

CAPITAL COMMENTARY

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Go for the Substance, Not the Sizzle

So, the Senate, after all, went home without ever passing faith-based legislation. A vote had been promised for months on the CARE Act, the bill designed to spark private charitable giving and to create greater access by faith-based groups to federal funds. CARE was supposed to be noncontroversial: unlike the House-passed Community Solutions Act, it didn't expand Charitable Choice but only cut some extreme anti-faith restrictions. Yet, despite its many cosponsors and 1,600 endorsing groups, it stalled. Opponents prevented a vote because the bill was silent about religious staffing instead of adding the new restrictions they wanted.

Thus, the Senate's "lite" version of faith-based legislation made even less progress than the House's robust attempt to apply Charitable Choice's faith-friendly principles beyond the four federal programs to which the Clinton-era Congress applied them. But now, of course, things are different. In the new Congress, the Senate will be back in Republican hands, Republicans will have a bigger edge in the House, and the Bush White House is riding tall. Should faith-friendly legislators revive the Senate's lite bill or champion the House's robust reform bill?

There's a better strategy: put sweeping faith-based legislation on the shelf and adopt a step-by-step plan that targets specific anti-faith elements in specific laws. Why incrementalism? Because, although targeted action won't make a big splash, it will address the real problems and has a real chance of success.

Remember the goal. No one is trying to create special funding or privileges for faith-based providers. The aim is equal opportunity: a chance for faith-based groups to compete for government funding without having to strip away their faith character. What's needed is not so much a big bill for faith-based groups as a big push to ensure that federal social programs aren't biased against faith groups.

When Congress reauthorizes legislation for social programs, or passes appropriations bills that fund social spending, or considers new social programs, then faith-friendly legislators should make sure that there are no provisions that hurt faith-based groups while boosting secular competitors. We don't need laws saying that religious groups can retain their religious character; we just need to get rid of the bias against so-called "pervasively sectarian" groups. We don't need new rules to let faith-based groups select only staff who believe in their mission; we just need to be sure that their liberty to do so under the 1964 Civil Rights Act is not undermined by other language in the laws.

And here's the practical reason for surgical strikes rather than new grand gestures. Every time Congress *has* adopted faith-based legislation, it did so as part of an effort to solve a social problem and not simply because it is a good idea to open government funding to faith-based groups. There just are too many people in Congress and too many powerful groups outside of Congress who oppose equal treatment for faith-based providers.

But things look different when the focus is on solving a social problem such as welfare dependency, drug abuse, or neighborhood decline. Then the issue is who can best provide solutions and who, on their own dime, is already actively at work. When the question before Congress is not "Are you for or against faith-based groups?" but instead, "Should the rules for federal spending include all effective groups or discriminate against the faith-based ones?" then equal treatment and compassionate results can win.

So, faith-friendly legislators, do us a favor: go for the substance and not the sizzle! Put the grand plans on the shelf so we can have real reform!

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