamps.

Why are we not doing more to help churches, which are really the first responders when people are hungry? When they go to a church to get food from a food pantry, when that food pantry runs dry, why isn't there more work between the government and these churches to do things

like get those groups food so people can go immediately to that church and get that help?

I think one thing that people could be doing is identifying, and this goes back to the first step that I was talking about, which groups in the state or community level are doing things that actually work, which groups are the best at doing what they do, community or faith-based, and then creating partnerships with other groups that are maybe ready to take that next step, but don't have anyone to mentor them, don't have anyone to show them what to do, don't have anyone to, you know, tell them what it means to set up a board of directors, tell them what it means to set up their own separate 501C3, and making those connections so maybe those groups can go take that next step.

But again, if there's not the money out there to help them do that, then they can't take that next step, so yeah.

MR. DIONNE: Thank you. And, Renata, could I piggyback a question to you on this? You mentioned that, I think maybe it was Jean Rivers' original line that in many of our neighborhoods, the church and liquor store are the only institutions left standing. When you said that, I thought maybe we will soon have an office of liquor store and neighborhood partnerships. But it raises the question, there are in some of our poorest neighborhoods, and perhaps particularly African American neighborhoods, the critical social and political role played by the churches might suggest that they have a role to play in those neighborhoods that

might not be the case in other neighborhoods, and what are we to make of that? Does that – should that have any effect on the way we make policy or how we look at what works?

MS. FLETCHER: Okay. I would totally agree with you. I mean I think it's a strategy in terms of the African American and Latino communities that we'd be very short sided, you know, not to leverage as a tremendous resource. Those are, you know, as folks had mentioned, the people who are in the trenches and know the communities that they're serving. So I think there's great value.

I mean I would distinguish between, you know, making a choice between the FBO's or the congregations being sort of the strategy, but rather kind of a piece of the puzzle, the entire puzzle, and I think that's an important distinction. Did you want me to answer the other – the initial question? Okay.

And that was sort of what the data suggests around what the unique contributions are of faith-based organizations. And I'd have to say first and foremost, I don't think we have data to support what those are. I do think, within, you know, I have my own thinkings about it, you know, if you ask with different programs, different people at PPV, you'd get completely different answers about what the unique contributions are, which really leads me to believe that it depends on the type of programming.

So, for example, the after school literacy program, you know, I think we would all agree there that faith does not play a role. I feel very strongly for the re-entry and would be very interested in measuring this at some point, that faith does, in fact, play a strong role.

I think often the faith community brings with it a sense and a belief in the transformation of people, and I think that does sort of lend itself very well to prisoner re-entry programs. And so I'm convinced, sort of without the research to back it up, that programs like that are, in fact, strengthened by the faith element.

MR. DIONNE: One quick thing; Mark, I'd like you to put this on the record, because we talked about it at breakfast, that people forget that we act as if these programs operate separately, one from the other, and you were talking about how most programs, whether faith-based or secular, are actually surrounded by a fairly rich infrastructure of different – of government and secular not for profit and faith-based, and they tend to work in tandem, and if we don't think of them that way, we are not thinking straight about how these work; could you talk about that?

MR. CHAVES: Sure; so the point was, I said it as a one liner earlier, that far from thinking that church-based services are an alternative to the current system, their activity actually depends on their partnerships with the system. And kind of my favorite example of that is that churches that worked on – that fed people who need to be fed in Tucson, Arizona, where I used to live, and actually I think Rebecca worked on this project,

there were I think ten churches in Tucson, they were the only places that people who needed to eat for free could go, so the churches were a very important part of that system.

And first you look and you say, oh, this is – it was great, but then you look closer and you found that – so the churches were a very important part of the system, they provided the space, they provided volunteers to ladle the soup. All the food came from the community food bank, which is a secular non-profit organization. The city of Tucson gave a grant to hire a bus driver to deliver the food from the food bank to each church that was doing the feeding; they took turns on different nights of the week. So it just immediately just makes the point that the church's role in this just depends on the partnerships with the, in this case, the local city government and the secular non-profit.

Of the ten, I believe one of the churches actually was fully on its own, so it does happen that churches sometimes do it completely on its own. But nine of the ten were just part of this larger system. That's what I have in mind when I say that the church activity mainly depends on – they're already part of the system, they're not an alternative to it.

MR. DIONNE: Thank you very much. We have a bunch of hands going up, and I want somebody to advise me on what kind of time we have, because I think we fell behind schedule a little bit.

SPEAKER: I have a quick addition to what he said.



MR. DIONNE: Well, hold on just a second, I'll bring you in. What I'd like to do is maybe bring in several comments all at the same time so we can get you in and then have the panel respond to you all. If you could – how much time do we have, ten? Oh good, we're better off than I thought, that's good. Well, let's go over to this gentleman right here. Your name again is?

DANIEL: Daniel –

MR. DIONNE: Daniel, and then to this lady at the window, and then we'll go back to that lady in the back.

DANIEL: Just something to underscore what Mark just said, which is, a lot of the food banks actually get commodities from the USDA, so that's another level of involvement in the system.

MR. DIONNE: Thank you. Ma'am.

MS. SCHNEIDER: Hi, I'm Joann Schneider, University of Maryland, College Park, and Director of the Faith and Organizations Project, which basically started out from the premise that Mark had started with, which is that what you really need to look at is that system, the relationship between faith communities and those organizations.

And one of the things that came out of this, there's three points I wasn't to raise very quickly, one, the real role of faith communities is not just volunteers, et cetera, most important is governance, providing board members, providing guidance, and then the access to all these other things like the volunteers – et cetera. The second is that the major

concern I have is the focus still on congregations. When congregations as a faith community are appropriate for mainline Protestants, African Americans, peace churches, some Evangelicals, but you need to focus on archdiocese order for Catholics, federation for Jews, et cetera, and increasingly for Evangelicals, networks that are not related to any congregation.

And third, that, yes, the faith is there, but it's not, you know, praying and doing all of these forefront things, for most of the organization is doing that. So that said, I wanted to ask all the panel to think about how would you redesign policy to really focus on that system and strengthen that system?

MR. DIONNE: That's a great question, thank you so much. Keep that in mind. The lady in the back row, yes, please.

SPEAKER: In different times, I can see us actually feeling like that the solution is money, money, money, however, in the times that we are living in right now, in our country, where we're all in a situation that we have to pull together to make it work for the best of us and to help the least of us, and I should say the blessed of us to help the least of us. However, in this time, we have to think out of the box. We have to think out of the box and understand that the brilliance of whomever put partnerships in our – in the name of our offices is what we really have to put our arms around more often and utilize partnerships to create opportunities for us to be able to help the least of us.

And we're somehow forgetting that piece and we're thinking that the government has a lot of money to do this, and that the government – we hardly have enough money to employ all of us.

So – and I'm not saying that this is anything negative, I love America, I love the American government, but I want us to just be a little more realistic about where we are at this time in our history, and for us to understand that partnerships, if we put together programs that I can use you, one hand can reach the other and say here's how together we can put what we have in motion to help the least of us, then we can really get this done.

But we're not thinking out of the box, and when you are sometimes the person who thinks out of the box, you stay in trouble a little bit, because people are like, well, how are you figuring this out, what are you getting out of this, what are you – you must be doing something that's different or doing something that's not according to government order. But we've got to think out of the box.

MR. DIONNE: Thank you so much. This is a very out of the box panel, so I appreciate that. Well, let's take one more, right in the back, and then – yeah, there you go.

MR. FINBERG: Max Finberg, I direct the Center at the Department of Agriculture. As Joshua mentioned, a number of us who do that are here, and thrilled that both Rebecca and Mark, and a brother up front mentioned it, but those partnerships from the Department of

Agriculture work with faith-based organizations in amazing ways that don't involve government grants.

And it's a very easy thing to find the common ground of feed my sheep in the churches to the spread table – in the Koran with Muslim Mosques and congregations, Rabbi Saperstein will do the reading a little later over lunch, but it's all there. And so I'm curious from the panel, when it comes to feeding the hungry, because both of you mentioned that, what are some of the research, what's some of the effects that might be there in some of these non-grant programs that are using faith-based organizations, congregations for more than just the volunteers or the space, although that turns out to be a great part of the partnership?

MR. DIONNE: Thank you so much. And lastly, this is total bias on my part, Michelle Bernstein of the Washington Post, I want you to join us, too.

MS. BERNSTEIN: Thank you. I'm one of the religion reporters at the Washington Post. I'm trying to do the reporter big picture question, which is, in this whole debate about whether faith-based providers are better or worse, et cetera, so what basically, I mean what's going to happen as a result of something that sounds like a consensus among some of the researchers. I mean is there a sense that that's going to lead to more or less funding for faith-based groups, or a private funding or a government funding, I mean is that shifting, what's the ramifications of what you're saying?

MR. DIONNE: I knew you'd get to a really good bottom line question, bless you for that. Who wants to start?

MS. FLETCHER: I can start. I mean I think it's related in some ways to the question about policy, and I guess I'd say that the big news is, you know, we're talking a lot about eradicating poverty, and I think, you know, the hunger programs and all of that we need, but we also need strategies to pull people out of poverty. So, you know, people coming out of prison who, you know, are under educated and can't get living wage jobs, I mean those types of things, to me, at the end of the day are the measure in terms of what the impact is.

And from my perspective, while I find the debate incredibly interesting between the FBO's and the secular world, at the end of the day it's about effective programming. And so from my perspective, it's an important question because, in fact, you know, if or not the FBO's are more effective at service delivery or certain types of service delivery, then we need to utilize that strategy and make sure that there's funding available.

And I just want to say quickly, to echo Rebecca's point about the money, is, you know, related to effective service, it's just an elephant that you can't get around. And, you know, we work with tons of organizations with the best of intentions who, you know, a case manager handling a load of 100 people, you know, who need housing and food and all those things is not going to be able to run an effective program. So I

just don't want effectiveness and quality programming to be lost in this discussion, because without it, you know, we're wasting money essentially on things that potentially don't work, so I think that's important.

MR. MONSMA: Okay. Now, on the funding issue, there's a couple points that I'd like to make. I think, first of all, we need to think in terms of, you know, a large pot of money that's been designated for dealing with whether it's poverty or prisoner re-entry programs, et cetera, and one question is, how large should that overall pot be, and I personally would like to see it to be bigger than what it is, much bigger, in fact, but given budget deficits, the mood in Washington, I think that's not going to happen, it's unlikely to happen anyway.

The second question then, it's okay given that pot of money, which politically speaking, realistically speaking, is probably pretty well fixed where it is, how is that going to be distributed? To whom is it going to go? And I guess the point I would try to make would be that faith-based organizations and, you know, non-faith-based organizations, government programs, privately run programs, they all should have a fair shot at that pot of money, and we should not say, okay, because you're this type of an organization, you take a lower seat at the table, but rather, parceling out that pot of money should depend more upon, one, the effectiveness of the various programs, you know.

I visited very good faith-based programs and very lousy faith-based programs, the same for non-profit programs. You should talk about which are well run, which have the capacity, et cetera, et cetera.

Secondly, I think – maybe – I think it was you, Mark, that mentioned this, what I would call niche effectiveness, that is, some programs can do some things very well and other things not very well. I mean in the Welfare to Work area where I've done quite a bit of research, and again, this is more impressionistic rather than, you know, I can cite all kinds of data for this, but it seems like many of the government run programs such as community colleges are very good at imparting certain technical skills, job skills, whether it's computer keyboarding or whatever might be the case, whereas many of the faith-based organizations are better at providing the kind of supportive services, such as child care services or transportation, et cetera.

And it may be that, given the limited funds that are out there, we need to think in terms of both and the niche effectiveness rather than in terms of these very broad categories.

MR. DIONNE: Rebecca.

MS. SAGER: I was just going to go back to one of the first things they talked about, which is that when this all started, when the state liaisons were going out there, when this office started, they didn't take that first step, which was going around talking to people, talking to faith groups, talking to non-profits, finding out what worked, what connections were

already out there, and what was happening, and then working within those and really making those better.

So like what Mark talked about, the congregations in Tucson, and one of those things that could have made that even better was, you know, reaching out to new congregations in different locations so homeless people had more – were more easily accessible congregations. They were all sort of centered in one area of downtown. So, you know, you had to kind of be around this one area to be able to access that.

And I mean I think that there's a lot of things that are happening and going on right now that people just need to be paying more attention to and really thinking about it systematically instead of just going in and, you know, saying, oh, faith-based initiatives, great, let's start this whole new thing all over again when a lot of the stuff is already happening already.

MR. DIONNE: I just want to underscore the importance of Rebecca's research in this respect. Yeah, we talk about Stanley's pot of money. So much of this money does not come directly from the federal government. Even if it comes from the federal government, it is passed through state governments or local governments, and it's one of the reasons why it's been so hard to do some research on this, because it's hard, you can't just draw straight lines from Washington to a program on the ground, so that's why – another reason why it's so good you've been doing this research. Mark.



MR. CHAVES: I'll just make three points, one, the so what question. I think it's been very difficult to answer the so what question from the beginning of the faith-based initiative. It's been very difficult to get a real handle on exactly what the problem was that was supposed to be solved by the faith-based initiative. Part of the problem was that the early definitions of the problem, that we had a playing field that was prejudiced against religious organizations just wasn't true, and so the language, we need to level the playing field in competition for public money is just a – early surveys where they said 75 percent of Americans think religious organizations shouldn't be discriminated against and that's why, but religious organizations weren't discriminated against.

So it's been hard to get a handle from the beginning on what exactly was at stake, unless you did a very cynical interpretation, of course, about the politics, which I try to avoid doing the cynical –

MR. DIONNE: Do you do that?

MR. CHAVES: No, not in public, I try not to do that. But the – so I don't know what – when E.J. first – I said, really, people are focused on this still, it's – but here we are, and here are all of you, so that's my first – I think it's very difficult to get a handle on what's actually at stake here.

My second comment is, I think one of the most important legacies of the faith-based initiative is knowledge. This generated a lot of research on religious organizations and effectiveness, and we know a lot more now than we did a decade ago because it generated a lot of

questions, and that knowledge doesn't go away, unlike policy initiatives and so on, the knowledge won't go away, and I think there will be ways to build on – to target things and such like to – so that – I think that's maybe the most important legacy actually of this issue, is the knowledge, what we've learned about religious and religion's role.

And the third thing I want to say on the targeting thing, I've become intrigued, and it's come up a little bit on the various kinds of comments, I've become intrigued by the role of congregation's in particular in public health things.

