

# ***Serving People in Need, Safeguarding Religious Freedom***

## **Sources**

### **Part One**

#### **A Past to Build On: Partnerships Before the Bush Administration**

Stephen V. Monsma, *When Sacred and Secular Mix: Religious Nonprofit Organizations and Public Money* (Lanham, MD: Rowman & Littlefield, 1996), 6.

Bradfield v. Roberts, 175 U.S. 291, 298 (1899).

Donald F. Kettl, *Government by Proxy: (Mis?)Managing Federal Programs* (Washington, DC: CQ Press, 1988), ix, 7, 52, 10, 66, 4.

Maris A. Vinovskis, *History and Educational Policymaking* (New Haven, CT: Yale University Press, 1999), 72-73.

Mary M. Bogle, "A Survey of Congregation-Based Child Care in the United States" in *Sacred Places, Civic Purposes: Should Government Help Faith-Based Charity?* ed. E.J. Dionne Jr. and Ming Hsu Chen (Washington, DC: The Brookings Institution, 2001), 226, 220.

Amy E. Black, Douglas L. Koopman, and David K. Ryden, *Of Little Faith: The Politics of George W. Bush's Faith-Based Initiatives* (Washington, DC: Georgetown University Press, 2004), 36.

John J. Dilulio Jr., *Godly Republic: A Centrist Blueprint for America's Faith-Based Future* (Berkeley, CA: University of California Press, 2007), 102, 103-105.

Lester M. Salamon, *Partners in Public Service: Government-Nonprofit Relations in the Modern Welfare State* (Baltimore, MD: Johns Hopkins University Press, 1995), 2.

*Community Works: The Revival of Civil Society in America*, ed. E.J. Dionne Jr. (Washington, DC: The Brookings Institution Press, 1998).

*Sacred Places, Civic Purposes: Should Government Help Faith-based Charity?* ed. E.J. Dionne Jr. and Ming Hsu Chen (Washington, DC: The Brookings Institution Press, 2001).

Community Services Block Grant Program, 42 U.S.C. Section 9901 *et seq.* (2008).

Adolescent Family Life Act, 42 U.S.C. Section 300z *et seq.* (2008).

Bowen v. Kendrick, 487 U.S. 589, 609, 616 (1988).

David Saperstein, *Public Values in an Era of Privatization: Public Accountability and Faith-Based Organizations: A Problem Best Avoided*, 116 Harv. L. Rev. 1353 (2003).

Roemer v. Board of Public Works, 426 U.S. 736, 755, 758-767 (1976).

Lemon v. Kurtzman, 403 U.S. 602 (1971).

Committee for Public Education and Religious Liberty v. Nyquist, 413 U.S. 756 (1973).

Child Care Development Block Grant Act, 42 U.S.C. Sections 9858 (authorization of appropriations), 9858k (limitations on use of financial assistance for certain purposes), 9858l (nondiscrimination), 9858n (definitions)(2008).

Report from the House of Representatives Committee on Education and Labor, *Act for Better Child Care Services of 1988* (September 27, 1988), 3, 4-6.

Elizabeth J. Samuels, *The Art of Line Drawing: The Establishment Clause and Public Aid to Religiously Affiliated Child Care*, 69 Ind. L.J. 39, 47-48, 53, 54 (1993).

## **The Clinton Administration's Partnerships with Faith-Based Organizations**

*Guidelines for Schools Officials, Volunteers, and Mentors Participating in Public School Community Partnerships*, available at <http://www.ed.gov/inits/religionandschools/v-guide.html>.

*Religious Expression in Public Schools: A Statement of Principles*, available at <http://www.ed.gov/Speeches/08-1995/religion.html>.

Jennifer Bradley, *Fighting the Establishment (Clause)*, *The American Prospect* (November 30, 2002), available at [http://www.prospect.org/cs/articles?article=fighting\\_the\\_establishment\\_clause](http://www.prospect.org/cs/articles?article=fighting_the_establishment_clause).

