

Myths, Lies, and Soundbites: Reactions to President Bush's Faith-Based Initiative

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I'm pleased and honored to be asked to give the sixth annual Henry lecture. It is one small way in which I can add my efforts to those of many others whose lives were touched by Paul Henry and who have, in turn, sought in various ways to honor him and that for which he stood. I do not wish to do so, however, by focusing on Paul himself or his work, as deserving as his life and work would be of my doing so. Having known Paul, I think he would prefer that tonight we look ahead and seek to bring some of his commitment to truth and love of justice to the issues of today. And that is what I hope to do.

But I can't resist beginning with one Paul Henry story. Actually, it involves my mother, who at the time of Paul's untimely death was 97 years old. She had, of course, observed both Paul's and my political careers. Although she liked Paul a lot, she always had a mother's pride in me and my career, and felt that sometimes Paul was getting the drop on me in terms of favorable publicity or advancement of his career. At the time Paul was taken from us, I was living in California so over the phone I talked to my mother, and we shared our sorrow and sense of loss. Near the end of our conversation I said something to the effect that at least we can find hope in the assurance that Paul was now at home and experiencing a glory we could not imagine. My mother replied, "Yes, well I guess Paul has beat you to it again!"

Paul has indeed beat me—and all of us—in reaching that existence where one does not need to worry about trying to wrest more just policies out of a world too much filled with terrorism and national selfishness on the international level, and, on the domestic level, with pettiness and self-interested individuals and groups. Tonight I would like to consider with you

an initiative of President Bush to move public policy towards what he sees as greater justice for the most needy among us. In so doing we will be reminded anew that we indeed are in the “in between times” of fallen persons and institutions. None of us has yet reached the world of perfect shalom that Paul, and now my mother also, enjoy.

Ever since President Bush’s inauguration as President, much of his domestic agenda has revolved around what has been termed his faith-based initiative. Throughout his campaign for the presidency, he had identified himself as a compassionate conservative and, once in office, it was clear that this was more than a mantra intended to garner votes. He believed it. In his second week in office he created a new White House Office of Faith-Based and Community Initiatives, charging it to “establish policies, priorities, and objectives for the Federal Government’s effort to enlist, expand, equip, empower and enable the work of faith-based and community service groups.”¹ Since then President Bush has time and again gone out of his way to draw attention to his commitment to renew our nation’s efforts to help those in need, by way of government making greater use of and partnering with faith-based and other community-based nonprofit organizations.

At first, it seemed as though this was a consensus issue, uniting left and right. After all, President Clinton had on four different occasions signed legislation that included charitable choice provisions, which were aimed at the very goals President Bush has articulated. Former Vice President Al Gore, while campaigning for President, also endorsed charitable choice and called for greater use of partnerships between government and faith-based groups in meeting social service needs. If one were to have attacked presidential candidate George W. Bush’s faith-based initiative at all, it would have been to make some crack about his coming out forcefully for mom and apple pie!

But as soon as President Bush launched his faith-based initiative, it was attacked from the left and the right. The left accused him of reneging on government's responsibilities to the poor; the right feared government take-over of faith-based charities that had been doing exemplary work with the needy for years. Today, legislation incorporating President Bush's faith-based initiative is bogged down in the Senate, and is very unlikely to pass in anything like its original form.

This evening I am going to argue that President Bush's faith-based and community initiative has been besieged by a thousand myths, lies, and soundbites. If Paul were still with us I suspect he would be deeply disappointed at how the opponents of the faith-based initiative—and some of its supporters—have conducted the debate over it. But as one who always stressed the finitude of human beings and the imperfections of the political process, I suspect he would also not be surprised. As Paul once said in a 1989 lecture: "What I am trying to say is that we live in a fallen world with fallen people with fallen choices—particularly when you get into social and human relations."² The debate the past 15 months over President Bush's faith-based initiative offers all too much evidence of the accuracy of Paul's observation!

In this lecture I would like, first, to suggest four misrepresentations or myths that have been circulated by opponents of the President's faith-based initiative, and especially about the charitable choice provision that is a part of it. Second, I will suggest a theoretical basis for approaching the question of government-faith-based partnerships that would clarify the basic issues. Finally I'll make some concluding observations. First then, four myths the opponents of charitable choice have propagated.³

Myth #1. President Bush's faith-based initiative is clearly unconstitutional. The executive director of Americans United for the Separation of Church and State, has confidently

declared: “This bill clearly violates the Constitution.”⁴ As part of the support for this assertion the opponents of the faith-based initiative have referred to the Bush proposal as “government-funded religion.”⁵ This is soundbite distortion at its worse.

