

report PUBLIC JUSTICE

Fourth Quarter, 2005

Vol. 28, No. 4

Making the Faith-Based Initiative Permanent A Congressional Testimony

by
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On June 21, Dr. Carlson-Thies testified before the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the Committee on Government Reform of the U.S. House of Representatives. Below are excerpts from his presentation. Carlson-Thies is the director of social policy studies at the Center for Public Justice. The full text of his testimony is available on the web site of the Center for Public Justice: www.cpjustice.org/ . —The Editor

Thank you for the opportunity to comment on President George W. Bush's Faith-Based and Community Initiative, in the context of HR 1054, the Tools for Community Initiatives Act. I am glad to support HR 1054, which will codify the institutional structure and equal treatment principles of the faith-based initiative.

The promise of the faith-based initiative is only beginning to be realized. It is, nonetheless, highly significant. It is, we might say, a catalyst or lever, decisively bending the direction of the federal government's social-service efforts. Yet much remains to be done. Let me note seven areas for action.

1. Promote State and Local Compliance

Despite the Charitable Choice and equal treatment regulations [that have become law between 1996 and 2005] it appears that state and local officials often are not familiar with the new standards and often have not taken specific action to ensure that their contracting and grantmaking practices conform to those standards. The current disjunction between the promulgation of federal equal treatment standards and the incomplete state and local conformity to those standards when expending federal funds surely is a major reason why many faith-based and community organizations say they

have not seen changed practices and are inclined to think that the initiative is largely merely talk.

2. Access to Recovery

Access to Recovery (ATR) is an innovative program created by the Bush administration to provide additional, and different forms of, substance-abuse treatment and recovery-support services, using vouchers to pay for the services. ATR is explicitly intended to incorporate faith-based providers that have not been part of the conventional federally funded treatment and prevention networks. But federal officials have not issued detailed and comprehensive guidelines for states about what constitutes equal opportunity for previously excluded faith-based treatment providers or about the freedom they must give those providers to express religion in their programs. Success of ATR requires more extensive guidance and assistance from the federal government both to state officials and to faith-based and other nontraditional providers.

3. Give Guidance to Faith-Based Partners

Insufficient guidance about the new standards has had another negative consequence. Federal, state, and local officials enthusiastic about welcoming new social-service partners have awarded grants and contracts to inexperienced faith-based organizations without sufficiently clarifying for them all of the accompanying requirements, such as the restrictions on religious expression when government funds come directly rather than via vouchers.

4. Secure the Freedom of Religious Staffing

The president and his Office of Faith-Based and Community Initiatives have aggressively defended the freedom of faith-based organizations to take account of religion in hiring staff. However, almost all federal funds for social services pass through state and local officials before being awarded to private groups. And a significant number of states and many large cities require all grantees and contractors, including faith-based ones, to disregard religion when selecting staff. This has left both faith-based organizations and government officials uncertain and their decisions vulnerable to legal challenge.

5. Expand Vouchers to Expand Religious Freedom

When a faith-based organization's provision of social services is paid for by vouchers rather than by a direct government grant or contract, the courts do not require that inherently religious activities be kept separate from the government-funded services. Vouchers thus ease church-state concerns, release faith-based providers from otherwise applicable restrictions on religious activities, and enable beneficiaries to choose from a greater diversity of services. However, except for the creation of the ATR program, it seems that little has been done to encourage federal,

state, or local officials to reconfigure programs to use vouchers or to redesign their contracting procedures to conform to the genuine choice standard.

6. Encourage Feedback

The Office of Faith-Based and Community Initiatives is performing a vital service by responding to complaints and questions from faith-based organizations who believe that they have encountered illegitimate obstacles in their interactions with federal, state, and local officials. This openness of the FBCI office to feedback has not been widely publicized, however. Consequently, many faith-based organizations simply swallow their concerns rather than make a complaint. Because continuous reform is needed in every complex process, an institutionalized feedback mechanism is important to achieve the aims of the faith-based initiative.

7. Highlight Restrictions

Despite good intentions and the many changes that have been made [over the last decade], the playing field is not completely level for faith-based organizations. Unless Congress acts, many programs will continue to restrict the religious staffing freedom, thus excluding the participation of faith-based organizations that regard this freedom as essential. Important reforms are still necessary. I suggest, therefore, that in order to give fair warning to potential participants as well as to highlight the need for additional reforms, Congress should ensure that in all federal funding announcements, program descriptions, and legal documents (such as grant and contract documents) plain language is included explicitly listing all conditions, restrictions, and freedoms that apply specifically to the participation of faith-based organizations.

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