*Religion in the Public Schools: A Joint Statement of Current Law*, available at <http://www.ed.gov/Speeches/04-1995/prayer.html>.

Alan E. Brownstein and Melissa Rogers, "The Religious Freedom Restoration Act" in *Major Acts of Congress* ed. Brian K. Landsberg (MacMillan Reference Books, 2003).

## **Charitable Choice Emerges (1995 – 1996)**

Web site of Teen Challenge USA, available at <http://teenchallengeusa.com/>.

Amy E. Black, Douglas L. Koopman, and David K. Ryden, *Of Little Faith: The Politics of George W. Bush's Faith-Based Initiatives* (Washington, DC: Georgetown University Press, 2004), 51-52.

Julie Segal, "A 'Holy Mistaken Zeal': The Legislative History and Future of Charitable Choice" in *Welfare Reform and Faith-Based Organizations* (Waco, TX: J.M. Dawson Institute of Church-State Studies, 1999), 10.

Stephen V. Monsma, *When Sacred and Secular Mix: Religious Nonprofit Organizations and Public Money* (Lanham, MD: Rowman & Littlefield, 1996).

The Roundtable on Religion and Social Welfare Policy, *Scanning the Policy Environment for Faith-Based Social Services in the United States: Results of a 50-State Study* (October 2003), 25.

### **Some Specific Elements of Charitable Choice**

Charitable Choice provision in welfare reform legislation, 42 U.S.C. Section 604a (2008).

The White House, *Unlevel Playing Field: Barriers to Participation by Faith-Based and Community Organizations in Federal Social Service Programs* (August 2001), available at <http://www.whitehouse.gov/news/releases/2001/08/print/unlevelfield.html>.

Zelman v. Simmons-Harris, 536 U.S. 639, 662 (2002).

Julie Segal, "A 'Holy Mistaken Zeal': The Legislative History and Future of Charitable Choice" in *Welfare Reform and Faith-Based Organizations* (Waco, TX: J.M. Dawson Institute of Church-State Studies, 1999), 10, 16-22.

Amy E. Black, Douglas L. Koopman, and David K. Ryden, *Of Little Faith: The Politics of George W. Bush's Faith-Based Initiatives* (Washington, DC: Georgetown University Press, 2004), 51-59.

### **The Clinton Administration Reacts to Charitable Choice (1996 – 2000)**

Amy E. Black, Douglas L. Koopman, and David K. Ryden, *Of Little Faith: The Politics of George W. Bush's Faith-Based Initiatives* (Washington, DC: Georgetown University Press, 2004), 59.

Julie Segal, "A 'Holy Mistaken Zeal': The Legislative History and Future of Charitable Choice" in *Welfare Reform and Faith-Based Organizations* (Waco, TX: J.M. Dawson Institute of Church-State Studies, 1999), 23.

Agostini v. Felton, 521 U.S. 203, 237 (1997).

Aguilar v. Felton, 473 U.S. 402 (1985).

Brief for the Secretary of Education, *Agostini v. Felton* (Nos. 96-552 and 96-553), 1997 U.S. S. Ct. Briefs LEXIS 112 (February 28, 1997).

Anna Greenberg, *The Church and the Revitalization of Politics and Community*, *Political Science Quarterly* 115 (3): 387-388 (2000).

Joseph R. Hacala, "Faith-Based Community Partnerships: Toward Justice and Empowerment" in *Sacred Places, Civic Purposes: Should Government Help Faith-Based Charity?* ed. E.J. Dionne Jr. and Ming Hsu Chen (Washington, DC: The Brookings Institution, 2001), 140-142.

Community Services Block Grant Program, 42 U.S.C. Section 9920 (2008).

Statement by President William J. Clinton on The Community, Opportunities, Accountability, and Training and Educational Services Act of 1988 (October 27, 1988), available at <http://www.presidency.ucsb.edu/ws/index.php?pid=55154>.