A more nuanced and therefore a more accurate approach to the issue of First Amendment requirements in this area is rooted in two basic facts. First is **the acknowledgement that church-state law is, to say the least, in a state of uncertainty and confusion.** As Michael McConnell and Richard Posner have written that **establishment clause decisions of the Supreme Court are “riven by contradiction and bogged down in slogans and metaphors.”**⁶ Church-state law is anything but clear, and for anyone to proclaim with certainty what the Supreme Court will and will not ultimately hold constitutional is folly.

Second, and more importantly, one needs to recognize **there is a huge difference between funding a religious congregation in its core rituals and celebrations and funding a religious group’s social services it is providing to the community.** The latter is a public service, with this-world, temporal benefits both for the persons being served and for society as a whole. For government to help fund the provision of services that have this-world, here-and-now public benefits to society as a whole, raises entirely different constitutional issues and questions than government funding of religion in its purely other-worldly rituals and remembrances. Yet many opposed to President Bush’s faith-based initiative often seek to frame the debate simply as one of whether or not religion should be funded by government.

Myth #2: There is no evidence that faith-based providers are more effective than their government or secular counterparts. I need to be careful here. It is true that there is not as much evidence, based on careful, empirical studies as one ideally would want—and not as much, frankly, as some supporters of the faith-based initiative have sometimes claimed. But

opponents of the President's initiative have taken this fact and presented it as though this policy initiative has no empirical evidence at all in support of it. Also, it is often implied that this is uniquely the case. Most other policy initiatives—it is intimated—have much stronger empirical evidence in support of them.

First, there is some empirical evidence in support of the greater effectiveness of faith-based programs: two studies of Teen Challenge have demonstrated its higher success levels than comparable secular drug-treatment programs, and a study of Charles Colson's Prison Fellowship program has demonstrated its success in reducing recidivism rates.⁷ Where there is the best evidence of the effectiveness of faith-based programs are a number of studies showing inner city Catholic schools being significantly more effective than their public school counterparts.⁸ Also, there is a host of studies showing very high correlation rates between religious faith and practice on the one hand, and desirable social behavior on the other, such as lower criminal rates, fewer out-of-wedlock births, more stable marriages, better health, and more.⁹ Although these do not constitute direct evidence of the greater effectiveness of faith-based social service programs, they strongly suggest that faith-based programs may be able to bring a powerful force to bear on social ills that secular programs do not have. It is clearly inaccurate to say there is *no* empirical evidence pointing to the greater effectiveness of faith-based social service programs.

And it is equally inaccurate to imply that the effort to rely more fully on faith-based service providers is based on less hard evidence than is usually the case in public policy initiatives. As a Michigan legislator, my colleagues and I often voted on measures with less empirical evidence for their effectiveness than there is for the faith-based initiative. I'm thinking here, for example, of a bill that added to two years to any person's sentence who had committed a felony while using a firearm, in anticipation it would reduce violent crime, and of appropriation

measures reducing the size of public school classrooms, in the belief doing so would result in more effective education.

Myth #3: President Bush's faith-based initiative would create a new ability for faith-based groups to engage in employment discrimination. In a sea of myths, this one may be the most egregious—and the one that has probably done the most damage, damage in the sense of stimulating opposition to the faith-based initiative. Charitable choice, and President Bush's faith-based initiative more generally, would allow faith-based groups that receive government funds to take religion into account in making their hiring decisions.

Based on this, one of the most vociferous opponents of the President's faith-based initiative has claimed it would erode "60 years of civil rights laws."¹⁰ He has argued that charitable choice would be a step backwards in civil rights because civil rights since the 1960s have "outlawed schemes which allowed job applicants to be rejected solely because of their religious beliefs."¹¹

The facts are otherwise. The civil rights laws of the 1960s and 1970s that outlawed discrimination in hiring based on religion, made an exception for religious organizations that explicitly allows them to take religious criteria into account in making hiring decisions. The constitutionality of this exemption has been upheld by a unanimous Supreme Court.¹² The issue, thus, is not whether under charitable choice, faith-based groups would gain an ability they do not now have—that is, the right to make hiring decisions based on religion. Instead, the issue is whether or not they would lose an ability they already have.