Somebody mentioned the H1N1 programs, I think Joshua did, I think somebody else did. I think there's a line of research out there that – on breast cancer education, working through – breast cancer screening maybe working through churches, so I'm intrigued by the role of congregations as conduits of information and public education, particularly about health issues as maybe specific, again, not in the real sexy dimension, but as a, you know, 20 percent of the American population has gathered, you know, some days essentially. It's not 40 percent, by the way, it's a whole another line of research about over – Americans overstate their churches, but about 20 percent of the American population is in – attend services on any given weekend, and you know, unless – maybe that's a pretty good venue – mechanism for doing public education on certain things, you know, unless you can get American Idol or something to do – where else do you have that many people? So

anyway, so I think – I'm kind of intrigued by some of the public health possibilities.

MS. SAGER: I was going to add – one of the churches that was part of the network feeding program in Tucson also had a monthly dental clinic in their church, and so not only were they doing all this work, kind of orchestrating and gathering people to help feed the homeless, but then they would have dentists from their congregation come in every Sunday for four or five hours and have them do a dental clinic.

And so I think a lot of these – what you're seeing is, there's a lot of congregations that are very, very active, and then a lot of congregations that aren't really doing anything at all. And when I – one of the more intriguing things, when I was in Florida, on a totally other different experience, I was at a church, and the pastor passed out a questionnaire to his congregation, and he – it wasn't, you know, what are you willing to do, or how much can you give, it was, what are your expertise, you know, are you an accountant, are you a dentist, are you a doctor, here's your phone number.

He went around and he picked them up, because – and his whole sermon was about how it was, you know, as the church, their duty to help those in need and how we are facing this time of crisis where we all need to pull together. And so it wasn't an optional exercise for his congregation, it was what are we going to do, how are we going to leverage what we have here and make our community a better place.

MR. DIONNE: Let's see, could we – I'm told I've got to cut it off, but I'm partial to the people of the cloth who are in the room. Let me – could we get you in real quickly? And the gentleman behind you, if you can both be very quick. Emily is trying to deprive me of mics here because she wants me to cut it off. But could you go real quickly and then we'll – and loud, and then we'll close it down?

SPEAKER: When we – as that lady was saying that we accept what we accept, that there's no money and we try to work as partnerships, and we look at faith-based initiatives, isn't there an elephant in the room that's invisible? It's always there. Why do we accept that? Aren't – in faith-based initiatives, aren't we supposed to be the conscience? Shouldn't we be – when they ask for something, they might actually get it, and they may not have gotten it yet, so shouldn't we be the ones that say there is money there and you're spending it wrong? Shouldn't we be the 11 that can say, I would say close down those 700 bases in Europe, military bases, and stop being a Department of War, be a Department of Defense, be a conscience, because the money is there, the need is there, and we ought to be the ones saying something about it.

We're going to be faith-based initiatives, I don't think we should be the ones just groveling around looking for the last crumb and trying to share the crumb. Shouldn't we say, there's where it is, and then change society that way?

MR. DIONNE: I knew a man or a woman of the cloth would have something important to say, thank you. And the last comment.

SPEAKER: My name is – working for an international – organization. I would like to stress what I think was mentioned, but in good part missing the debate, that is very human resources, the human being the person who will implement program, which, according to me, makes a lot of different, more than very designed programs. I agree on some consideration that the single – the – program, less – and comprehensive program, but I think that considering our main experience, which makes a difference in our life, is people we meet and the quality of people – we were involved, I think a bit too much emphasis is made on the perfection of a program, but what about the people who are implementing, not only designing the program, implementing?

What makes the difference when a – substance abuse people – according – considering the people who this guy meets, the quality of a human person.

MR. DIONNE: Thank you very much.

SPEAKER: It just – faith-based –

MR. DIONNE: Thank you so much. Does anyone have a closing comment they want to make? I just want to say one thing, which is that, I've still been thinking of the lady who talked about the blessed of us and the least of us. Jim Wallace, who many of you know, once told the story that – it's always stuck with me as we debate these things, he talked

about, you're sitting next to a river and you see somebody drowning and you go in the river and you help the person, and then somebody else comes along and is drowning and you go in to try to help them, and Wallace asked the question, at some point, don't you ask who or what is throwing people in the river, up the river, and I just want to praise – thank and praise this panel, because I think in the research they've done, the concerns they've had, they care both about the most effective ways to pull people out of the river when they come by, but also ask the question, why are they getting into the river in the first place. And I want to thank you all for a really great and fact-based and enlightening conversation. Thank you.

MS. ROGERS: Thank you very much for being here with us this morning. It is truly an amazing group that is gathered here today and we could pretty much select -- put you in groups of 8 or 10 and have excellent panels running for consecutive days. So it's just a testament to the great people in the crowd here.

Speaking of beating each others' brains out, we're going to discuss the legal issues now. No, I'm just joking. Seriously though, we are blessed to have a really terrific panel to talk about these issues today. And one of the things that's striking to me in listening to the previous panels is it's interesting and sometimes challenging in this discussion because sometimes the formal legal rules and the practical realities aren't always consistent. They don't fit together that well. And so one of our challenges

today will be to talk about legal theory, laws, and policy. And policy particularly that has legal dimensions. And not let that get too divorced from practical realities. And indeed, try to work to make these things align better. So I think that's part of our work that we have to focus on today.

Let me take just a moment to take a hop, skip, and jump through a couple of historical issues before I introduce each of our panelists. Those of you in this room know that President Bush's Administration certainly raised the visibility of social service partnerships with the government and religious and secular nonprofits, but it did not invent these partnerships. These partnerships, as you know, have been around for a long time and their visibility has gotten greater but that doesn't mean that they didn't exist prior to the Bush Administration.

I think all sides though would agree that the Bush Administration brought about some substantial changes in the formal church state rules governing these partnerships. And that begins to launch us into some of the areas of conflict. The Supreme Court, as Bob Tuttle will talk about in a moment, has been in the midst of something of a paradigm shift over the past few decades and we're still I would say perhaps in the midst of that. And so these developments of the Faith-Based Initiative and Charitable Choice have been in discussion with those Supreme Court developments. A loosening of some of the establishment clause interpretations, the way the First Amendment establishment clause is interpreted by the Court, and the way in which policy both reacts to the

loosening of those restrictions and in some degree perhaps even spurs loosening of those restrictions.

So those of you who have followed this know that Charitable Choice emerged in the mid 1990s as a way to restructure some of the relationships between church and state in this area. And those -- the Clinton Administration reacted to Charitable Choice by signing it into law a couple of times, but also by trying to soften some of its more controversial elements. Charitable Choice among its notable aspects was that it tried to set up a set of rules that would flow across situations in which federal funds flow to nongovernment organizations to provide social services. And it said that any religious organization could participate in competing for those funds. And also said some other things that tended to be real flashpoints, such as religious organizations would be permitted to make decisions on the basis of religion with regard to jobs that were funded either partially or fully by government funds.

So that was put on the table in the mid 1990s. The Clinton Administration reacted to that in some way, and then of course, as you know, President Bush took office and opened his own faith-based office. Initially tried to get some legislation that would extend this legislative concept of Charitable Choice into all areas where federal social service funds are involved and go to nongovernmental organizations. That effort failed and then the Bush Administration turned toward putting these Charitable Choice-like ideas into place through federal executive order and changes in



regulations and policies.

There were some significant departures from the Charitable Choice model but it -- largely speaking the Bush Administration hued to the Charitable Choice model. As you know, we talked about the campaign this morning and President Obama opening his own office of faith-based and neighborhood partnerships. It was mentioned this morning that the faith-based office exists, as well as an advisory council that has been asked to look at some of the legal issues in this area. I've been involved in that just as a disclosure and I want to let you know that some recommendations that we will be making on the legal issues will be finalized in the next month. If you would like a copy of the drafts of those recommendations you can go to the White House Partnerships blog where there's more information about those drafts and a way for you to request those drafts.

Well, let me just now turn to the introductions of the panel. The panel is going to look at how the law has changed and not changed over the past year, and these trends in the courts, in the legislatures, in the executive branch around policies and laws that deal with church-state issues when religious groups and others are involved in delivering government-funded services or helping government to get out its own services that it funds.

We'll also look at what might or should happen over the next year, whether at the federal level or the state level. And we will also talk about some of the other issues about how these kind of legal rules can be

brought to bear on practical situations in which religious groups or others are involved and how we can improve the situation by providing clearer guidance to religious providers and others who are delivering government-funded social services.

Let me turn and introduce each of our panelists. First we have Bob Tuttle, who is a professor of law -- professor of law and religion at George Washington University Law School. He has -- after completing his law education he earned a Ph.D. in religious ethics from the University of Virginia. He also holds a master's degree from the Lutheran School of Theology at Chicago. And he serves as legal counsel to the Washington, D.C. synod of the Evangelical Lutheran Church in America, as well as a board member of Lutheran Services in America. So you can see that Bob has it all covered.

He, along with his colleague, Chip Lupu at George Washington University served for -- from 2002 to 2008 as co-director of Legal Analysis for the Roundtable on Religion and Social Welfare Policy. And I know many of you know Chip and Bob's terrific work through that project and how helpful they have been to all of us in shaping the dialogue and indeed shaping policy on these issues. And so I can say as one who has profited from Chip and Bob's advice on many occasions, I want to thank them. And I'm so grateful that Bob can be with us today.

Steve McFarland will speak next. He serves as chief legal officer for World Vision, a Christian international relief and development

ministry serving vulnerable children worldwide. He directed the Center for Law and Religious Freedom of the Christian Legal Society in the 90s, and I had the good fortune of working with Steve then. And I can tell you how much I appreciate his good spirit in all of those interactions, even when we disagreed. And he since then has had a very great career in spearheading President Bush's Faith-Based and Community Initiative in the U.S. Department of Justice. He was the first executive director of the U.S. Commission on International Religious Freedom, and he also worked with Prison Fellowship International to develop programs for prisoners abroad. So I'm very grateful that Steve can be with us, both to comment on his current work for World Vision, all of his past work as you heard, in particular his work at the Department of Justice to the extent that he is able to address some of those issues as well. That's very helpful.

Dan Mach is with us today as well. He is director of Litigation at the ACLU's program on Freedom of Religion and Belief. He litigates and coordinates a wide range of religious liberty cases, and indeed he has led in many cases that involve issues of government-funded social services and religious organizations. So we're particularly grateful for his expertise there. Prior to his work at the ACLU, Dan was a partner in the Washington, D.C. office of Jenner and Block, where he specialized in First Amendment law. So we're grateful, Dan, you can be with us.

I want to also introduce my friend, Noel Castellanos, who currently serves as the chief executive officer of the Christian Community

Development Association. Noel has worked in full-time ministry and urban community since 1982. He has a new book coming out, "A Heart for the Community," in May -- well, actually, it's come out already in 2009. So you can buy that on Amazon, too, when you're looking a little later today. He has also served on the President's Council on Faith-Based and Neighborhood Initiative. And it's been my great pleasure to work with Noel in that capacity. Noel is not a lawyer, and he is going to do us a great service in that he is going to give us a reality check on how these things actually work. After we tell you how they should work or how they might work, Noel will tell us actually how they do work. And he will provide a great sounding board for us as we work through these difficult issues in trying to come together to help people in need in ways that are effective and constitutional.

So with no further adieu, let me ask and welcome Bob to kick us off.

MR. TUTTLE: Thanks very much, Melissa, and E.J., for the invitation to be here. Chip apologizes he's not here. We actually are separable. (Laughter.) Those of you who have never seen us, we're teaching a class together this semester. We flipped a coin. I'm here; he's there. I won't say who won. (Laughter.)

My task is really to lay out the relevant legal backdrop for the discussion that Steve and Dan and Noel will engage in. There are four decisions that for lawyers essentially frame our universe in thinking about faith-based -- government funding of faith-based social services. Two

thousand decision, *Mitchell v. Helms*, on direct aid of government to religious organizations. Two thousand two, *Zelman v. Simmons-Harris* on indirect or voucher financing. Two thousand four, *Locke v. Davey* on the question of whether government funding of religion was constitutionally compelled. And then 2007, *Hein v. the Freedom From Religion Foundation* on the question of taxpayer standing. So those four decisions I'm going to go through very, very briefly.

For questions of substantive law, *Mitchell v. Helms* (2000) is by far the most important decision. It's the most important because it deals with direct funding. Direct funding is the vast majority. And direct funding is nice and attractive, boutiquey, but direct aid is where the money is at for most government funding of social welfare services.

A line of decisions starting in the mid-1970s -- early 1970s had said that the government cannot directly fund "pervasively sectarian organizations" because, number one, the government can't fund religious indoctrination. And number two, you can't trust pervasively sectarian organizations not to divert government funds into religious indoctrination. And even if you thought you could keep them you can't monitor it because the monitors will get too much involved into religious life. So that set the framework really for almost 20 years. Well, for more than 20 years -- 25 years, until 1997's case, *Agostini v. Felton*. But really for our purposes it's *Mitchell v. Helms*.

The case involved a program where the government gave a

variety of kinds of direct aid -- that is physical objects, audio visual equipment, computers and other things -- to all schools, both public and private, including religious schools. The question was whether parochial schools could receive those things. Three dissenters on the Court said no. That the goods are divertible. They could be used for religious indoctrination and the government can't monitor, so essentially the 1970s opinions should remain intact. But they lost. Four, the plurality in the Court, said it doesn't matter whether government funds are used for religious indoctrination. All that matters is whether the process for selecting grantees was neutral between religion and non-religion, and whether the goods were secular in kind. And they were computers; there's nothing particularly religious about computers.

The four plurality are in the majority but they didn't win. The controlling law is, in one of these odd circumstances, a rule that's adhered to by only two justices. Justice O'Connor and a concurring opinion joined by Justice Breyer. And the concurrence says diversion matters. The government is responsible for making sure the government funds don't fund religious indoctrination. But you don't have to distrust religious organizations. As long as you have adequate safeguards, as long as the adequate safeguards are monitored in good faith, the government can directly fund a religious organization. Now, why is this important? Because it displaces concern from the identity of the organization -- is it faith-based or not -- to the identity of the service being funded. That's the paradigm shift.

That's the dramatic change. And that really describes our universe with respect to direct funding.

So what it means is we've got to figure out whether you have adequate safeguards and whether there is adequate monitoring. That's the thing that we focused on when we wrote about and thought about the Faith-Based Initiative -- is really measuring the quality of the guidance that government gives. And as many of you all know, Chip and I were quite critical, although I hope critical in good faith, about the Administration's work. In one respect the Faith-Based Initiative was very important in realizing the promise of *Mitchell v. Helms*. In contrast to Mark, I do think that there was some discrimination. It may not have been in practice but it was in law. The 2001-2002 study done about removing barriers did identify an awful lot of obstacles to religious organizations that wanted to participate because the obstacles were if you are an organization of a particular kind, don't bother applying. All right? So whether that was true in practice or not is a different question. But the rules were there and the rules were changed.