Charitable Choice provision of Children's Health Act of 2000, 42 U.S.C. Section 300x-65 (2008).

Charitable Choice provision of Consolidated Appropriations Act, 42 U.S.C. Section 290kk *et seq.* (2008).

Mitchell v. Helms, 530 U.S. 793 (2000).

Statement by President William J. Clinton on The Children's Health Act of 2000 (October 17, 2000), available at <http://www.presidency.ucsb.edu/ws/index.php?pid=1197>.

Roemer v. Board of Public Works, 426 U.S. 736, 755 (1976).

## **Part Two**

### **The 2000 Election and the George W. Bush Years (2001 – 2008)**

Remarks as prepared for delivery by Vice President Al Gore on the Role of Faith-Based Organizations (May 24, 1999).

*The Duty of Hope*, Remarks of Governor George W. Bush, Indianapolis, Indiana (July 22, 1999), available at [http://www.cpjustice.org/stories/storyreader\\$383](http://www.cpjustice.org/stories/storyreader$383).

*Faith-Based Initiatives: Eliminating Barriers to Faith-Based Action*, Web Site of George W. Bush for President (August, 2, 1999).

Ronald Brownstein, "Charity Begins at Church, Gov. Bush Says," *Los Angeles Times* (July 23, 1999), available at <http://articles.latimes.com/1999/jul/23/news/mn-58823>.

Executive Order 13199, *Establishment of White House Office of Faith-Based and Community Initiatives* (January 29, 2001), available at <http://www.whitehouse.gov/news/releases/2001/01/20010129-2.html>.

Executive Order 13198, *Agency Responsibilities with Respect to Faith-Based and Community Initiatives* (January 29, 2001), available at <http://www.whitehouse.gov/news/releases/2001/01/20010129-3.html>.

The White House, *Unlevel Playing Field: Barriers to Participation by Faith-Based and Community Organizations in Federal Social Service Programs* (August 2001), available at <http://www.whitehouse.gov/news/releases/2001/08/print/unlevelfield.html>.

Kathryn Dunn Tenpas, *Can an Office Change a Country? The White House Office of Faith-Based and Community Initiatives, A Year in Review* (Pew Forum on Religion and Public Life, July 2002, updated September, 2002), 12, available at <http://pewforum.org/events/?EventID=23>.

Executive Order 13279, *Equal Protection of the Laws for Faith-Based and Community Organizations* (December 12, 2002), available at <http://www.whitehouse.gov/news/releases/2002/12/20021212-6.html>.

Executive Order 11246, *Equal Employment Opportunity* (September 28, 1965), available at <http://www.eeoc.gov/abouteeoc/35th/thelaw/eo-11246.html>.

White House Office of Faith-Based and Community Initiatives, *Quiet Revolution: The President's Faith-Based and Community Initiative: A Seven-Year Progress Report* (February 2008), v, iii, available at <http://www.whitehouse.gov/government/fbci/reports.html>.

White House Office of Faith-Based and Community Initiatives, *Protecting the Civil Rights and Religious Liberty of Faith-Based Organizations: Why Religious Hiring Rights Must Be Preserved*, available at <http://www.whitehouse.gov/government/fbci/religious-hiring-booklet-2005.pdf>.

Office of Justice Programs of the Department of Justice, *Effect of the Religious Freedom Restoration Act on Faith-Based Applicants for Grants* (October 2007), available at <http://www.usdoj.gov/fbci/effect-rfra.pdf>.

Application of the Religious Freedom Restoration Act to the Award of a Grant Pursuant to the Juvenile Justice and Delinquency Prevention Act, Memorandum Opinion for the General Counsel, Office of Justice Programs (June 29, 2007), available at <http://www.usdoj.gov/olc/2007/worldvision.pdf>.

Lown v. Salvation Army, 393 F. Supp. 2d 223, n.2 (S.D.N.Y. 2005).