The underlying mindset of the opponents of charitable choice was revealed back in 1995 already, when Congress was first debating it. The general counsel for the Baptist Joint Committee of Public Affairs wrote in a *New York Times* column that one problem with charitable

choice is that it “would permit states to give tax dollars to religious organizations that display religious messages in areas where people receive Government services.”¹³ Did you catch it? He refers to services provided by faith-based groups that receive government funding as *government services*. Whether one views this as Midas’s touch, where everything government touches turns to gold, or as everything government touches as debasing it, may depend on your view of government. But in either case the assumption is that whatever government touches becomes totally governmental. This is a denial of the very idea of partnership. Partnership implies two distinct entities working together, each contributing something to the overall effort, with neither one being absorbed by the other. Yet the mindset of many opposed to President Bush’s faith-based initiative is that government funding necessarily and properly means governmental take-over of its partners. Thus they see hiring decisions made by faith-based organizations receiving government funding, not as hiring decisions made by private organizations, but as hiring decisions made by government itself.

Myth # 4: President Bush’s faith-based initiative is a radical departure from existing practice. This is where things really get confusing! It is claimed that religious groups already frequently receive government funding for their social services programs by creating separate, secular affiliates, and then these secular affiliates can and do receive government funds. Thus those opposed to charitable choice can both claim that faith-based groups are already receiving government funds, and that charitable choice is a radical break with the existing situation, since charitable choice would allow faith-based organizations for the first time to receive government money for their social service programs while maintaining their religious distinctiveness.

There are many factual problems with this position. The best available evidence indicates that the present situation is this: faith-based providers that integrate religious concepts

into the services they deliver are now sometimes—and maybe even often—able to obtain government funding for their social service programs. But the basis on which they do so is uncertain and insecure. As a result, they are left in a vulnerable position.

A study I am currently conducting of welfare-to-work programs in four cities—Los Angeles, Chicago, Dallas, and Philadelphia—helps to document both the ability of deeply-religious faith-based groups to obtain government funding and the shaky basis on which they do so. I was able to identify 48 welfare-to-work programs that integrate their religious beliefs into the services they provide and 20 of these providers receive some government funding. And they report they are doing so without government interference with their religious practices. Yet in talking to the directors of many of these programs, one comes away with the distinct impression that they are receiving this money under an informal “Don’t ask; don’t tell,” policy. They work hard to maintain good relations with government officials, and they provide important public services that often no one else desires to provide. As part of my current research, I interviewed the assistant director of a clearly Christian inner city ministry that receives some government funding. He may have been overly candid when he explained the situation in these words: “My theory is that in the inner city nobody really cares what you do. One can evangelize, etc. without persons asking questions. This is different in the suburbs—there the ACLU would be all over you. . . . The political alliances are different here in the inner city. The ACLU and we are on the same side on many issues, not at odds. This helps.”

The situation is one where government officials don’t ask too many questions about the religious practices of the organizations, and the organizations do not go out of the way to remind the officials of all they are doing. Although such arrangements often will work, they are a shaky basis on which to build a government-faith-based partnership.

Thus, President Bush's faith-based initiative is not a radical departure from existing practice, but it does have the great merit of expanding, and creating a firm legal basis for, what today is a limited practice.

After reciting these four myths, where does this leave us? As is so often the case in public policy the situation is far from neat, with clear lines and easily recognized blacks and whites. Greys abound, information is missing, and facts are in dispute. If Paul Henry could be with us tonight, he would probably say, "So what is new? Things sound the same as they were in the '80s and early '90s. Welcome to the world of public policy making!"

I would suggest that much of this intense opposition to President Bush's faith-based initiative can be explained by the differing theoretical perspectives that different persons bring to the table. There are at least three. Libertarians tend to assume that as more reliance is placed on faith-based entities to deliver social services, money will be saved, the role of government will be reduced, and taxes cut. When this does not occur, their enthusiasm for the various proposals diminishes. Meanwhile, there are those working out of statist assumptions that put government at the center of society. They often embrace the various proposals for government to partner with faith-based organizations, but with the explicit or hidden assumption that the faith-based organizations will largely act as agents of the government. When they find the advocates of government-faith-based partnerships insisting that those faith-based providers be able to maintain their independence from government—and thereby their distinctive religious character—they see discrimination and favoritism. Many of the current policy controversies swirling around President Bush's faith-based initiative find their origins in the differing libertarian or statist perspective to which many persons hold.