The problem is that's only half the story. In the other half of the story you're allowed to participate but you have to be constrained. There the Administration didn't do such a good job. Whether it was ineffective in just being not complete in its advice or whether it was indifferent to the constitutional consequences, something that people can, of course, disagree about. But one of the good things to see in the recommendations now of the task force is a commitment to clear and accurate standards. That's been

something that really was developing in the last couple of years of the Bush Administration. I know that Dan will talk about the Silver Ring Thing settlement but the idea of making clear exactly what government funds can be used for and not used for and monitoring -- how those monitoring standards are developed. How they are implemented. I think there is a good reason to be hopeful about that.

Now, it's possible that this law will change. It's possible that the plurality opinion in Mitchell will become the controlling law. But as far as we're all concerned right now that's not the law. Nobody knows what will happen when it comes back, if it comes back to the Supreme Court again. The O'Connor Opinion in Mitchell is the law on direct aid.

Two thousand two was important because *Zelman v. Simmons-Harris* said if you want to get government funding to religious services that involve religious transformation, that involve what the Court and Mitchell called religious indoctrination, the way to do it is through vouchers. And that, as many of you all know, was the Cleveland School voucher case. And the idea there is the direct aid rules don't apply if you have a program of indirect aid where the beneficiary is allowed to choose from a wide variety of options, including religious options. If that's the case and the beneficiary chooses to use that voucher for religious instruction, as long as there is a neutral process and the beneficiary did have a real choice, it's constitutionally permissible for government funds to reach religious organizations.



The Administration -- the Bush Administration quickly picked that up in terms of faith-based social services and it's been a very promising alternative, especially in substance abuse treatment and a number of areas. But there are a variety of reasons, practical reasons that it may not be the preferred route for a number of social services, partly because social service providers can't count on any guaranteed stream of income if they have to be dependent entirely on particular service recipients.

The third case, *Locke v. Davey* (2004), a scholarship program for Washington higher education, the state law said you can't use this scholarship, this voucher, for religious instruction. In that case it was for a program to prepare for the ministry. The recipient of the program, Joshua Davey, said this is unconstitutional. You are doing something to me that you wouldn't do to an analogous -- a student who wanted to receive analogous secular education. That violates my rights to free exercise and to free speech. On the surface it seems like a very compelling argument. The Constitution -- the Federal Constitution does not prohibit government funds being used for that kind of scholarship program. So if the State of Washington would allow it, why are they singling out religious instruction for special prohibition? The Court, by a vote of 7 to 2, said no. It is not unconstitutional to restrict funding to secular or certain kinds of secular programming. If you take a broad reading of *Locke v. Davey*, which is not the only way to read it, but if you take a broad reading of *Locke v. Davey*, the way you look at that is to say that the Faith-Based Initiative or any program

of government funding of social welfare services may, but is not constitutionally required to, fund religious organizations as part of it. Right? It's policy discretion.

The Administration -- this Administration has chosen to further those lines, but this Administration could also take us back to the place we were in 2001 with formal restrictions on government aid to religious organizations. Now, I'm not sure that's the best way to read *Locke v. Davey*, but it is one way of reading it. There's an interesting 10<sup>th</sup> Circuit decision on Colorado Christian University that perhaps we can talk about in the questions that raises some issue about whether you could impose that kind of reading of *Locke* on something like the Faith-Based Initiative.

And finally, the 2000 decision in *Hein v. Freedom From Religion Foundation*, as many of you all know that was Jay Hein -- that is Jay Hein, who was then Josh Dubois for the previous administration. The Freedom From Religion Foundation sued over the Faith-Based Initiative, specifically over the conferences, and even more specifically over the speeches by officials at those events. Now, it was a very weak case from the beginning but it's not the merits that make this case interesting. It's the procedures. And if I said *Mitchell v. Helms*, this is the most important case substantively, *Hein v. Freedom From Religion Foundation* is the most important case practically. Because in *Hein* the Supreme Court said that taxpayers do not have standing to bring an establishment clause challenge unless Congress has specifically authorized government funding for

religious activities essentially.

Now, I don't want to rehearse the long and convoluted line of taxpayer standing cases. But it's a very sharply divided court. Three justices -- sorry, four justices said the plaintiffs in that case should have standing. They should be able to proceed. Two justices, Justice Scalia and Justice Thomas said there should never be taxpayer standing to challenge establishment clause cases. We don't have taxpayer standing and other circumstances.

A three justice plurality said that as long as there is some nexus, maybe a strong degree of nexus, between a legislative decision and the spending of money on religion, then we'll at least be able to entertain these cases. But most cases don't involve that kind of nexus. Most cases involve the Congress appropriating money and the executive makes those kinds of decisions. And there's some real serious questions about the extent to which most programs that involve religious grantees could be challenged.

So just to briefly rehash. Direct aid. A ban on the use of funds for religious activities, but religious organizations are equally eligible to apply. An indirect aid program, as long as it's properly designed, can include not just religious organizations but religious activities. But under *Locke v. Davey* this is discretionary. It's not constitutionally mandatory to include religious organizations. And finally, as a practical matter, it may be tough to find the right plaintiff to bring a challenge, even if on the

constitutional merits a program is open to challenge.

MS. ROGERS: Thank you so much.

Steve, I believe you have a PowerPoint, right?

MR. McFARLAND: I do.

(Applause.)

MR. McFARLAND: Good morning. Josh, this morning, said that the religious hiring rights issue would be reviewed carefully and with all due diligence. And it is my seven minutes to talk about at least the legal framework in which that careful review can or should be addressed.

The question -- let me just start with what the question is not. The question that has already been answered 46 years ago is can a faith-based organization remain faith-based through its hiring policies. That is not the issue we're talking about. That was decided in the 64<sup>th</sup> Civil Rights Act, Section 702. Congress wisely, and President Johnson signing it, recognized that the government should not be in the business of telling religious employers -- religious associations, organizations, corporations, societies -- who they should be hiring with respect to their religion. That decision was reaffirmed in 1972.

I should move us along here. There we go.

Title VII, as you know, is the sweeping federal -- the comprehensive federal regulation of employment discrimination. And in that law there is an explicit exemption, as I said, for religious organizations to prefer folks of their own faith in hiring.

Oops. Let's try that.

The -- I should mention also that Title VI addresses federal funding, and religion was not included in Title VI. It should have been an appropriate place for the Congress if it wished to have the rule that they were putting in Title VII with respect to employment discrimination change if federal funds were involved, that would have been a good place for Congress to put it. And they did not. As a matter of fact, religion is not addressed in Title VI at all.

In '72, the decision was once again reaffirmed when President Nixon signed an amendment to the 64 Act to make sure that it was unequivocally that this applied to any job, from custodian to president of the religious organization. They dropped the term religious activities. It's now any activities. That was in 1972.

In 1987, the U.S. Supreme Court in a unanimous decision stated that it was perfectly constitutional that the First Amendment certainly was not violated when Congress chose to provide that kind of protection for the religious autonomy of religious organizations. That's the Amos case.

In 1993, President Clinton signed the Religious Freedom Restoration Act. And that was one of the opportunities that a number of us had to work with Melissa and many others in an extraordinary bipartisan and ecumenical and very broad coalition. And the Religious Freedom Restoration Act, what it basically states is that the government has to have a real good reason, a compelling government interest, to deny an exemption

from a law that has been proven by a particular religious entity to be a substantial burden on their religious faith or exercise.

We'll get to how that impacts the question we're talking about. Then in 1996, Congress passed and President Clinton signed the Welfare to Work Bill, which guaranteed that faith-based organizations are eligible to apply for government grants without compromising their religious autonomy. And this was in the context of overhauling the welfare system. But once again you had a clarion call for an equal access of faith-based social service providers to compete for federal funding.

In 2001, President Bush created his initiative, as you know. And in that Executive Order directed executive agencies to enforce the law that arguably, as we've just described, was already the law. I mean, that is to not discriminate against faith-based organizations applying for federal grants. With respect -- with all due respect about previous statements that there wasn't any discrimination, I can attest that I remember when I was working for Prison Fellowship International and applied for their -- submitted their first application for a federal grant to provide for tuberculosis prevention in Russian prisons. And I was told by the gatekeeper, the registrater at USAID, that I would need to amend the articles of incorporation of Prison Fellowship International to specifically state certain things, such as that we served all people regardless of faith and similar edicts that she had to suggest for our articles of incorporation.

I can only imagine what a smaller organization that didn't have

our resources and didn't have an in-house legal counsel would have done when confronted with that kind of ultimatum. You can't even submit your application. They sent the entire application back to us in the same envelope and said if you even want to be considered we're going to dictate to you what your articles are going to say. So there was discrimination and the Executive Order was designed to make sure that the two million civilian employees of the federal government were not -- had got the message that a level playing field was now the law of the land. And it wasn't -- didn't become the law of the land in 2001 for that Executive Order. It was clarifying a message that had been sent 46 years ago earlier.

And finally, in 2007, the Department of Justice, the Office of Legal Counsel, which is the office that interprets and opines officially on the impact of legislation -- what the laws says and how it applies in different contexts. That office, in a 25-page opinion which you can still find on the Justice Department website, stated that the Religious Freedom Restoration Act of '93 that President Clinton signed, as I mentioned earlier, could be reasonably construed to provide on a case-by-case basis, not a blanket basis but a case-by-case basis, an exemption for religious social service organizations such as, in this case, World Vision, to compete for federal funding even in a program where Congress had a general ban on employment discrimination. That is still the operative interpretation of RFRA as it applies to this issue and I hope it will remain that way.

In 2009, President Obama did not change that issue despite

his Amesville speech as a candidate. He left the law unchanged, laudably in my opinion. And he referred the issue of religious hiring preference by faith-based grantees to the Justice Department on a -- evidently on a case-by-case basis. I have no idea whether they have been inundated with such referrals or there have been none whatsoever. But the OLC opinion hasn't changed. The Executive Orders haven't changed. The unanimous decision of the Supreme Court hasn't been overturned. And the 64 and 72 Amendments to the Civil Rights Act have not been changed.

And Congress -- and I commend them for not doing it -- Congress would be the best place for our democratic institutions to state whether all bets are off when you accept federal funds. They have not done so; I hope they won't.

And finally, just two months ago, the Supreme Court announced that it had granted (inaudible @ 0:32:40), in other words it would review this term, a case which will address the constitutional issue that undergirds this question. In the case of *Christian Legal Society v. Martinez*, it involves a student-led group at Hastings Law School in California, part of the University of California that among -- like many other student groups wanted to meet on campus. In order to meet on campus on an equal basis with other student organizations you had to be "officially recognized." They applied for and were denied that because -- not because they were choosy about who could come to their meetings, who could participate in their meetings, but because a Christian organization wanted its leaders -- those



who would be leading the Bible study -- to be Christian and to have a -- what they considered to be a biblically-appropriate view of human sexuality. That case is now going to the Supreme Court. I believe it will be argued on April 20<sup>th</sup>, and we should have an opinion hopefully by the Fourth of July.

So, in seven minutes I think those are the salient channel markers for this issue, which is a big elephant in the room that hasn't really been directly addressed thus far. So I'll turn it over to Dan.

(Applause.)

MS. ROGERS: Thank you very much, Steve.

Dan, welcome you.

MR. MACH: I'm just going to stay seated if that's okay with everyone.

First, thanks to Melissa and E.J. for having us here, and Brookings, as well. And thanks to you all for coming this morning.

I'll talk a bit about what has happened -- what has happened in the past year on the legal front. And then as Melissa suggests, I will then talk about what, in my opinion, should happen in the coming months and years. The first part will be pretty short actually. For those of you who have been following these issues, not that much has happened in the past year. Bob did an excellent job of summarizing what the law is as dictated by the Supreme Court in previous decisions. Since then not much has happened.

I will just talk about one area of the law and it's the driest and most boring part. But it's very important. And that is standing. And as Bob

mentioned, standing affects whether anyone -- whether and who can march into court to challenge unconstitutional or allegedly unconstitutional activity. And with the Hein decision, a lot of lower courts have taken a rather broad reading of Hein and have limited standing -- limited who can bring challenges to what they claim are unconstitutional government expenditures on religion. And I think that's highly problematic. I think that's a misreading of Hein. I think it's dangerous and it could lead to a situation where Congress could pass all sorts of unconstitutional government endorsements of religion. They could set up a fund funneling hundreds of millions of taxpayer dollars to houses of worship with no restrictions whatsoever. And as long as they didn't name those churches in the statute itself under one reading of Hein, then no one could go to court and challenge that. And I think that's dangerous.

There have been a few positive developments. And I'll just talk about one in this area of standing. And that is in a case that we at the ACLU brought with Americans United for Separation of Church and State. It's a challenge to, among other things, the government funding of a Kentucky Baptist group home to which the state sends vulnerable youth in its care. This is an organization that's largely funded by federal and state tax dollars. More than a hundred million dollars in state funds since 2000, in fact. And the organization is quite clear that it has a religious mission and that its programs are religiously infused. They proselytize kids entrusted to their care and they also discriminate against, among others, gay employees

who don't share their religious belief that homosexuality is sinful.

So there was an employment discrimination piece to that case, and there was also a taxpayer piece to that -- taxpayers challenging the funding of the organization. The District Court in that case threw out the case -- the taxpayer bit saying that after Hein taxpayers don't have standing to challenge this sort of funding. We were pleased in August of last year that the Court of Appeals in the Sixth Circuit reversed that decision and allowed the case to go forward. So that's one positive development on that front.

There are a lot of challenges on the litigation front. We and our allies will remain vigilant and keep a watchful eye. But litigation is hardly the only answer. And many other persistent problems can be fixed by other branches of government. On the anniversary of President Obama's Executive Order creating the new White House Office of Faith-Based and Neighborhood Partnerships, a broad coalition of groups -- civil rights and civil liberties groups, labor, health organizations, all under the banner of the CARD Coalition, which is the Coalition Against Religious Discrimination, sent the White House a letter. And I would point out at this point that many of those groups were ardent and vocal supporters of the religious Freedom Restoration Act that was referred to by Steve earlier. In that letter we urged that a number of steps be taken to safeguard religious liberty and to correct some of the mistakes of the past. And in my remaining time I'll just touch on a few of those suggestions.

First, not surprisingly I think, we believe that President Obama

should follow through on his campaign promise to prohibit taxpayer-funded employment discrimination. This is an area where we obviously disagree. The current Administration inherited a Bush-era program that had reversed decades of civil rights protections. And it's interesting. I know that Steve suggested that Congress should be the best place to impose restrictions on employment discrimination in federally funded programs. That's exactly what Congress has done in many circumstances. There are many funding statutes that include those explicit protections and yet we have the OLC memo out there that interprets those away basically.