Executive Order 13280, *Responsibilities of the Department of Agriculture and the Agency for International Development with Respect to Faith-based and Community Initiatives* (December 12, 2002), available at <http://www.whitehouse.gov/news/releases/2002/12/20021212-5.html>.

Executive Order 13342, *Responsibilities of the Department of Commerce and Veterans Affairs and the Small Business Administration with Respect to Faith-Based and Community Initiatives* (June 1, 2004), available at <http://www.whitehouse.gov/news/releases/2004/06/20040601-1.html>.

Executive Order 13397, *Responsibilities of the Department of Homeland Security with Respect to Faith-Based and Community Initiatives* (March 7, 2006), available at <http://www.whitehouse.gov/news/releases/2006/03/20060307-5.html>.

Lisa M. Montiel and David J. Wright, *Getting a Piece of the Pie: Federal Grants to Faith-Based Social Service Organizations* (The Roundtable on Religion and Social Welfare Policy, February 2006), 1, 31, available at <http://www.religionandsocialpolicy.org/publications/publication.cfm?id=70>.

White House Office of Faith-Based and Community Initiatives, *Grants to Faith-Based Organizations Fiscal Year 2005* (March 9, 2006), available at [http://www.whitehouse.gov/government/fbci/final\\_report\\_2005.pdf](http://www.whitehouse.gov/government/fbci/final_report_2005.pdf).

White House Office of Faith-Based and Community Initiatives, *Fact Sheet: Compassion in Action: Producing Real Results for Americans Most in Need* (March 9, 2006), available at <http://www.whitehouse.gov/news/releases/2006/03/20060309-3.html>.

David Kuo, *Tempting Faith: An Inside Story of Political Seduction* (New York, NY: Free Press 2006), 127, 160-162, 195-197, 200-216, 220-226, 230-232, 239-243, 248-249.

Press Briefing by Tony Snow, White House Press Secretary (October 13, 2006), available at <http://www.whitehouse.gov/news/releases/2006/10/20061013-10.html>.

Innovations in Effective Compassion: Research and Outcomes Associated with the Faith-Based and Community Initiative, available at <http://innovationincompassion.hhs.gov/>.

## **The 2008 Presidential Election**

Remarks of Senator Barack Obama, Zanesville, Ohio (July 1, 2008).

Keynote Speech of Senator Barack Obama at Call to Renewal Conference, Washington, D.C. (June 28, 2006), available at [http://obama.senate.gov/podcast/060628-call\\_to\\_renewal\\_1/](http://obama.senate.gov/podcast/060628-call_to_renewal_1/).

Adam Nagourney and Michael Cooper, "The Times Interviews John McCain," *The New York Times* (July 13, 2008), available at [http://www.nytimes.com/2008/07/13/us/politics/13text-mccain.html?\\_r=1&pagewanted=all](http://www.nytimes.com/2008/07/13/us/politics/13text-mccain.html?_r=1&pagewanted=all).

## **Part Three**

### **Looking Forward Recommendations for the New Administration**

#### **Recommendation One: Welcome Religious Organizations to Partner with Government**

Avis C. Vidal, "Many Are Called, but Few Are Chosen: Faith-Based Organizations and Community Development" *Should Government Help Faith-Based Charity?* ed. E.J. Dionne Jr. and Ming Hsu Chen (Washington, DC: The Brookings Institution, 2001), 131.

Chris Pineda, *Mapping Your Community's Faith-Based Assets: An asset inventory tool for collecting and using data on the faith-based community organizations in your city* (Harvard University Kennedy School of Government, Spring 2006), available at <http://www.innovations.harvard.edu/cache/documents/137/13704.pdf>.

John J. Dilulio Jr., *Godly Republic: A Centrist Blueprint for America's Faith-Based Future* (Berkeley, CA: University of California Press, 2007), 153, 172-173.

The Roundtable on Religion and Social Welfare Policy, *Scanning the Policy Environment for Faith-based Social Services in the United States: Results of a 50-State Study* (October 2003), 25.