A better perspective on government-faith-based partnerships is rooted in a pluralist view of society and government's role in society. This is the third theoretical perspective. Luis Lugo once summarized succinctly the heart of pluralist thought when he wrote: "One way to express the complex and multi-faceted reality of life in society is to say that the political community is a community of communities."¹⁴ Society does in fact contain a host of communities: families, neighborhoods, voluntary associations, religious bodies, economic enterprises, and more. This means—in the pluralist vision—government is extensive. The pluralist perspective is not libertarian. It sees government as having a role to play in coordinating societal efforts to achieve the public interest, and that coordinating role touches on every other community or societal structure. In that sense government is extensive. But government should *not* be intensive. It ought to seek to coordinate, help, and empower the other societal structures, but never to supplant and replace them. This means the pluralist perspective is no more statist than it is libertarian.

Thus government ought not—in libertarian fashion—ignore and leave its hands off the numerous societal structures, assuming that the public interest will naturally emerge out of the free play of society's many communities. Neither ought government—in statist fashion—seek to absorb and dominate society's structures. Peter Frumkin was correct when he called for what he terms "pluralist autonomy" to mark the government-nonprofit relationship. Pluralist autonomy would lead to giving, quoting Frumkin, "nonprofit organizations as much independence as possible while meeting the accountability needs of the public sector."¹⁵ We can't go into this tonight, but what Frumkin is calling for here has some parallels with Abraham Kuyper's concept of sphere sovereignty and the Catholic concept of subsidiarity. This is why I like the use of the partnership term to describe the government-faith-based relationship. Partnership implies that

both parties work together to achieve a common goal, with neither partner dominating the other, and each making an independent contribution to meeting the public good.

I suspect that if this pluralist view of government, social structures, and their relationship to each other would become widespread in American society, much of the controversy surrounding President Bush's faith-based initiative would dissipate. Now many persons are approaching the issue with either libertarian or statist presuppositions, and the faith-based initiative just doesn't fit with either one of these sets of presuppositions. In the heat of the resulting political battles, the myths, lies, and soundbites I discussed earlier emerge. The spread of a pluralist understanding of government and society is what is needed, since it is the foundation for the sorts of partnerships for which President Bush and many others are calling.

At the close of this lecture I come back to a basic point I made earlier, namely, the fallible, limited nature of the political realm. It is important to keep a balance. Politics is important—even of enormous importance. Depending on political decisions reached, our society—and other societies—can experience greater peace, more justice, and a more even distribution of this earth's riches. Or it can experience the opposite: war, injustice, and a maldistribution of this earth's goods. Paul Henry often warned against a holy gnosticism that deprecates this world and the concrete political decisions that affect our lives in the here and now. Politics is for the Christian a special calling. It was Paul's vocation; it is my prayer that God will call ever more young Christians to that vocation.

Yet a balance is needed. In "a fallen world, with fallen people with fallen choices"—to use Paul's words—one must avoid a triumphalism that thinks peace, justice, and equity will come about solely by public policy. Our knowledge is too limited, our own fallibility too great, and the opposing forces too entrenched for us—no matter how good our intentions and earnest

our efforts—to wrest shalom out of the brokenness of this world by our own efforts. President Bush’s efforts to move the system of social services delivery towards a more pluralist system, with faith-based and secularist organizations able to compete on a level playing field for government funds, is a case study in the limits of politics. Change, when it comes at all, comes in starts and stops and progress is usually measured in inches, not miles. But to work to gain those inches, weighed down by opposition that is tough and not always fair, and by one’s own fallibility, that is the task to which Paul Henry was called and to which many other Christians here and elsewhere are today called to pursue. It is my prayer that more will answer that call.

¹ George W. Bush, “Rallying the Armies of Compassion” (January, 2001), p. 14.