So when Congress refused to go along with the Bush plan, the Bush Administration unilaterally stripped funding streams of constitutional safeguards. And in my view that OLC memo needs to be withdrawn. And I think it's wrong both as a matter of law and policy. Now, it's true, of course, that religious organizations are entitled to make hiring decisions on the basis of faith. As Steve pointed out, that has been the case for a while. But I think it's entirely different when we're talking about government funding. I think it's simply wrong, not to mention unconstitutional, for taxpayers to foot the bill for positions to which they can't even apply simply because of their faith. And I think the legal analysis in that opinion is deeply flawed. We can talk more about that later if there's time. I know Bob has opined on this as well.

Beyond that -- beyond the employment discrimination piece, I think the Administration should adopt the helpful draft consensus recommendations that Melissa referred to earlier by the Reform Task Force.

Melissa is the chair of the Advisory Council and Noel is a member. There are many useful recommendations in there. Too many to mention here. But a few are worth highlighting.

One, there is the suggestion of clarifying the prohibited uses of direct federal financing. The current regulations are too narrow and confusing, and they lead to violations -- widespread violations. Next, the recommendations helpfully suggest emphasizing the separation requirements that are contained in the law. This follows from the previous recommendation about being clear about what's prohibited and what isn't. And it would help ensure that religious activities and materials are privately funded and kept distinct from government services.

The Council's recommendations in this regard build on a settlement in a case that we brought. The settlement was reached in 2006. It was a challenge to federal grants to an organization called the Silver Ring Thing. The Silver Ring Thing is a Christian ministry that, as the group itself has explained, uses abstinence-only education as a means -- as a vehicle for bringing unchurched students to Jesus Christ. In the three years prior to the filing of our lawsuit they had received over a million dollars in HHS grants. So after we sued, the grants to the organization that were then in place were permanently suspended. And as part of global settlement, it was determined that any future funding would have to comply with these safeguards. There were a set of detailed guidelines requiring the separation of religious materials and activities from those programs that are actually

funded by the government.

I think it's a very helpful thing that HHS did. HHS did the right thing. I want to commend them on that. But federal agencies shouldn't have to wait for a lawsuit before acting. And I share the Advisory Council's recommendation that those safeguards be implemented across the board. I think it's also important to improve monitoring. The government has a constitutional obligation to follow the money and to ensure compliance with the law and all too often it has dropped the ball.

And finally, it's important to ensure the religious liberty rights of the beneficiaries and clients of these programs. After all, the point in these government funding schemes is to achieve valuable secular social service goals, not to favor particular faiths or ideologies. Of course, many faith-based organizations do great work, but when they accept taxpayer funds they have to play by the rules. The current administration should seize the opportunity, and indeed, has an obligation to help make that happen.

(Applause.)

MS. ROGERS: Thank you so much, Dan.

Noel, we welcome you to give us that reality check.

MR. CASTELLANOS: Good afternoon. The lawyers took us into the afternoon here.

Well, I think I will just springboard off of Dan's last comments, which I think really get down to some of the practical considerations that I deal with on a daily basis working with nonprofits and faith-based

organizations all over the country who are trying to do good in communities that really need their services. Dan said that many faith-based organizations are doing great work. And I would like to just say Amen to that. Okay? And just say that that's really true. And for 25 years, you know, I started out as a youth worker. And very soon, even though part of my job as a Christian youth worker was to help young people learn about the Bible and things like that, in my community we saw that there were all kinds of kids that were suffering from drug addiction to PCP in the Mexican community of San Jose.

And so we began to work on preventing PCP addiction. And we went after federal funds for that or local funds -- you know, or channel 2, the federal government. And the issue there was to try to deal with the addiction that these young people were going through. And we were willing to work at that.

I moved to Chicago to the Mexican neighborhood of Lavieta (ph.) on the south -- west side of Chicago. And then through a grant, initially through World Vision, and then through the Department of Housing in Chicago we began to do low income housing in that community. And while we were primarily there, you know, as a church that was trying to care for the community, we were quickly thrown into the field of saying, hey, we have got to address housing issues because they were of great concern. And so we were involved in that.

We began doing gang intervention, began doing afterschool programs, and then probably one of the most sophisticated and large-scale

projects that we worked on over the last 25 years is the establishment of a health center on the west side of Chicago that serves 200,000 patient visits a year; 25 million a year organization. And when I was president of that health clinic we made the decision to begin taking federal funding for the work that we were doing there. Now, I would say that all of these kind of things that are duplicated a thousand times over by Christian groups and faith-based organizations around the country, are really doing great things as Dan mentioned.

And I think the second thing he said as he closed his remarks were that they ought to play by the rules; that these groups ought to play by the rules. And I would like to say that words like clarify, monitor, training, discrimination, communication of regulations and policy separation reporting, you know, all of these terms, if you enter into the world of government funding, you're very familiar with all of those terms.

And we have not sought to bypass -- and now I'm not saying that there are not, you know, instances where people are not compliant on every issue. I think a lot of the issue is understanding the rules and understanding what's going on and what's expected. So I would just like to make a few other points here just from my experience.

Number one, along with all the caution that we are -- tend to bring up around this issue, we also ought to celebrate all the good and amazing things that are going on. And I want to say that part of my job is to travel all over the country. And in the areas of compassion and service,



community development and individual development, and advocacy. Some of the most amazing work is being done by people who are not paid enough, don't have enough resource, and some get government funding. Not all. So I think we can celebrate the great stuff that's happening.

Two is I believe that faith-based organization have been effectively utilizing government funding for a long time. For 25 years. I just mentioned. Myself and others have been getting government funding from different levels -- state, local, county, and even federal. And I would say that while as a whole we may not be able to quantify the effectiveness. I don't think it's an issue of must faith-based groups as was mentioned in our previous panel. But that all funding groups, anybody who is getting funding from the government, we need to do a better job of quantifying that. But to single out the faith groups and say, you know, hey, they're just not doing a good job, I don't know that any of us want to go there.

Number three, while thousands of churches in faith-based groups do apply and receive federal funding, there's a lot more that don't. Okay? And so I think it's just important to know that -- that the millions and millions of dollars that are being invested by people of all faiths in doing good around the country is astronomical. And so -- and I think that one of the reasons that people do not get into the mix or apply for federal funding is because they count the costs and they realize, you know what, I really don't want to compromise the way I run this program. Or I don't -- I'd rather do with less than to take government funding when I'm ambiguous about it.

The other thing is many small groups, they don't have the capacity like we've already talked about to be able to account for all the funding. But I think that doesn't mean that those that do apply are doing it poorly. Okay? So I think that's a good point to make. I think from my observation I would say that most of the groups that I personally interact with, they want to be in compliance. You know, they're not trying to get over. They're not trying to skirt the rules, but I think the more they are clear, the better we will all be.

And then I would say that the large and small churches alike I think are those that do enter into the world of public -- both indirect and direct funding, I think they're trying to do things right. I was recently at one of the largest Union Rescue Missions in the country. Okay? Right on skid row in Los Angeles. And there's a huge room and a thousand people are housed in that building every single night. And 500 men on one side, 500 women on the other side. And they get government funding for this warming shelter. Okay? I didn't see any crosses. I didn't see, you know, it was a big giant room with a television and a bunch of chairs. But, yeah, most of the staff are there motivated by their Christian faith in that instance.

And then you take a small little church that opens up a warming center for 50 people on the west side of Chicago during the winter and, you know, they don't have that same luxury to say we're going to build, you know, a special building just, you know, free of any kind of icons or whatever. But yet, the intention is to provide a warm place for people to

come in from the cold.

Number six -- and I just have two more points. Okay? So don't worry -- is that I want to highlight the role of intermediaries and the importance that they play because as I work with so many groups around the country it is the work of intermediaries that allow small congregations to get into the game because while they don't have the capacity to apply for grants and do all of that, they know that if they get the money they're going to have to comply with regulations. But groups like Lisa Cummins here, Urban Strategies, doing a fantastic job in Chicago of mobilizing congregations to begin addressing issues of, you know, helping families become better functioning. And Espinansa USA (ph.) is doing that with all kinds of groups around the country. Leadership foundations providing technical aid. So the work of intermediaries I think is really important.

And then I think the last thing is I just would emphasize again that when you enter into government funding, we have 5,000 organizations that we work with. Those that choose to do it do it with great seriousness. Okay? They don't just say, oh, yeah, I just -- this will be a fun thing to do. They realize that because of the great need, those that do apply, they do it with great seriousness.

Like I mentioned, Lago Christian Health Center in Chicago, when we began getting government funding we were subjected to the stringent visits, site visits, where we were asked all kinds of -- audits, you know. Every few years. And we went through it and we passed and we did

a great job. And 25 years later the clinic is still doing a fantastic job. And I think that's representative of the kind of work that's being done all over the country.

Thank you.

(Applause.)

MS. ROGERS: Thank you so much. Thank you to each and every one of you. I am so appreciative of those wonderful reflections. And I have my own questions and comments but I'm going to just sit on those because I want to make time for everyone who is in the room to get their questions and comments in. So let me invite those right now. And if you -- I think in the interest of time what I'm going to do is collect a few questions and then put them to the group.

I see E.J.'s hand up and I see Rich Fulton and Mark Chaves. So let's go one, two, three for our first round.

MR. DIONNE: Thanks to everybody for great presentations.

Ever since Melissa and I worked on our report at the end of '08 on what the next president should do about faith-based organizations, I've been desperately trying to figure out is there some way to find a compromise on this hiring issue. And I wanted to toss something out and the answer may be no, but I wanted to sort of toss a question to each -- to Steve and to Dan.

It's always struck me that we don't even know very much about the hiring practices of various groups or how different rules would

actually affect their capacity to carry out their missions. And as I understand it, for example, World Vision, when it works overseas in Muslim countries, hires a lot of Muslims, which makes perfect sense. It's an honorable thing to do. Obviously, Muslims would not sign your faith commitment statement in those countries. And so what I wondered is if the compromise involved guaranteeing the religious integrity of the organization by, you know, allowing the board of directors to reflect their religious commitment or perhaps certain CEO-types or certain top organizational figures, why shouldn't -- why couldn't hiring rules apply throughout the rest of the organization since even World Vision, which has a very strong view on this matter, hires non-Christians to carry out their missions.

And then to Dan it's the flipside of that question, which is why wouldn't this compromise satisfy legitimate concerns on the part of those who oppose the current -- the hiring rules from the Bush years where in most -- where in almost all the cases the jobs funded would be open to all taxpayers. So that's a real rough and ready idea that I want you both to shoot down for me.

MS. ROGERS: Thank you, E.J. And Richard Fulton, with the American Jewish Committee who has been very active on these issues has written and spoken about them so much. And we're glad he's here and can contribute to the conversation.

MR. FULTON: Thank you, Melissa. And thank you all for the terrific presentation and a very fascinating conference.

I have a quick comment and then two related questions. The comment is listening to Noel's comments about on the ground and what organizations have to deal with providing the services that help all of us, even those that consider ourselves separationists in good standing, bear in mind the real life implications of some of what's being sometimes advocated in the cause of maintaining church and state separation. And here I think particularly about the icon issue where trying to be too pristine in avoiding anything that looks like an endorsement can forget -- can lose track of the fact that these are at the end of the day still religious organizations that are providing these services even if they're religiously affiliated organizations. And we can't -- I think one can go too far in attempting to assure that the proper degree of separation is maintained.

So having said that let me ask my two related questions which are in dealing with the question of preventing government discrimination with respect to government-funded positions. Where is the dividing line for those that share that? I mean, is it the entire establishment or can the establishment have a religious test for who it hires as executive director? How far down the line do you go? Does the prohibition apply to the position, to the particular project? Where are the lines in trying to protect both of these key issues of religious autonomy on the one hand and on the other hand preventing improper use of government funds? That's the first question.

The second question is with respect to those that think that the

OLC opinion was wrong, what is it that the prior administration got wrong? Was it that RFRA was made applicable at all to these positions? Or was it that the analysis was too broad and therefore because of the way the opinion was written it would have opened the door too broadly to religious organizations getting exemption versus really narrowing in on the kinds of circumstances where, in particular, in special circumstances such an exemption might be granted.

MS. ROGERS: Excellent questions. Let's go to Mark Chaves and then we'll go back to the panel to field these questions.

MR. CHAVES: Thanks. I wonder if there's a way to agree about this kind of factual question about how much -- is there -- was there discrimination or not. I think the reason that maybe we wind up saying certain things to begin with is that on the one hand you can look at the long history of collaborations and funding and partnerships and thousands of religious organizations forever. So you look at that and say what discrimination. But then on the other hand you have experiences like the ones Steve described which happen clearly. You know, how much they happen I think is an open question and whether that should be considered a serious problem or not but let's even stipulate that happened a lot. And you say there is discrimination.

I wonder if you'd accept this resolution of this that -- because one of the things that I always thought was confusing about the Faith-Based Initiative was that it seemed to draw a line between religious organizations

and nonreligious organizations. And defined that way I say there is no discrimination against religious organizations as a category when really the more important line was between certain types of religious organizations and other types of religious organizations. Some types of religious organizations are perfectly happy to form the separate 501(c)(3)s and comply. And others were not. And maybe there was discrimination. Or the ones who were not faced a tougher road let's say.

So I guess this is really to Bob and Steve. Would you accept that as a resolution of this, maybe just apparent discrimination, about -- you see the point. I still want to say there was discrimination against religious organizations, qua religious organizations but maybe granting that there was a type of religious organization. And then it's still kind of an open question about where the right line is and how far do you go down the road of certain types of religious organizations and this kind of thing which seems to be still legitimate normative questions to ask. So I wonder if you accept that.

MR. TUTTLE: Let me just go quickly.

First, to Mark. I think that's right. It's certainly true that the larger secularized religious social welfare providers have been huge contracting entities from the beginning of government funding and even before in interesting and important ways. The more important line is probably to draw between state and local funding and federal funding because the states and localities were much more flexible about what they were willing to fund. You have Salvation Army having never given up in



many respects its distinctive religious identity and character and practices and still receiving lots of state and county money in lots of places. It was the federal regulations that were the focus of the Faith-Based Initiative. The federal regulations had formal barriers and they were focused on the particular character of entities that said things about, as Steve indicated, what the articles of incorporation say, how do you select -- you know, what does your mission statement say, etcetera. And I think that when we talk about discrimination in that sense, while I don't like to use that term, we talk about exclusion of certain entities. It was focused on their character and that's what Mitchell and Helms overturned.

And I'll let them -- I want to come back to the employment thing but let Steve or Dan --

MR. ROGERS: Okay. We'll have Steve and Dan address the employment issues and then anybody else who wants to follow can.