William P. Marshall, *Remembering the Values of Separatism and State Funding of Religious Organizations (Charitable Choice): To Aid is Not Necessarily to Protect*, 18 J. L. & Politics 479 (2002).

#### **Recommendation Two: Increase Funding for Programs that Work**

John J. Dilulio Jr., *Godly Republic: A Centrist Blueprint for America's Faith-Based Future* (Berkeley, CA: University of California Press, 2007), 172-173.

Stephen V. Monsma and J. Christopher Soper, *Faith, Hope, and Jobs: Welfare-to-Work in Los Angeles* (Georgetown University, 2006), 12, 12-13, 4.

Partnering with Communities of Faith, Barack Obama's Plan to Engage Faith-Based and Community Organizations (July 1, 2008).

#### **Recommendation Three: Use the Tools of Both the Executive Branch and Congress to Create a Consensus for a Durable Policy**

Partnering with Communities of Faith, Barack Obama's Plan to Engage Faith-Based and Community Organizations (July 1, 2008).



## **Recommendation Four: Clarify Restrictions on Direct Aid and Religious Activities**

Executive Order 13279, *Equal Protection of the Laws for Faith-Based and Community Organizations* (December 12, 2002), available at <http://www.whitehouse.gov/news/releases/2002/12/20021212-6.html>.

Ira C. Lupu and Robert W. Tuttle, *The Faith-Based Initiative and The Constitution*, 55 DePaul L. Rev. 1, 79 (2005).

Ira C. Lupu and Robert W. Tuttle, *Constitutional Change and Responsibilities of Governance Pertaining to the Faith-based and Community Initiative* (Conference on Innovations in Effective Compassion, White House Office of Faith-Based and Community Initiatives, June 2008), 269.

Hunt v. McNair, 413 U.S. 734, 742 (1973).

Bowen v. Kendrick, 487 U.S. 589 (1988).

Mitchell v. Helms, 530 U.S. 793, 836-867 (2000)(O'Connor & Breyer, JJ., concurring in the judgment).

## **Recommendation Five: Protect the Identity of Religious Providers**

Executive Order 13279, *Equal Protection of the Laws for Faith-Based and Community Organizations* (December 12, 2002), available at <http://www.whitehouse.gov/news/releases/2002/12/20021212-6.html>.

## **Recommendation Six: Provide Guidance on Separation Between Religious Activities and Activities Funded by Direct Government Aid**

General Accounting Office, *Faith-Based and Community Initiative: Improvements in Monitoring Grantees and Measuring Performance Could Enhance Accountability* (GAO-06-616) (June 2006), 34-35, 13, available at <http://www.gao.gov/new.items/d06616.pdf>.

Ira C. Lupu and Robert W. Tuttle, *The Faith-Based Initiative and The Constitution*, 55 DePaul L. Rev. 1, 86 (2005).

White House Office of Faith-Based and Community Initiatives, *Guidance to Faith-Based and Community Organizations on Partnering with the Federal Government* (December 2002), available at [http://www.whitehouse.gov/government/fbci/guidance\\_document\\_01-06.pdf](http://www.whitehouse.gov/government/fbci/guidance_document_01-06.pdf)

Administration for Children and Families, Department of Health and Human Services, *Safeguards Required*, available at <http://www.aclu.org/pdfs/srtsettlementagreement.pdf>.

Fredrica Kramer, Kenneth Finegold, Carol J. De Vita, Laura Wherry, *Federal Policy on the Ground: Faith-Based Organizations Delivering Local Services* (Urban Institute, July 2005), available at [http://www.urban.org/UploadedPDF/311197\\_DP05-01.pdf](http://www.urban.org/UploadedPDF/311197_DP05-01.pdf).

Bowen v. Kendrick, 487 U.S. 589 (1988).

