

CAPITAL COMMENTARY

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An Uphill Climb to True Tolerance

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Legislation to enact a major part of the President's Faith-Based and Community Initiative has passed the House and the ball is now in the Senate's court. However, to deliver an acceptable bill to the Oval Office, advocates such as Sen. Joe Lieberman (D-Ct.) and Sen. Rick Santorum (R-Pa.) face an uphill climb. They will need to build support among Senate Democrats while avoiding unacceptable compromises, and also debunk misleading myths about Charitable Choice circulating in certain quarters on Capitol Hill.

Senate Majority Leader Tom Daschle (D-S.D.) repeated the biggest of these myths recently by suggesting that Charitable Choice may be a guise for intolerance, because it permits faith-based organizations to hire only those job applicants who can agree with the religious basis of their programs. "I can't imagine," said Daschle, "that we could pass any bill that would tolerate slipping back to a level of tolerance that would be unacceptable in today's society."

To many religious leaders, there is no political conundrum here, just basic common sense: Religious commitment is an important qualification for those who run faith-based programs, and the government should recognize this. Religious groups are not promoting bigotry when they seek to cultivate a shared religious vision in their programs, anymore than Jews are promoting bigotry when they refuse to hire Christians or Muslims for their rabbis. The staffing of these programs determines their destiny—whether they remain true to their mission or not. Charitable Choice recognizes in law what is necessary for the normal operation of faith-based organizations.

But one doesn't need a divinity degree to get the point. Congress understood this point quite well when it recognized this principle as a fundamental civil right for religious organizations in the Civil Rights Act of 1964. When faith communities insist on the right to control their hiring policy, they are claiming a longstanding right upheld repeatedly by the courts, including a unanimous (9-0) Supreme Court decision in *Corporation of the Presiding Bishop v. Amos* in 1987. Contrary to the rhetoric of opponents, there simply is no general federal law that requires faith-based groups to surrender this right when they work with government to assist the needy.

Sen. Daschle's comment reflects not only a misunderstanding of civil rights and Charitable Choice, but also a distorted notion of tolerance. A truly tolerant society has no problem allowing religious groups to hire whomever they need to get the job done, whether that job is delivering a sermon, or delivering job training services to welfare recipients. The proper concerns of government are those inscribed in current Charitable Choice law: the delivery of effective services, respect for the religious liberty of clients, the responsible use of public funds, and honoring the rights of faith-based organizations.

True "tolerance" means that government will recognize that America's diverse faith-based organizations serve their neighborhoods in distinctive cultural and religious ways. They should not have to reconstruct themselves or adapt to a one-size-fits-all hiring policy when government asks for their help in addressing social problems. In fact, to require them to do so in the name of "tolerance" extinguishes diversity, which is the height of intolerance.

As the debate over Charitable Choice continues, Congress should let Jewish groups be Jewish, Interfaith groups be Interfaith, and secular groups be secular. That's real tolerance and respect for religious liberty in society. The alternative does an injustice to all faiths. That is one outcome that advocates of Charitable Choice and the President's Faith-Based and Community Initiative are determined to avoid.

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