MR. McFARLAND: Well, I think E.J., Richard answered your question on the hiring issue. The last thing you want is the government drawing those lines and that's why in '72 Congress amended Section 702 to make sure that there wouldn't be line drawing by the EEOC in deciding, well, the CEO, yeah. The COO, well, I don't know. Is that the carrying on of religious activities? I don't think so. CFO, definite not. You don't want -- and so they eliminated the adjective religious activities so it's the carrying on of any activities. And so I think Richard is exactly right. You don't want government drawing those lines.

SPEAKER: (Off mic.)

MR. McFARLAND: Fine. I'm always thinking -- I'm always thinking the best about Richard's points.

(Laughter.)

MR. McFARLAND: So I would say that that is one reason why you don't -- and enough.

MS. ROGERS: Steve, can I ask you on that point? What about a different formulation that would go to, you know, if a certain position is funded over X amount by government funds then one could not discriminate as to that position. It runs around some of the problems you were just describing but I wonder what your reaction to that would be.

MR. McFARLAND: Well, I'm not sure that there would be a constitutionally defensible basis for saying, well, just a little bit of -- you know, just up to \$500,000 and the Constitution --

MR. ROGERS: Well, yeah, putting --

SPEAKER: What does the Constitution have to do with it?

MR. McFARLAND: Well, we're going to find out in the Martinez case. But I don't think it's workable to either say, well, on a dollar basis we'll draw the lines or on a function basis for reasons I just indicated. Also, for those of us organizations that believe that the real hands and feet of the organization, where the rubber meets the road, is not at the CEO level or the director's level, but rather the individuals who are digging the wells, you know, providing the services, ladling out the soup. And so and also it

would create a two-tiered employment system where you say, well, I just want you to understand that we'll hire you for this grade position but you don't have a future in any policymaking here. I mean, that isn't going to work either.

And finally, I don't think it makes -- it is doctrinally sincere to say, well, you know, we're -- we may think -- we talk about the Christian body here having a religious mission but you know what, it's only these several positions that really make the mission and the rest of you folks it really doesn't matter. That's not the prerogative of government to say for that organization. And I don't think that the Constitution or federal statutes require, let alone approve of, bribing faith-based organizations to start doing that.

MR. MACH: It's an interesting question about where to draw the line. I think it's true that outside the funding context the line has been eliminated for organizations that are religious. And there have been a number of reasons for that. I think in the funding context the line should be tied to the money. The problem here -- and it's a problem of constitutional magnitude in my opinion -- the problem here is that taxpayer funds are supporting discrimination. They're supporting positions that are not available to everyone. Not available to those same taxpayers that are paying the funds. And so you have to look at whether a position is being funded. Now, that's easier to do with a larger organization, of course. You can separate it out. An organization applies for funding. It says we're going to set up this separate program, which in my view is what they should do, and then you

can clearly say that those positions which are federally funded cannot be positions on which you base your hiring decisions on faith.

Now, that's harder for smaller organizations. And I think that raises problems where you have a two-person organization and the CEO is also the person ladling out the soup. That's a problem, but I think in those circumstances there's a constitutional concern with funding positions only open to certain faiths. That is different from allowing an organization to make its hiring decisions with its own funds, with the funds of its own flock of volunteer funds, of private funds. But when taxpayer funds are involved, I think positions that are created and funded by those taxpayer dollars should not involve discrimination.

MS. ROGERS: Go ahead, Bob.

MR. TUTTLE: I'll be very quick about it. On this, as in many things, I sort of split the difference between Dan and Steve. My policy sympathies are entirely with Steve. I think that religious organizations should be able to prefer. I think the law is not with him at all. I think that the OLC opinion was perhaps the most unpersuasive OLC opinion I've read. And that includes the famous John Yoo opinion, by the way, that the government has never held that the denial of imposition of conditions on funding is a substantial burden on religion. And unless you're willing to extend that to other areas it's not a valid reading or it's not a plausible reading of RFRA. If they were willing to say this is our general approach now to conditions on funding I'd be interested to see how that plays out. It's

interesting they didn't announce this in 2007. Even though the opinion was written in 2007, it comes out in 2008.

So I think that in terms of the Constitution, I would be shocked if the Supreme Court reaches anything close to questions about government funding of social welfare providers in its decision in the CLS case. It's much more likely to be focused on the particulars of higher education and student groups and conditions on membership in student group. There's no reason to believe that it will apply in this respect. It would really require overruling *Locke v. Davey* to reach this.

MS. ROGERS: Thank you. Let me get -- collect a few more. I see a couple hands over on this side and one -- I saw one on this side. If we could collect three more.

MR. ROBERTS: Yes. My name is Steven Roberts and I'm a graduate fellow for Religion and Civil Society at the Heritage Foundation.

I was wondering if perhaps some of the legal matters here might be mitigated if perhaps these -- this whole -- if perhaps we didn't pour so much money up to the government -- send so much money up to the government and then have to ask for it back through grants. If instead we could just hold on to our own money and actually be able to care for the poor and be the own judges of our philanthropy so we then don't have to ask for the money with strings attached to it. Couldn't we just keep the money without the strings attached?

MS. ROGERS: Okay. Another question on this side. Yes.

MS. BUTLER: Hi. This is mostly directed to Dan. Sorry. I'm Cindy Butler. Sorry.

Thank you, Melissa. I remember you from the American Constitution study and from the (inaudible) Center. Remember?

MS. ROGERS: Great that you're here. I can't hear you very well. Can you put the mic a little closer?

MS. BUTLER: Sure. Sure.

MS. ROGERS: Thank you.

MS. BUTLER: Okay. Here's my quick question. Just by calling something discriminatory, that doesn't really answer the question, does it? Because there's good discriminatory and bad discriminatory. Because aren't religions -- haven't they been historically recognized and doesn't the Constitution historically recognize religions as something different than a corporation? Okay. Because religions are -- they implicate freedom of assembly. Right? They implicate another First Amendment Constitution principle. And we've historically always acknowledged that religious discrimination was fine. Okay? We haven't imposed upon every religious order the, you know, they're redefining their tenets. Because religious tenets are what make a body. It's what makes the association. And it's distinctly an entity that is different than a corporate entity under just generic corporation law.

So I would disagree with you, Dan. I am a card carrying ACLU member on your issues of torture and all those other things because I love a

lot of you guys. But on this issue I think you're way off base because there definitely has been constitutionally acknowledged and recognized, founded in our First Amendment from the beginning, the balancing of the freedom of assembly principles under the First Amendment to general fairness principles that you're advocating.

And I would agree with you in healthcare. No, I don't want to pay for anybody else's abortions. Okay, I agree with that. Okay, but there's no constitutional freedom of assembly for everybody who wants to have an abortion under healthcare. Okay? So I think -- well, that's enough said. If you have any comments.

MS. ROGERS: Okay. Did we have one over here? Ricky. Yeah, Ricky Kramer, who has done wonderful research in this area and is quite prolific in her writing on this issue.

MS. KRAMER: Not with what I'm about to say. And I don't know where to fit it in exactly to the specific comments. But it seems to me there is -- not on the hiring issue but on the separation issue. This is a place where we really don't know sort of, I think, how to do the right thing. And I think this is both the struggle of some of the organizations but it's also the struggle of setting the guidelines.

I have been in lots of different social service organizations delivering social services all over the country. And to my untrained eye it seems that some of the religious express where you would see that there is no separation is benign. That's to my untrained eye. There are other places

where -- and we've written about this. It's all sort of out there. There are places where you could make a very strong argument that is absolutely not benign. And there is no -- there's no research. There's no really thoughtful research guiding either us from the outside or the organizations themselves on what the effect of these things are.

When we did -- Chip Lupu shot me down at another conference when I --

SPEAKER: (Off mic.)

MS. KRAMER: Not you, Bob. (Laughter.) No, no. They're not quite the same and I never want to be a law student -- enough said.

(Laughter.)

MS. KRAMER: But when the Supreme Court has used empirical judgment on this they have come down -- in old Court, not the current Court -- but Chip shot me down when I talked about -- now I've forgotten his name. The doll experiments that were used in the '54 Supreme Court decision to say that separation isn't legal in these things. These things have potency that we don't know about. We've done no research on this in what the content of religious expression means. I'm not talking about the effectiveness thing. That's a whole other thing which I have passionate views on. But on this one, on what the affective content of faith expression is, we don't know it ourselves. We have nothing to guide us and therefore we have -- we're sort of confused on the standards writing and it seems to me an organization is confused on the practical end. So either comment on



that if it's a free reign or that you could use more guidance.

MS. ROGERS: Yeah, and Noel, let me let you comment.

We're trying to wind up for lunch so we ask anybody that needs to make a comment to make it fairly brief as we try to move onto the next segment. But please, go ahead.

MR. CASTELLANOS: Yeah. I would say that, again, when there's been something flagged that's an issue, if we're able to deal with it, if groups are able to deal with it, they've done it. You know, I mean, I think as they understand they're trying to be compliant. They're trying to work with the guidelines that are brought before them. And so that's been my experience.

MS. ROGERS: Anybody else? Okay. I'm going to wind this up. Unfortunately, I'm sorry that we don't have more time. Clearly this discussion will continue. And I appreciate everyone, especially the panelists. I hope you'll join me in giving them another round of applause.

(Applause)

MR. DIONNE: Well, I will just start here. Melissa and I admire both of the next speakers and we were trying to figure out who should introduce whom, and we came up with a solution because it turned out that I have contributed money to Catholic Charities and Melissa has contributed money to the Reform Action Center, and so to prevent any conflict of interest, I am introducing David Saperstein and Melissa is introducing Father Snyder.

It is a great joy for me to introduce David Saperstein. You ask yourself questions sometimes like, whom would I trust my kids with, whom would I trust my conscience with, whom would I trust my soul with. Not many people you can say all of those about. David's my rabbi. I would do all of the above with David Saperstein. Most everybody here knows him. He's director and counsel of the Religious Action Center for Reform Judaism.

In the formal profile they gave us, they quote a Washington Post story saying he is the quintessential religious lobbyist on Capitol Hill. Now, the question that raises is, what does a quintessential religious lobbyist look like?

RABBI SAPERSTEIN: It was actually an interview with my mother.

MR. DIONNE: And at this moment, does anyone want to be a quintessential lobbyist of any kind?

But David is one of the best. He's one of a kind. He is--the Center, as you all know, advocates on a broad range of social justice issues. It connects with synagogues all over the nation. It trains nearly 3,000--it's involved in programs that train nearly 3,000 Jewish adults, youth, rabbis, and lay leaders every year.

During his more than three decade tenure, David has headed lots of national religious coalitions. He's on the board of--I could go on and on--but NAACP, People for the American Way, the Coalition on the

Environment and Jewish Life, the World Bank's World Faith Development Dialogue. He was the first chair of the U.S. Commission on International Religious Freedom. He is an attorney. He specializes in First Amendment and church state law and Jewish law. He teaches those things at Georgetown University Law School.

I also teach at Georgetown and I am told it is a true fact that per capita among Jewish students, Georgetown produces more rabbis than any other university in the country which makes me think it's an amazing country of ours that we have a country full of Jesuit-trained rabbis. But it's great to have David at Georgetown.

His two great uncles were reform rabbis. His two great-grandfathers were Orthodox rabbis. His father Harold and his Uncle Sanford were well known reform rabbis. He really knows how to do this. He really knows what he's doing. He is a hero of mine, David Saperstein.

RABBI SAPERSTEIN: Do I really have to speak after that introduction here?

I'm really honored to be here with Melissa and with E.J. It's a mutual admiration society. I'm particularly pleased to be sharing this platform with Larry Snyder. The work that his organization does, the work that he does, really is transformative in terms of the lives of countless numbers of people. The numbers of people that they serve, it's simply staggering, and you do our whole country credit with the wonderful work that you do.

A year and a half ago, President Obama promised to address core problems of the Bush administration's Faith Based Initiative. One year after he took office and appointed the White House Council on Faith-based and Neighborhood Partnerships, what has changed and what has not? What has changed in the field? What has changed in the way the government is running for faith-based initiatives? And what will be the impact if the White House Advisory Council on faith-based and neighborhood partnerships, tentative recommendations, are in the end adopted formally next week by the council and implemented by the government?

For time purposes, I'm going to focus first on the faith community part of the faith-based and neighborhood partnerships rather than the secular nonprofits, and on the council's work for a few obvious reasons. First, the council's work is the piece that I'm most closely involved. Secondly, no one else really has done it. And third, in answering any of the questions of changes from the administration's side in the faith-based initiative, we should remember clearly what the President's express process was for making improvements and reforms. He designated the council to come in with recommendations which it is on the cusp of doing.

So, while there are legitimate criticisms that because of this choice of process, not as much has changed as was expected or hoped for, it was the process established publicly and openly by the President a year ago and hearing criticism about it now, a year after it was launched just as it

is culminating, does feel like a bit erratic. In fact, the manner in which the recommendations of the council evolved with two drafts being made public, public reaction and comments invited and often embraced, created a dynamic process that fulfilled the President's concept of engendering a public discourse involving those with a mix of policy, legal, practical, hands-on experience on the delivery of social services. Fourth, there was a cost, and a troubling one for many critics of the existing faith-based initiative. For the entire year, many, many millions of dollars, scores of millions of dollars, of grants, went out the door under the same rules, the same legal guidance, the same executive order, the same OLC memorandum, that many had found so troubling. And that was a consequence of the process that was implemented here.

Now, what I want to do is to turn to some of the classic criticisms of the faith-based initiative under the Bush administration and look at the either administration's response to it or the response of the council through its recommendations if they are adopted and implemented.

You've heard many of these concerns alluded to earlier. Let me address only a few for time reasons and what the responses, as I say, would be.

First, there are those of us--it's a split--as to what extent charitable choice, that is direct government funding of houses of worship and pervasively sectarian entities that Bob Tuttle referred to, parochial schools, houses of worship--we'll focus on houses of worship here. No one

questions that the charitable choice, that money can go directly to the affiliated entities like Catholic Charities, federations, solutions, social services, the separately incorporated entities that make up probably--I was talking with Mark Travis earlier--make up a trunk of that even 3 percent of the churches, the houses of worship that receive government funding.

But there are many of us who believe that direct funding violates the establishment clause. By directly funding pervasively sectarian organizations, it constitutes clear government endorsement of and support for religion. Now, the difficulty and uncertainty of fully separating the religious and secular messages and activities and functions of such institutions, has led the Supreme Court to hold that direct public subsidies to pervasively sectarian organizations inevitably have the primary effect of advancing religion and thus violate the establishment clause.