Ira C. Lupu and Robert W. Tuttle, *Government Partnerships with Faith-Based Service Providers: The State of the Law* (Roundtable on Religion and Social Welfare Policy, December 2002), 64-66.

Partnering with Communities of Faith, Barack Obama's Plan to Engage Faith-Based and Community Organizations (July 1, 2008).

### **Recommendation Seven: Strengthen Protections for Beneficiaries' Religious Liberty Rights**

Executive Order 13279, *Equal Protection of the Laws for Faith-Based and Community Organizations* (December 12, 2002), available at <http://www.whitehouse.gov/news/releases/2002/12/20021212-6.html>.

Charitable Choice provision of Children's Health Act of 2000, 42 U.S.C. Section 300x-65(e)(2)(2008).

Charitable Choice provision of Consolidated Appropriations Act, 42 U.S.C. Section 290kk-1(f)(2)(2008).

### **Recommendation Eight: Improve Monitoring of Compliance with Church-State Safeguards**

Committee for Public Education & Religious Liberty v. Nyquist, 413 U.S. 756, 780 (1973).

Bowen v. Kendrick, 487 U.S. 589, 615, 615-617 (1988).

Ira C. Lupu and Robert W. Tuttle, *The Faith-Based Initiative and the Constitution*, 55 DePaul L. Rev. 1, 101-102 (2005).

Lemon v. Kurtzman, 403 U.S. 602 (1971).

Agostini v. Felton, 521 U.S. 203, 233-234 (1997).

Mitchell v. Helms, 530 U.S. 793, 861-863 (2000).

General Accounting Office, *Faith-Based and Community Initiative: Improvements in Monitoring Grantees and Measuring Performance Could Enhance Accountability* (GAO-06-616) (June 2006), available at <http://www.gao.gov/new.items/d06616.pdf>.

## **Recommendation Nine: Address Religion-Based Employment Decisions in Government-Funded Jobs**

Melissa Rogers, "Federal Funding and Religion-based Employment Decisions" in *Sanctioning Religion? Politics, Law, and Faith-based Public Services* ed. David K. Ryden and Jeffrey Polet (Lynn Reinner Publishers, 2005).

Partnering with Communities of Faith, Barack Obama's Plan to Engage Faith-Based and Community Organizations (July 1, 2008).

### **Religious Discrimination in Government-Funded Jobs: Some Constitutional and Legal Issues**

Grove City v. Bell, 465 U.S. 555, 575, 576 (1984).

Religious Freedom Restoration Act, 42 U.S.C. 2000bb *et seq.* (2008).

City of Boerne v. Flores, 521 U.S. 507 (1997).

Employment Division v. Smith, 494 U.S. 872 (1990).

Alan E. Brownstein and Melissa Rogers, "The Religious Freedom Restoration Act" in *Major Acts of Congress* ed. Brian K. Landsberg (MacMillan Reference Books, 2003).

Application of the Religious Freedom Restoration Act to the Award of a Grant Pursuant to the Juvenile Justice and Delinquency Prevention Act, Memorandum Opinion for the General Counsel Office of Justice Programs (June 29, 2007), 15, 2, 3, 1, n.13, available at <http://www.usdoj.gov/olc/2007/worldvision.pdf>.

Omnibus Crime Control and Safe Streets Act, 42 U.S.C. Section 3789d(c)(1) (2008).

Sherbert v. Verner, 374 U.S. 398 (1963).

Michael C. Dorf, *Why the Constitution Neither Protects Nor Forbids Tax Subsidies for Politicking from the Pulpit, and Why Both Liberals and Conservatives May be on the Wrong Side of this Issue* (Findlaw, October 6, 2008), available at <http://writ.news.findlaw.com/dorf/20081006.html>.

Report of the Senate Committee on the Judiciary, *Religious Freedom Restoration Act of 1993* (July 27, 1993), Senate Report no. 103-111, VII. Section 7 & V.(g).