² Paul B. Henry, “Reflections on Evangelical Christianity and Political Action,” in Douglas Kouppman, ed., *Serving the Claims of Justice* (Grand Rapids, MI: Calvin College, 2001), p. 255.

³ I must acknowledge my debt to Mark Chaves and an article in had in the *Christian Century* for inspiring my thinking in terms of a number of myths surrounding the faith-based initiative debate (although I take a quite different approach than Professor Chaves does in his article). See Mark Chaves, “Going on Faith: Six Myths about Faith-Based Initiatives,” *Christian Century* (September 12-19, 2001), 20-23.

⁴ Quoted in Steve Benen, “On a Wing and a Prayer,” *Church and State* (May, 2001). Downloaded 2/26/2002 at <http://www.au.org/churchstate/cs5011.htm>.

⁵Ibid.

⁶ Michael W. McConnell and Richard A. Posner, “An Economic Approach to Issues of Religious Freedom,” *University of Chicago Law Review*, 56 (1989), p. 956.

⁷ See U. S. Department of Health, Education, and Welfare, Public Health Service, Alcohol, Drug Abuse, and Mental Health Administration, National Institute on Drug Abuse, “An Evaluation of the Teen Challenge Treatment Program,” Services Research Report (Washington, DC: Government Printing Office, 1977); Aaron Todd Bicknese, “The Teen Challenge Drug Treatment Program in Comparative Perspective (PhD dissertation, Department of Political Science, Northwestern University, June, 1999); Byron R. Johnson, David R. Larson, and Timothy C. Pitts, “Religious Programs, Institutional Adjustment, and Recidivism among Former Inmates in Prison Fellowship Programs,” *Justice Quarterly*, 14 (1997), 145-166. Also see the excellent summary of existing research on the effectiveness of faith-based organizations: Byron R. Johnson, *Objective Hope: Assessing the Effectiveness of Faith-Based Organizations: A Review of the Literature* (Philadelphia, PA: University of Pennsylvania, Center for Research in Religion and Urban Civil Society, 2002).

⁸ See, for example, James S. Coleman, Thomas Hoffer, and Sally Kilgore, *High School Achievement: Public, Catholic, and Private Schools Compared* (New York: Basic Books, 1982) and John E. Chubb and Terry M Moe, “Politics, Markets, and Equality in Schools,” (a paper prepared for delivery at the annual meeting of the American Political Science Association, September, 1992).

⁹ See, for example, Mark D. Regnerus, *Making the Grade: the Influence of Religion Upon the Academic Performance of Youth in Disadvantaged Communities*, (Philadelphia, PA: Center for Research on Religion and Urban Civil Society, University of Pennsylvania, 2001), Byron R. Johnson, Sung Joon Jang, Spencer De Li, and David Larson, "The 'Invisible Institution' and Black Youth Crime: The church as an Agency of Local Social Control," *Journal of Youth and Adolescence*, 29 (2000), pp. 479-498. Much of the relevant literature is summarized in Johnson, *Objective Hope*.

¹⁰ "Remarks of Congressman Robert C. "Bobby" Scott, Civil Rights Press Conference on H.R. 7, the "Community Solutions Act of 2001," July 17, 2001. Downloaded 2/25/2002 at http://www.house.gov/scott/c_choice/cc_home.htm.

¹¹ "Statement of Congressman Robert C. "Bobby" Scott, Hearing on "The Role of Community & Faith-Based Organizations in Providing Effective Social Services." Subcommittee on Criminal Justice Drug Policy and Human Resources, House Committee on Government Reform, April 26, 2001. Downloaded 2/25/2002 at http://www.house.gov/scott/c_choice/govt.reform.hearing.04.26.01.htm.

¹² See *Corporation of Presiding Bishop v. Amos*, 483 U.S. 327 (1986).

¹³ J. Brent Walker, "Separating Church and State," *The New York Times* (September 14, 1995), p. A17.

¹⁴ Luis E. Lugo, *Equal Partners: The Welfare Responsibility of Governments and Churches* (Washington, DC: Center for Public Justice, 1998), p. 14.

¹⁵ Peter Frumkin, "After Partnership: Rethinking Public-Nonprofit Relations," in Mary Jo Baine, Brent Coffin, and Ronald Thiemann, eds., *Who Will Provide? The Changing Role of Religion in American Social Welfare* (Boulder, CO: Westview, 2000), p. 214.