Let me make this clear because Bob Tuttle didn't on this. I admire Bob Tuttle and Chip Lupu enormously, but in conflating the phrase, the Helms decision upheld direct aid to pervasively sectarian entities, he chose a misnomer. It upheld, if you listen to him, in kind aid. The Supreme Court has never upheld direct cash subsidies. Indeed, as he indicated, the controlling concurrence in that case Sandra Day O'Connor writes, if this involved direct cash subsidies, it would be a different analysis altogether because they go to the very core of what the establishment clause is about, something that, unhappily, even Justice Thomas in the Rosenberger case

acknowledge was the law of the land, the pattern of what the Supreme Court decision has been.

One could argue the fifth vote with O'Conner out and Alito in is now in the court to strike that down, and it hangs only by a thread. That may be the case, but that thread still hangs.

Furthermore, even if there is a right to have such funding, it doesn't mean it's the right thing to do, and there may be policy reasons in terms of our concern about religious autonomy that might cause us to question whether or not we should do that.

Well, the council report is filled with recommendations of how the government in the nonprofit sector, including the entire faith-based community, can effectively and legally partner in non-monetary ways. I was really delighted that B.J. Douglas, I don't know if she's still here, made that very eloquent--there she is--made that very eloquent statement before about, why this fixation only on the money part of it? There was all this talk about the sociologists about all the wonderful work that's going on, and a lot of that happens through non-monetary kinds of relationships. Why don't we celebrate that? Expand that? Well, there are many recommendations in the report that are aimed at doing exactly that and Josh Dubois' speech this morning laid out significant steps the administration has already taken in that direction. The council urges strengthening an array of such partnership opportunities.

Now, relatedly, direct government funding of houses of worship jeopardizes the autonomy of religious institutions. With government money comes government rules, regulations, audits, monitoring, interference, and control. Chad Edwards, a leading critic of charitable choice as one, that if the direct funding of becomes the norm rather than the 3 percent or even less of actual funding of churches, not separately incorporated, to a separate social service entity, he said it would be a religious nightmare. We're going to have federal agents, IRS agents, auditing the finances of churches, synagogues, mosques, across our land.

Now, in these two criticisms, the council's recommendations would make significant improvements. A great deal of press attention was given to a recent vote in which the council split by the most narrow majority, 13 to 12, to require separate incorporation for a pervasively sectarian entity to receive government money. They have to set up a separately incorporated social service entity. Like in my synagogue we have a wonderful entity that houses transitional housing for homeless women here. We set up a separately incorporated entity to do that, closely affiliated with the congregation, but it protects us because only they are judged by the government in terms of what happens, only they are subject to audits there.

But lost in the publicity was that the minority agreed with the majority that it was better public policy, and in some cases constitutional, to separate government funded social services from the core functions of houses of worship, but felt it could be achieved through a variety of means



instead of actual separate incorporation--setting up separate bank accounts, having functional separation, if not legal separation, et cetera, but that it was better for the churches, that was something that had widespread agreement even amongst the people who were in the minority.

Third, charitable choice impinges on beneficiary rights. We heard about that, by subjecting social service beneficiaries to religious indoctrination, that is, worship or education or religious education or proselytization when they have to obtain their government benefits, from a pervasively sectarian entity, the faith-based initiative violates the religious liberty of program beneficiaries. No one should have to--particularly at a time of enormous personal need--have to be exposed to religious activity that they find objectionable, in order to receive government benefits.

Most people, even some who support charitable choice, tend to agree with that proposition. I believe it was the Bush administration standing in my correct position, that the government money should not be used to pay for proselytization education, religious education, and worship.

But experience teaches us that whatever the rules, in fact, it happens a lot. And trying to figure out ways to protect that from happening is vital here.

To the social sciences I would say, we really need more information about exactly how often this does happen and why it happens and what the implications are. On this issue, the council recommendations would provide enormous improvements. It could not be clear about the

need to protect beneficiaries rights but in a common ground effort to acknowledge the rights of religious institutions to maintain their religious character, the report focuses on ensuring separation in time and place of religious function and activities from the provision of government contracted social services and in guarantying that those beneficiaries who do not wish to receive services in a religious setting, have an accessible alternative. It also calls for much greater transparency of the rules and regulations, greater training for the providers, and not only the providers, for the people doing the funding at the state and the local level as well as in the federal government and much better monitoring of what happens with the money.

Fourth, the question of the efficacy of charitable choice. You heard before the question of how does it work compared to non-religious entities, et cetera. There remains little evidence that pervasively religious social providers do a better job or a worse job than secular, public, or religiously affiliated providers do, in meeting the needs of those seeking help. Further, there's little evidence that a decade of faith-based initiative efforts have really affected the way individual houses of worship go about, with their millions of volunteers, in actually providing social services.

Here the President was consistent about the theme of measurable, effectiveness evaluations. The Administration has actually begun on its own to make improvements and the council recommendations are replete with the affirmation of the need to strengthen evaluations about effectiveness of this. Now, charitable choice has been intertwined with

political motives, both partisan and policy wise. The administration has already taken steps to ensure that there will be no politicization of its direct efforts although we all know there's political resonance to any decision someone makes about this, but in terms of the kind of thing that was mentioned before that David Kroll had talked about in his book, the Administration's already begun to do that. The report would further strengthen those.

There is the question of lack of money. I would just make this observation: without a substantial improvement and expansion of the money available to these programs, allowing millions--excuse me, allowing a couple hundred thousand houses of worship to compete for the money, well, technically you could do it. The end result, though, if there is, you know, real interest in doing that, is likely simply to divert a large chunk of money from some of the best social service providers in the country to go to churches that will not have a proven track record of having done this. So, even if more than 3 percent want it, the fact that whether that would be good public policy, is something over which we could have a debate.

A word about the council processes and the strengths and the weakness of that, several key decisions were made along the way that raise serious questions both by the public and by members of the council about the way the council should work. Let me mention just four of those. First, you've already heard this, the decision to take away from the council any recommendation related to the controversial issue of hiring preferences.

The Bush administration's faith-based initiative does permit religious institutions that receive government funds to discriminate in their employment practices on the basis of religion. While the question of whether the Constitution permits federally funded religious entities to discriminate on the basis of religion is complex and ambiguous, there's been no direct Supreme Court decision on government funded discrimination. It is, as you heard, deeply problematic on a policy level. The notion that a job notice could be placed in the newspaper seeking employees for a government funded social service project run by some religious entity that says, "no Jews, Catholics, Muslims, Hindus need apply. No unmarried mothers will be hired", is deeply troubling.

The explanation for removing this issue from the council's purview, was that it was too controversial, and that the President, attorney general, White House counsel, head of the faith-based office, would make the decisions on a case-by-case basis. Many of us were frankly disappointed in this. First as it played out, it has put off clarifying this vital issue indefinitely. As far as we know, there have not been case-by-case determinations on this issue. Maybe something's happened were not aware of, but we are certainly not aware of any such decision.

Second, we truly believe that the diverse--and as I indicated, by the way, by putting it off, millions and millions of dollars have flowed under the old Bush rules during this year.

Second, we truly believe that the diverse expertise on the council could be of significant assistance in advising the administration of what it might do. We thought that was the reason that we were--that this entity was created here.

Third, on an issue about which there is so much emotion and intense political jockeying, we believe the council could model for the Administration, the Congress, and the public, how a civil, constructive debate on controversial issues could be waged and finding the common ground that exists on a difficult issue, can be done. If anyone doubts the success of the council in doing that, I urge you to look carefully at a number of recommendations on contentious issues throughout the report, how common ground was carefully and effectively etched out all with only two dissents on fairly narrow issues out of the over 60 recommendations that have been made.

Second, a decision was made early on to interpret that mandate in scope to address only what the Administration does in its executive authority in terms of our recommendations. Again, there were a number of members of the council who felt unfairly constrained in not being able to address policy issues that directly impacted on the work of the Administration in social service provision, and directly on the work of the kind of agencies and the community agencies that we represent on this. So, for example, when the climate change bill was moving through Congress, virtually the entire religious community across political, ideological, and

theological spectrums, wanted to ensure that increased funds from the cap and trade auction would be designated to help their clients--poor people, poor communities. We were told that we could not, as a council, address policy recommendations to the Congress or to the Administration urging them to be more assertive on this because we could only talk about the administrative actions of the executive branch. Some of the subjective (inaudible) we could make all the recommendations we wanted about more effective and efficient partnerships, but if adequate funding and the right policies were not there to strengthen this work and what we're advocating, then making the partnership theoretically more efficient would not really strengthen the overall impact on our work. In the end, out of the back and forth, an agreement was reached in which we were encouraged, not as a council itself, but as individual members of the council, to speak out on issues we felt strongly about. For example, in a joint statement signed by those who agreed with a position, we were told we had the right to identify ourselves as members of the advisory council so long as we did not in any way suggest that this was a council action or position. Most of us felt that this was an appropriate compromise.

Third, the whole operation is understaffed. It is really remarkable what each of these 11 existing offices does and what the White House office itself does, but they're all understaffed and the White House office is woefully understaffed. I think it is just extraordinary when I watch what Josh Dubois, Mara Vanderslice, and their immediate staff have been

able to accomplish. I look and I don't know how they can do what they are doing. But basically Mara alone has helped staff six task forces of this work, of very talkative, assertive, confident people who want to have their positions debated out and implemented into this report and are not hesitant to let anyone know when something isn't working the way that they want. She has been just phenomenal about this. But having said that, if it had not been that we drafted as chair, I think when she was absent at a meeting, Melissa Rogers--Melissa, I've often talked about Bob Tuttle and Chip Lupu as the Isaac Asimov's of church-state scholarship. They are capable of writing quality articles or books faster than I'm capable of reading them. Melissa Rogers is of that kind and when she stepped up in a way to work with Mara and Josh, they were a dynamite team, it would be my recommendation that they actually think instead of six task forces having less task forces in order to focus in on a couple of things without absolutely overwhelming the process. This is a quality process and document in the end, but I still don't understand how they were able to actually pull this off.

And then finally, the decision to wait until the end of the year to issue all the recommendations--some of us argued from the beginning that we should not wait, but issue recommendations when they were ready. Some recommendations came easy to us, others took more research, testing of formulations, compromises, defining differences, explaining why those differences were there. Most recommendations applied to ongoing partnerships of the government and nonprofit communities, so as indicated

before, so long as no recommendation were issued and implemented, major problematic pieces of the faith-based initiative continued unabated.

Further, some recommendations addressed issues that were raised by legislation moving through Congress or by events that were transpiring before the report would be issued. The most obvious examples are Cairo and the speech on our relations with the Muslim world, the Copenhagen conference, deciding what we're going to do about climate change, issues of which the religious communities of America have enormous interest and stake in which the entire council, religious and non-religious, had expertise that would be particularly helpful, obviously the work of the community organizations in insuring that poor nations and poor communities in which they work, the ones whose fragile infrastructure will be the most affected by climate change, were protected.

I do want to emphasize, however, that while the decision was made to wait, there's a good argument for doing that. It gets more attention, you get to do it right here, you are able to get a little more traction when you do it all at once. You know, I think about the State Department Human Rights reports that come out and the attention that they get. On the other hand you just missed the boat on a number of crucial things. I think some of us would like to see somewhat of a better balance, a few things, when necessary, going out earlier.

I do want to emphasize, however, you should know, whenever the council asks for a meeting with almost anyone in the Administration in



order to prepare its views, and we were told we were free to express to them our feelings, not the council position, but to lay out our feelings, and the Administration officials knew when they were hearing a consensus of those in the room, that we were able to get those meetings. They were phenomenal. The Administration was really behind this and I think made available almost every single meeting promptly that we asked for.

So, when you look at, for instance, Copenhagen, when you look at Cairo, the impact of the conversations that we had at the highest levels of those working on these issues, I think, really were felt.

Finally, let me just mention a few pieces that--of the recommendations that are coming out on other areas, just to close here. The council lays out 60 recommendations in their different areas. I've mentioned the reform of the office recommendations already. Let me just give you an idea of some of the others. In the Economic Recovery Report we give specific ideas to how the government can help nonprofits that are struggling to meet demands for increased services in this difficult economy by eliminating duplicative reporting requirements, ensuring that agencies get prompt payments. We discovered there's a major problem with a lot of contractees with the government. We speak to how the government can streamline for individuals' access to benefits. Think about this, someone walks in the door for food stamps. It may be they're eligible for five other programs, but there's no interaction between the different pieces of these programs and most of those people don't have the wherewithal to go to five

different places let alone figure out what they're entitled to or not. We're trying to streamline the process. When you walk in the door of a government agency, computers are set up to tell you everything you're entitled to and be able to apply for those in a much more consolidated way, it would make a huge difference for those millions of people that we were talking about who too often fall through the cracks.

We recommend the government reevaluate the current poverty measures. In the environmental report we recommend that the Administration partner with community-based groups to help make sure that the most disadvantaged job seekers are not cut out of but rather streamlined into new green jobs in the new green economy utilizing our networks to help with job training and placement for green jobs. In the global poverty one, we have similar recommendations about how to best partner. Think about the religious communities in Haiti and the community-based entities that are doing extraordinary work in Haiti. We're the major players there. We need to smooth out the processes.

In the Inter Religious Report, we put forward a blueprint to how to better train our foreign service officers, how to create better outreach through religious communities, build into religious coalitions, draw on the existing ones far more effectively. And in the Fatherhood Report, we make similar kind of recommendations.

The bottom line is, this report will come out in a couple of weeks and then the question is: what happens? A lot of this can be done,

particularly the legal stuff, by new executive order. It shouldn't take long. We've called for that explicitly. A lot of other ones have to go to appropriate people throughout the administration. One of the things I would recommend next year is actually once there have been a draft of the recommendations-- we have meetings in drafting them, but the actual language was not formally reviewed by the key officials who would have to implement it to give us--if that's what you're trying to do, you've got the wrong name. If that's what you're trying to do, you should try to explain it this way. Or, that's just not feasible, how would this meet your needs about it? I wish there were more time, but again the workload was simply too long to do it.

The staff has actually done a lot of this. I have every reason to be confident that there is a lot of movement looking at the draft recommendations as they exist now in order to plan about what the response of the Administration would be and the staff has vetted some of them by other folks. I'd like to see that more formalized in the future but if in--of a relatively short period of time, a lot of these remarkable recommendations--not all of them, but a lot of them--are implemented, I think the fact that we waited the year will fade in peoples' minds and we will move on feeling this Administration has made an extraordinary difference in doing the faith-based initiative right. If it drags on indefinitely and the bulk of them are just not responded to or engaged with, I think it will be a great source of frustration for those of us who work in the field of trying to do this work and care about the way that the program runs. A lot depends on the

Administration now, but as my mentor Al Vorspan says, the difference between an optimist and a pessimist, is that an optimist argues, this is the best of all possible worlds, and a pessimist agrees.

We're here, most of us, because we are the eternal optimists and I'm really confident that this will be regarded as one of the great achievements of the work of America at this time and will benefit the millions and millions of people who rely on us to make their lives better.