### **Taking Religion into Account in Government-Funded Jobs: Some Policy Considerations**

Melissa Rogers, "Federal Funding and Religion-based Employment Decisions" in *Sanctioning Religion? Politics, Law, and Faith-based Public Services* ed. David K. Ryden and Jeffrey Polet (Lynn Reinner Publishers, 2005).

Carl H. Esbeck, Stanley-Carlson-Thies, and Ronald J. Sider, *The Freedom of Faith-Based Organizations to Staff on a Religious Basis* (The Center for Public Justice, 2004), 18, 62.

Alan Brownstein and Vikram Amar, *The “Charitable Choice” Bill that was Recently Passed by the House: The Normative Questions of When the Constitution Ought to Require Such Laws Are Reviewed* (Findlaw, June 10, 2005), available at [http://writ.news.findlaw.com/commentary/20050610\\_brownstein.html](http://writ.news.findlaw.com/commentary/20050610_brownstein.html).

Testimony of Carl H. Esbeck before the Subcommittee on Select Education Committee on Education and the Workforce (April 1, 2003), Part IV, available at <http://republicans.edlabor.house.gov/archive/hearings/108th/sed/natservice040103/esbeck.htm>.

## **How to Address the Employment Issue**

Ira C. Lupu and Robert W. Tuttle, *The State of the Law – 2005: Legal Developments Affecting Partnerships Between Government and Faith-Based Organizations* (Roundtable on Religion and Social Welfare Policy, December 2005), 101-104.

## **Recommendation Ten: Keep the Government Out of the Church and Simplify the Process of Forming Separate 501(c)(3) Organizations**

Internal Revenue Service, Tax Exempt and Government Entities, Exempt Organizations, *Tax Guide for Churches and Religious Organizations: Benefits and Responsibilities Under the Federal Tax Law*, available at <http://www.irs.gov/pub/irs-pdf/p1828.pdf>.

Roemer v. Board of Public Works, 426 U.S. 736, 755 (1976).

Department of Agriculture Final Rule, Equal Opportunity for Religious Organizations, 7 C.F.R. Part 16, 69 Federal Register No. 131 at 41382 (July 9, 2004).

Floyd Flake, “Ensuring Quality and Accountability in Faith-Based Child Care” in *Sacred Places, Civic Purposes: Should Government Help Faith-Based Charity?* ed. E.J. Dionne Jr. and Ming Hsu Chen (Washington, DC: The Brookings Institution, 2001), 262.

Darren Walker, “Faith in Harlem: Community Development and the Black Church” in *Sacred Places, Civic Purposes: Should Government Help Faith-Based Charity?* ed. E.J. Dionne Jr. and Ming Hsu Chen (Washington, DC: The Brookings Institution, 2001), 151.

26 U.S.C. Section 6033 (2008).

David Saperstein, *Public Values in an Era of Privatization: Public Accountability and Faith-Based Organizations: A Problem Best Avoided*, 116 Harv. L. Rev. 1353, 1368 (2003).

Colorado Christian University v. Weaver, 534 F.3d 1245 (10<sup>th</sup> Cir. 2008).

## **Recommendation Eleven: Avoid Cronyism and Religious Patronage by Highlighting Peer Review, Evaluation and Accountability**

Paul Light, *A Government Ill Executed* (Harvard Press, 2008), 1.

David Kuo, *Tempting Faith: An Inside Story of Political Seduction* (New York, NY: Free Press 2006), 213-215.

Michael Kranish, "Religious Right Wields Clout: Secular Groups Losing Funding Amid Pressure," *The Boston Globe* (October 9, 2006), available at [http://www.boston.com/news/nation/articles/2006/10/09/religious\\_right\\_wields\\_clout/](http://www.boston.com/news/nation/articles/2006/10/09/religious_right_wields_clout/).

Alice Lipowicz, "Obama, Coburn propose more transparency in government contracting," *FCW.com* (June 5, 2008), available at <http://www.fcw.com/online/news/152734-1.html>.

S. 3077, Strengthening Transparency and Accountability in Federal Spending Act of 2008.

## **Recommendation Twelve: Promote Nonfinancial Partnerships as Much as Financial Partnerships**

David Hornbeck, "Faith Communities and Public Education: The View from the Superintendent's Office" in *Sacred Places, Civic Purposes: Should Government Help Faith-Based Charity?* ed. E.J. Dionne Jr. and Ming Hsu Chen (Washington, DC: The Brookings Institution, 2001), 192-193.

Partnering with Communities of Faith, Barack Obama's Plan to Engage Faith-Based and Community Organizations (July 1, 2008).

Rob Moritz, "Pilot Program to Improve Access to Low-Income Benefits," *Arkansas News Bureau* (October 9, 2007), available at <http://www.arkansasnews.com/archive/2007/10/09/News/343599.html>.

Ohio Governor's Office of Faith-Based and Community Initiatives, *History of the Ohio Benefit Bank*, available at <http://www.governor.ohio.gov/AboutUs/History/tabid/324/Default.aspx>.

The Governor's Office of Faith-Based and Community Initiatives and the Ohio Benefit Bank, *Annual Report* (2008), available at <http://governor.ohio.gov/Portals/1/GOFBCI%20Annual%20Report.%2010.24.08.pdf>.

*Finding Common Ground: 29 Recommendations of the Working Group on Human Needs and Faith-Based and Community Initiatives* (Search for Common Ground, 2002), available at [http://www.sfcg.org/Programmes/us/us\\_faith.html](http://www.sfcg.org/Programmes/us/us_faith.html).

## **Recommendation Thirteen: Create New Incentives for Charitable Giving**

Charitable Contributions Deduction for Nonitemizers, Independent Sector, available at <http://www.independentsector.org/programs/gr/openltr.html>.

## **Recommendation Fourteen: Establish Annual Hearing to Examine Progress and Problems**

Testimony of Douglas Laycock before the Subcommittee on the Constitution of the House Judiciary Committee, *Constitutional Role of Faith-Based Organizations in Competition for Federal Social Service Funds* (June 7, 2001), available at [http://commdocs.house.gov/committees/judiciary/hju72981.000/hju72981\\_of.htm](http://commdocs.house.gov/committees/judiciary/hju72981.000/hju72981_of.htm).

## **Recommendation Fifteen: Develop New Strategies for Outreach and Training**

Remarks of Senator Barack Obama, Zanesville, Ohio (July 1, 2008).

Partnering with Communities of Faith, Barack Obama's Plan to Engage Faith-Based and Community Organizations (July 1, 2008).

General Accounting Office, *Faith-Based and Community Initiative: Improvements in Monitoring Grantees and Measuring Performance Could Enhance Accountability* (GAO-06-616) (June 2006), available at <http://www.gao.gov/new.items/d06616.pdf>.

Remarks of President Bush to Faith-Based and Community Leaders, Union Bethel AME Church, New Orleans, Louisiana (January 15, 2004), available at <http://www.whitehouse.gov/news/releases/2004/01/print/20040115-7.html>.

## **Recommendation Sixteen: Establish a Diverse Council and Integrate Efforts into Domestic Policy Agenda**

Remarks of Senator Barack Obama, Zanesville, Ohio (July 1, 2008).

Kathryn Dunn Tenpas, *Can an Office Change a Country? The White House Office of Faith-Based and Community Initiatives, A Year in Review* (Pew Forum on Religion and Public Life, July 2002, updated September 2002), 17-18, available at <http://pewforum.org/events/?EventID=23>.

David Kuo, *Tempting Faith: An Inside Story of Political Seduction* (New York, NY: Free Press 2006), 200-216, 230-232.

## **Conclusion Toward Common Ground**

Interview with Don Miller, Burnside Writer's Blog (September 28, 2008), available at <http://burnsidewriterscollective.blogspot.com/2008/09/interview-with-donald-miller.html>.