MS. ROGERS: Thank you so much, David. I know you can see in his remarks why it is such a joy to work with David. He brings so many gifts to the work that I'm really grateful to be able to serve with him, in so many ways, but lately on the council.

Also, it's been my great honor and pleasure to get to know Larry Snyder as a co-council member and I want to introduce him now to you. Many of you know him, I know, he took the helm of the Catholic Charities in February 2005 and just months after his arrival he led some of the largest disaster recovery efforts in history in response to Hurricanes Katrina and Rita, so he definitely had an enormous challenge presented to him and I know from having--I grew up in New Orleans, so I know that work that has been done down there and I know that Catholic Charities has made a major difference for all people of the New Orleans area and I want to thank you for that for so many reasons.

Today Father Snyder oversees Catholic Charities USA's work to reduce poverty in America. They have a multiyear, multifaceted initiative

aiming to cut poverty in half by 2020 and they work every day urging the Administration and Congress to give a higher priority to the needs of the people that sometimes are referred to as the least among us, and also work to protect all vulnerable people. They are very engaged with the Administration, with Congress, over budgetary issues and all of these broad policy issues that we've been talking about in terms of whether there are adequate resources that are brought to bear on these important problems.

I want to thank Larry for all that he has taught me in the short time that we've been able to serve together on the council and I look forward to continuing to learn from him in the days ahead.

FATHER SNYDER: Good afternoon. And thank you, Melissa. My remarks today, I want to be sure that you know, do not come from a lawyer. I am not a lawyer; I am a practitioner, somebody who has worked with Catholic Charities in the human services field for some 20 years, 15 years in St. Paul-Minneapolis and for five years now at the national office. And I was asked to talk about the perspective of a practitioner of a faith-based organization at the past, the present, and the future.

So, I have three areas that I would like to comment upon and the first area is the context of the conversation that we are having here today that will continue to go on, I'm sure. And I just want to be sure that we all recognize what we're talking about basically is, in many ways, interpretation-interpretation of the Constitution, interpretation of law, and interpretation of

history, and any interpretation is influenced by one's philosophy, one's values, and one's politics.

Now, in theology we have this thing called hermeneutics, a word that you can forget as soon as I'm through talking, but hermeneutics is a discipline that helps us discover what is the real meaning of scripture. It gives us tools for understanding and respecting the historical and cultural contexts so that in fact we are respecting the meaning that's inherent and not putting our own meaning upon that.

I guess I'm saying, I think we need a hermeneutics of the Constitution and law as well because you hear a lot of arguments putting forth different aspects and I'll just give one aspect as an example. The cultural context of our Founding Fathers was what? It was the frontier, it was an emerging nation, an emerging society, and without a doubt there was a need for guns--guns for food, guns for protection, but is it legitimate to translate the Constitution's right to bear arms into a legitimacy for people today to own assault rifles and assault weapons? I'm not sure that we're using a proper hermeneutic if that's the conclusion we come to.

More germane to the issue that we're talking about today, I think our Founding Fathers also had a very definite cultural context when it came to the relationship of government to religion and I'm going to refer to a book by John Dilulio whose name has been invoked with great awe and wonder several times today. In his book, "A Godly Republic" I think he

makes a very clear and strong case that what the Founding Fathers were trying to establish is a godly republic marked by religious pluralism.

We live in a pluralistic society today. That's a good thing. But we also see a growing tension in that pluralism between civil rights and religious liberty. I think what is needed in this conversation is a healthy balance and a respect, so my first point is simply: let's keep the conversation honest.

My second area is in this conversation, how we define the relationship between faith-based organizations and the government will say a lot about how we view how they will interact. There are a lot of folks who simply see that relationship as a government contractor. All we do is we're an extension of the government, contracting out the things that they need to have done. And when you have that kind of a perspective basically what you're focusing on is simply the delivery of tasks, the performance of tasks. I would say that no one in the faith-based organization's world looks upon ourselves with that kind of a relationship. We see ourselves as partners because we focus first and foremost upon mission and what we see here is an intersection of mission, the mission of government and the mission of faith-based organizations.

Now, we could have a really good conversation, I think, about what is, in fact, the mission of government and there are a lot of folks in this town who might stop at simply defending our borders, but in our tradition, our religious tradition, we would say that the mission of government is the

providing for the common good, especially for the least among us. Providing for the common good. And if in fact that is the mission of government and it does intersect with the moral requirements that religions put upon their people to take care of their neighbor, and that's in all the major religions that are there. So, we really see ourselves much more as partners.

So, in that situation then, faith-based organizations are not just in it for the money. We're not just chasing the money. We will stay the course whether the money is there or not. We can do a lot more with federal money, with government money, than we could on our own, but the reality is also that I think folks think that the government pays the full fare. I can say from my time in Minneapolis, the programs that we had that were contracted with the government, the government would pay somewhere between two-thirds and three-fourths of what we needed and we had to make up the rest. So we were subsidizing the government, if you will, by hundreds of thousands of dollars every year. We were happy to do that because it furthered our mission and the mission of the common good.

As we go into this issue right now of the balance between civil rights and religious liberties though, the issue is not so much funding, the issue is licensure, our ability to actually perform the work. There are some times when the government will not license us, even though the money is ours, and we see that getting played out. I find it also interesting--we've referenced religious symbolism and the fact that there is an opinion that all religious symbols should be taken away so as not to in any way offend



people. I wonder if in fact there would be a similar movement to require all other government contractors to hide their logos? You only find that in the faith-based world.

Going on to my third point, I want to talk just a bit about the historical experience that makes Catholic Charities what it is today. We did have parochial beginnings and we need to be honest about that. We trace our beginnings back to 1727 in the city of New Orleans when a group of 12 Ursuline nuns came from Paris, and what did they do? They established an orphanage, a hospital, a school, and an outreach to women who were working in prostitution. So, long before there was a United States of America, we feel that our tradition was on this continent performing all of these services.

But going back to our parochial beginnings, we had to be parochial because at that point, and through the first part of our history, Catholics were discriminated against and I'm not singling us out because I think probably all of us have had that experience. We've all taken our turns on the discrimination piece. I can look at, for example in the 1870s the Irish at that point were strongly discriminated against in this country and some people could say, well, there's good reason because when you look at the state of New York, over half of the people who were in the penal system in New York at that point were born in Ireland. Over half of the children in the child welfare system were born in Ireland. Half of the people on the social welfare rolls were born in Ireland. But let me be very clear about this, there

was no public will to help the Irish out. And the other side of the coin is if they were born in Ireland at that time they probably were Catholic. So, the parochial interests had to step up because the government was not about to and there was no public will to do that.

That's part of our history. We went through it with the Irish, with the Italians, with the Polish, all of that, as have every other group in this room and in this country, so I'm not singling us out. But that's not where we're at today, it's not where we're at today. Today Catholic Charities--last year--served over 8 million people in this country--unduplicated--which means that if you take the number of people living in poverty, one in four were served by Catholic Charities.

Who did we serve? We served not because of anyone's creed or belief but because of their need, and I would guess--again, we don't ask for this data, but having been a local director I can say that at least three-fourths of the people that we served, if not higher, are not Catholic, and that's not a concern of ours because we're doing it because of the moral obligations of our faith, as do other faiths.

That's probably not a surprise to you. What might be a surprise is who actually is doing the serving. We've got 65,000 employees in this country. I would guess, again, that two-thirds of them are not Catholic. Why would they choose to work at Catholic Charities? Well, what unites our employees, I think, is not a creed, but values, a common set of values. So that, I think, is something that we need to be aware of as well.

We are faith-based. We try as much as possible to function as a community-based organization, and we can do that as long as our religious liberties are protected.

We've talked a bit about hiring issues and how Title VII should protect us and how, in fact, in the faith-based organization community there are different interpretations about what that means as to who you can hire and who you don't. In Minneapolis I had about 700 employees, there were three positions that I said had to be--a person had to be Catholic to have because of the vision that they would be putting forth in those particular areas.

The other interesting thing is that we had chaplains, especially at our children's home but none of the chaplains were paid for with any federal funding and the children there were not forced to go to any of the programs even though they were some of the most popular programs there.

So, I think we have walked a very good line between being able to be responsible and yet never proselytizing with federal money, and yet also staying true to our mission and identity. But there are some concerns. I think some concerns are, most of our agencies are big enough to do this, we talked about earlier, what about the grassroots faith-based organization that may have three, four, or five employees and the executive director also changes the light bulb, you know, refills the toilet paper rolls, all of those things, and, you know, they do not have the infrastructure to guaranty this. Does that mean they should be denied funding that could

help in further their mission? I think not, but we have not yet worked out a good way of assuring that.

The other piece that kind of threatens us, I think, is that there was an issue that came before the California Supreme Court in which Catholic Charities was a player and the California Supreme Court ruled that Catholic Charities is not a religious organization because you hire people who are not co-religionists and religious organizations only hire co-religionists. So, what we have here is the court telling us who we are and in fact then penalizing us for being--working as a community organization.

Just a couple--a few thoughts then about the future: the future, I think, is going to be determined by the interpretation of the law before us and our concern is, is the Constitution enough to protect us? We've always thought that it was, but will the majority opinion of the court change?

I want to end with an excerpt from a letter of Thomas Jefferson which I have here in his own writing, not the original, but--

SPEAKER: Is that to you?

FATHER SNYDER: Not to me. Remember those Ursuline sisters I told you about in New Orleans? Well, with the Louisiana Purchase they got very disturbed because they thought--they knew the U.S. government was a secularist government and would they be willing to let religious organizations continue in this mission that they have. And so they wrote to the president and just said, we're very concerned about this. What

is going to be our status after we become part of the United States? It's a very short letter so I'll just be very quick here in reading it.

“To all the sisters and nuns of the order of St. Ursuline in New Orleans, I have received, Holy Sisters, the letter you have written me wherein you express anxiety for the property vested in your institution by the former government of Louisiana. The principles of the Constitution and the government of the United States are assure guaranty to you that it will be preserved to you sacred and inviolate and that your institution will be permitted to govern itself according to its own voluntary rules without interference from the civil authorities. Whatever diversity of shade may appear in the religious opinions of our fellow citizens, the chartable objects of your institution cannot be indifferent to any and its furtherance of the wholesome purposes of society by training up its younger members in the way they should go, cannot fail to ensure it to the patronage of the government it is under. Be assured that it will meet all the protection which my office can give it. I salute you, Holy Sisters, with friendship and respect, Thomas Jefferson, President of the United States.”

My question is, do we need to dust this off and once again assure faith-based organizations that we will live up to Thomas Jefferson's protection? Thank you.

MR. DIONNE: We just--we have a little bit of time for Q&A. I just want to say, when Father Snyder was speaking, I heard a story recently

about a bishop who had spent a lot of money on homeless programs and someone came up to him and said, you know, why are we spending all this money. These people we're helping aren't Catholic. And the bishop said, we don't help them because they're Catholic, we help them because we are Christians, and it was that spirit that Father Snyder spoke to that I so appreciated. That's assuming, of course, those of us who are Christians actually behave like we claim we're supposed to.

I also thank you for the word hermeneutic. When I was in college I read an essay called "Toward a Political Hermeneutic of the Gospel" and my thinking has never been the same and some of my friends think it's been badly distorted, but nonetheless, who wants to--Melissa, do you have a comment or a question right off--

MS. ROGERS: I just know that Larry has to catch a plane very shortly so I thought maybe we should welcome for questions for him first, because unfortunately--he has been very gracious with his time, but will have to take off quickly. So, if you have a question particularly for Larry Snyder, now--can I just go ahead and welcome those, E.J.?

MR. DIONNE: Sure. And he'll also answer questions for Thomas Jefferson in his absence.

RABBI SAPERSTEIN: I have a question. I would just--I wanted to just respond to your point about the icons and should we ask others to--only the--only religion has an establishment clause, nothing else, and we've benefitted enormously because of that. We have all sorts of

special protections that no other entities have, or special benefits that only a few groups have mostly to allow them to exist for us. I mean, from parsonage to we don't register as lobbyists, special rules about IRS audits, special protections on a whole range of things because we're treated differently.

So, the question is, can we have our cake and eat it too? In other words, can you say, when it comes to getting the money we want to be treated just like everyone else, but the special exemptions we have that allow us to discriminate and no one else, that would give us protections and no one else, exempt us from--we also want those too. Is there something that's at all contradictory about that?

MR. SNYDER: Well, but I think the way you asked the question shows your bias.

In the sense that, you're looking at it purely from a religious-- from a civil rights kind of effort and I think early on when you read any of the writings of the founding of this country, one of the things that they saw which lead to those kind of special exemptions that we have given is the fact that our commitment to the common good is part of the very nature of who we are. Not that other organizations don't, I don't mean to say that, but religion in a special way puts moral obligations on its people that a purely secular group of folks cannot.

At the same time, I want to say, David, I understand what you're saying and the tension and we have to be very careful about that. I think we have encouraged all of our organizations, for example, to embrace the transparency principles that have been put out by the independent sector. To me--some folks in the faith-based community said, you know, that's infringing, that's going too far, they're telling us how to do it, but to me, there's good reason for that and we can live up to all of those things without in any way compromising who we are. It's when we get to the compromising who we are piece that it gets very difficult because that goes to the very root of who we are.

MR. DIONNE: Because he's been mentioned so often as you were speaking, the sainted John Dilulio if he were here I've heard him say about a million times, would it make a difference if we changed the name of the St. Vincent DePaul Society to Mr. Vincent DePaul? I just had to--just the spirit of John is around us so I had to bring that in.

MS. ROGERS: You know, one thing I just want to mention on this that--just for everyone's information, the council--there was a division of opinion about whether symbols or religious messages should be--religious groups should be able to have those in rooms where services were delivered, but there was agreement, or at least there has been so far, on the ideas that a group should not have to change its name from St. Vincent DePaul to Mr. Vincent DePaul. If that ever happened, I don't know whether that ever happened, but it was colossally stupid and so, you know, I think



that there's been agreement around that kind of issue, having a religious statement about one's mission and selecting board members on the basis of religion with bracketing off the whole issue about whether there are government funds involved. If government funds are involved, that becomes a contentious issue, but if they're not--I just want to mention that there was, and there has been, agreement on the council about separating religious activities from activities that are funded directly by the government but also placing emphasis on the appropriateness and the importance of allowing religious groups to maintain their religious identity, and we've been able to coalesce around that, those points of protection for religious identity while we continue to differ on some of these other issues.

QUESTION: On the icon business, it seems to me that the National Gallery is filled with hundreds of icons and it seems to me that--I mean, for example, the Catholic church could simply go in there and buy copies of--and frame them and put them up in their places where they're providing services and some it will be art, for some it will be icons. But I mean, if they can hang in the National Gallery, why couldn't they hang where children are being fed?

MR. SAPERSTEIN: Imagine if somebody desperately needing shelter, you know, they don't go to the National Archives, they don't go to the National Gallery. They go to a place that provides government contracted social services and the question is, to what extent is it conveyed that there's government endorsement of religion in the setting in which they

are receiving that activity? So, to what extent does somebody who may be offended by that--one of the members of the council spoke very eloquently of just his own experience in confronting the church and what the church has said to him as a gay person in America. I hear how absolutely alienated he has felt from the harsh messages about it. The notion that the only place he might be able to receive government services is in a place that has the very symbols that, from his standpoint, has oppressed him, and he wouldn't have an option for someplace else, is deeply offensive to him and the question is, does the government fund things that carry messages that may be problematic to the people on establishment clause grounds. Again, only religion has the--the framers understood religion was different than everything else. It is pervasive, it is a world view, it goes to core principles and when those core principles are deeply offensive, it's problematic.

So, you know, there are a whole bunch of reasons why that's different. If they had to have it in the National Gallery, there might be a claim to move it while they were housing people until they found somewhere else to move the people or to cover them up. Not so hard sometimes to just cover up these things.

MR. DIONNE: Just on that, and this probably just goes to direct or indirect funding. If I am over 65 and go to Georgetown Hospital, I get Medicare. If I'm a poor person I get Medicaid. The hospital can hang religious symbolism, it's a Catholic hospital, and there are examples like

that. Is that--why--I've always found this area troubling because we seem to have peculiar inconsistencies about it.

RABBI SAPERSTEIN: The court is distinguished between 'in kind' aid and direct cash aid. I talked about that before. It's also distinguished between indirect aid, and our report talks at some length on this, and direct aid. When a benefit goes to an individual like Medicaid or Medicare or something like that and they choose to bring it to a Catholic hospital, they are choosing through their personal choice, and it strips the impression of government endorsement that is engaged in the action of going there. That's what the court held in the voucher case, that's what it's held--courts have held a number of times when these medical programs have come up. I think it's kind of a common sense distinction between indirect aid that I give to Larry Snyder and he goes and decides what to do as opposed to telling Larry, you've got to go to this place that I'm funding here that's a Wiccan establishment, in order for you and your family to get your social service benefits. There's a difference.

MR. DIONNE: Do you have a reply? Some of your best friends are Wiccans.

FATHER SNYDER: Well, I guess I'm a little confused by David's response in the sense that, does that mean then as long as there's another option, then the government has done its part so that if there's two shelters and one has religious iconography, as long as across the street there's not, then that's okay?

MR. SAPERSTEIN: That's the position of the council, yes. And it works for me. In other words, if there's a feasible option, then I think the analysis is different here. We're concerned about the rights of the beneficiary. That's the issue here. We're also concerned about government endorsement here. But on the basis of the rights of the beneficiary, what you describe works for me.

On the question for those who care deeply about endorsement, then it raises another set of issues but what the council agreed on was exactly the formulation that you've described.

MS. ROGERS: Well, I'll just add that it would not mean that if the government is funding a particular program with a grant, then that program could be--have religious content introduced into it. I just want to make sure we're distinguishing between those.

FATHER SNYDER: The only other thing I would say is that my fear is what we're moving towards, David, with what you're looking at, is a uniformity where none of us have any of our own personal identities of our organizations.

RABBI SAPERSTEIN: The only question is with government money. You can do whatever you want when you don't have government money, and as people said earlier, you look at the hundreds of thousands of houses of worship that are doing extraordinary programs and doing it in very overtly religious terms here, and you're able to do that. If you want government money, there are certain compromises that have to be made to

avoid the problem of government endorsement or the government acting to coerce people, recipients of services, from participating in religious exercises or whatever, that they object to.

FATHER SNYDER: But most shelters of any size get government money. So, I mean, if you're saying if they're run by a religious house they should no longer--then I don't know who's going to pick that up, but that's another problem. It's not--

MR. DIONNE: We've got a couple over here, and then in the back. Let's bring a couple of people together I think.

MR. WILSON-BLACK: Rob Wilson-Black, Sojourners. A quick question about the rotation model for the faith council. What are the positives and negatives from your perspective of having a turnover and then if this report comes out, is it their job to help implement or would they start new ones? Just any thoughts about that.

MR. DIONNE: Politically it allows the President to make a lot more people happy. The lady in the back.

SPEAKER: Hi, rabbi, thanks for your comments--

RABBI SAPERSTEIN: And I suggest if they try to reappoint us, everyone would become a republican.

SPEAKER: Here's where I think that there's a little muddy-headed thinking going on here. The establishment clause has two prongs, as you know. The one is, you can't do anything that establishes any religion, and the second prong, that you're forgetting about, that really did provide all

the protections, is the non-impingement of the free exercise of religion. Okay? So, the free exercise clause is what you--what you're venturing into would run afoul of that. That would be unconstitutional. If you require, for example, Catholic hospitals or any other--that are providing public services to strip off their crosses and to white out their IHS's and do all that, that would run afoul, that would be unconstitutional under the second prong of the establishment clause. And it's the balance of those two that has created the competition between the religions that lets them all flourish. And it's that second prong that John--

MR. DIONNE: Just let me interrupt for a sec. Just let me interrupt for a sec. Let's say thank you to Father Larry Snyder.

SPEAKER: So, anyway, sorry. Thank you. I think that's more or less the point, but I think that if you look at when that was established and how it came to be and you look at John Whitherspoon and John Carroll and the people that were the authors--

RABBI SAPERSTEIN: Gotcha, gotcha.

MR. DIONNE: The Constitutional law professor will be glad to take that one in a sec. Hold on, we want to bring in one more voice.

MR. SCHUHAM: Just one more question. I'm Aaron Schuham with Americans United. I've been listening very carefully to what you all have been talking about in terms of beneficiary rights which, you know, was an area of consensus for you all and definitely if implemented

would lead to some very positive protections. I think we all agree on that. But one thing actually struck me that I've never thought before which is, do you think there was any stakeholder on the council who actually is a beneficiary or is a true, direct stakeholder of the beneficiary community? I mean, we keep talking over and over again about the need for experience and the need for people who actually get how all this stuff works and, you know, all of that.

I mean, there are a lot of leaders, academic leaders and religious leaders and some nonreligious leaders on the council. Don't you think that maybe there should be someone from that community there talking?

RABBI SAPERSTEIN: That's a great suggestion. And we should make that--it's come up in our conversations, Aaron. I think people recognize--there's a limit to how diverse diversity can be, but this one was one that we realized, you know, there's a great deal of merit to that. It's often hard to choose the right folks for that, but I hear you on this and we'll put it in the mix again.

MS. ROGERS: You know, and I think that Steve Monsma in this book--wasn't it yours Steve--that really interviewed clients and beneficiaries and talked about their experience, in their own voices.

RABBI SAPERSTEIN: Which was very powerful.

MS. ROGERS: And it was--actually, I have read the literature a lot but it wasn't until--I think it's your "Faith, Hope, and Jobs" book that I

read most recently that really impressed upon me their experience. We talk about them as if we know what they think, and we don't. And Steve asked them, and I found that to be incredibly educational just serving to underscore your point and David's response.

RABBI SAPERSTEIN: In terms of the free exercise clause, you can do--look, the Supreme Court has gutted the free exercise clause in the Oregon v. Smith case which is why saying the government could use any valid interest that it had to restrict free exercise of religion if the law that it was asserting was neutral, didn't treat religion differently than anyone else. That's why the Religious Freedom Restoration Act that you've heard about a number of times today was written and implemented here, but even with that restriction, you can pretty much do anything you want here, you just don't have a right to claim that the government ought to support it. As soon as you say the government ought to support what you're doing, then there are going to be restrictions.

Like, you can discriminate personally, right, in your life? You want to discriminate against somebody on the basis of race, sex, national origin, religion, you have every right to discriminate in your personal life. You don't have to hire that person in your home. You don't have to go to dinner with that person. You don't have to talk to that person. But as soon as you accept government money for some economic activity, an entire set of rules applies and you lose the right to use that government money to discriminate. Just the same thing here. You can do whatever you want.



You want the government money, then there are restrictions that we agree to.

MR. DIONNE: We have, I think, a couple more, and then I think we're going to shut down. So, a final round of questions.

By the way, my religion and politics class, I had a question I asked every year just for fun to see what students would say is, are the two halves of the First Amendment complimentary or are they in conflict, and I do get a lot of interesting discussion that way.

SPEAKER: Well, just to add on to the idea of beneficiary rights, my attitude towards beneficiary rights was forever changed when I heard Byron Johnson from Baylor talk about both his volunteer experience with victims of domestic abuse, and his research in that area and he said that repeatedly he met women who refused to go to shelters, and when he said, why, why would you refuse to go to a shelter? They said, our faith was the one lifeline we had and we would go to the shelters and the staff there would denigrate our faith.

So, I think there's got to be a burden on both sides. Certainly we don't want to take vulnerable people and impose faith on them or proselytize, but on the other hand there have to be safeguards so that beneficiaries who have faith, and that's the lifeline that's holding them together, don't feel like their faith is being destroyed.

RABBI SAPERSTEIN: I think, you know, the government is required constitutionally to remain neutral on religion. It can neither help

religion or impede or hurt religion. It can't acclaim religion, it can't denigrate religion. So, if somebody in a government program is doing it one way or the other, including negatively, they're in violation of the same rules that they would be in terms of doing it positively.

Recognizing, however, the deeper issue that you talked about, that at the very time people most in need--they need their faith. I think it's why we struck the common ground approach that we have in the council report that says if people want to go to, you know, a place and that they have the icons, then they can do that. If you want to have religious activity, just simply don't do it right in the place and time as the government program. Create a room next door that people can do it. There are all kinds of reasonable compromises that can be made to accommodate people of faith.

As a person who comes from a community of faith, I believe deeply that faith can be a healing force for people when they're most in need. The last thing we want to do is impede that. The only thing that this is about is to what extent should the government endorse, should the government fund, religious activity or this kind or make somebody feel an outsider.

Sandra Day O'Connor, a wonderful formulation in her endorsement saying, no one should be made to feel like an outsider religiously because of the action of their government. It's kind of a common sense kind of thing and I think if we balance that against the ability to accommodate people in voluntarily what they do, in using faith to support

them, we've got it right. I think the council report actually does that quite well.

MR. DIONNE: I'm going to cheat because Steve wanted to come in and since he's come a long way to be with us, and then this is it.

MR. MONSMA: Well, just a quick comment. If I understood you right, David Saperstein, you had real fears about government funding of programs run by religious congregations, and, you know, I tend to share that. If I understood you correctly you said, but, of course, if they would set up separate 501(c)(3) nonprofit organizations, hey, then there's no problem with direct government funding. I'm not sure that distinction is as sharp and as clear as it may be in your mind, especially within the Protestant Evangelical community. There's all kinds of 501(c)(3)s that probably would match the old Supreme Court definition of being pervasively sectarian, that is, they're very deeply religious even though they are not religious congregations but are separate nonprofits.

RABBI SAPERSTEIN: Right. A very important observation. Most churches are 501(c)(3)s. You don't have to be, but most churches are 501(c)(3)s, so by definition, you're absolutely right here. There's nothing about creating a separately incorporated entity that does anything in and of itself because it can be a totally pervasive--it could just be another church here. So, on that level, you're right.

When we talk--it's a term of art in this context here that, you know, we're rushing through a lot of stuff today that we've used and maybe it

should have been explained. Basically what we're saying is, a church, like, again, Sinai House, the transitional housing place, it sets up a separately incorporated entity, that receives the money, and then it abides by all the rules everyone else does here. It doesn't ask for special exemptions here. It doesn't try to get the exemptions that the synagogue has all over the place because it doesn't take government money.

In addition to which, setting up the separately incorporated entity protects the synagogue should there be some malfeasance, should there be the necessity for an audit. If the funds that are paying for this get all mixed up with the synagogue activities and funds, then the IRS is going into exactly what did this synagogue do, what did that church do, how is it using its money here, and it's just a terrible kind of place where we've bent over backwards in this country to avoid.

It isn't that, you know, if there's really a standard evidence of wrongdoing that the IRS can't audit a church, it can, but they've created certain barriers, procedural barriers, that are quite high, in order to trigger such an audit, in order to be careful about not invading the religious autonomy. We want the churches of America, houses of worship, to live their lives without government interference monitoring an engagement with-- an entanglement with them. And setting up these separately incorporated (c)(3)s that would deliver social services in the same way everyone else does, is a very good way of doing it.

MR. MONSMA: In many ways I agree but the point is, a lot of 501(c)(3)s (inaudible) be able to make hiring decisions based upon religion and introduce some faith elements into the services.

RABBI SAPERSTEIN: That's why the hiring thing needs to be resolved in and of its own right and there needs to be clear guidance that will apply to the different entities and the government will have to explain what its position is, it will be tested in court, and there will be a resolution to it, but the longer we're in limbo here, I think the more awkward this is for the country and we'd like to see some progress in resolving it.

MR. DIONNE: Thank you. Melissa, do you have any closing comments?

MS. ROGERS: I just wanted to pick up the question about the terms of the council. Yes, it's a one-year appointment and I think, I don't know about you, David, but I had no idea how much work it would be, and so I think that there will be a lot of people that think that one year is quite enough and so continuity would be nice, but yes, you do have to set aside a lot of other stuff that you're doing in your day job to get this done, so there can be some real wisdom to that one year appointment.

RABBI SAPERSTEIN: For some of us, this was like a second full time job. For Melissa it was a second life.

MR. DIONNE: I just want to say thanks to a lot of people, first to Darrell West, again, to Seymour Weingarten who has been indispensable

to us. To Emily Luke and Christine Jacobs, John Sayle, Courtney Dunakin and to so many people here at Brookings and to Darrell West.

I just want to close by noting that there were differences between the legal and the social science panel. The legal panel clearly underscored, in a civil and thoughtful way, our discussion just now.

By the way, let's give David a hand as he walks out. That there are real and principle differences over how these partnerships with government can work, but I was struck that the social science panel suggested if not agreement, then at least, perhaps, the beginning of an agreement that faith-based groups are essential to the work for the least among us, that this work is not sufficient, that they are a part of a much larger network that includes the government at all levels and not for profits, and a variety of voluntary organizations.

I've been in a number of these meetings and at the end of them the same line always comes to me. It's a line from Martin Luther King who once blurted out, "God isn't going to do it all by himself." And I always liked that line because I think it says that we all need to do more on behalf of justice and charity, we need to do it better, we need to do it together and we all need to be engaged. So many of the people in this room are involved in that work. I want to thank you all so much for being with us today.

MS. ROGERS: Thank you.

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