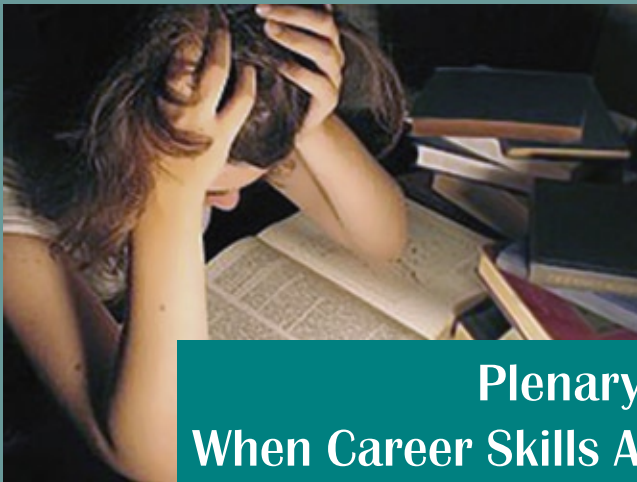


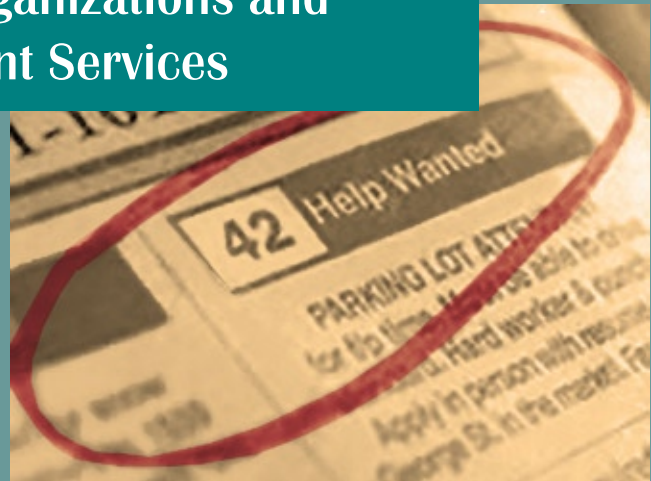
Partnering with Faith

Assessing Government Alliances with Religious Groups in Key Service Areas

2006 Annual Conference



Plenary Session:
When Career Skills Alone Fail to do the Job:
Faith-Based Organizations and
Employment Services



The Roundtable

on Religion and Social Welfare Policy

An Independent Research Project of the Rockefeller Institute of Government

Supported by The Pew Charitable Trusts

**Partnering with Faith:
Assessing Government Alliances
with Religious Groups in Key Service Areas**

Plenary Session

**When Career Skills Alone Fail to do the Job:
Faith-Based Organizations and Employment Services**

Moderator:

Burt Barnow,
Associate Director for Research, Institute for Public Policy Studies,
Department of Economics, John Hopkins University

Panelists:

Mary Ann Rojas,
President/CEO, WorkSource of the Coastal Blend

Reverend Stephen Tucker,
Executive Director, Jobs Partnership of Greater Washington

Daniel Mach,
Senior Litigator, ACLU

Tuesday, December 5, 2006

BURT BARNOW: I'd like to welcome everybody to this session. My name is Burt Barnow and I'm from the Institute for Policy Studies at John Hopkins University. And I'm very glad that we have such a good crowd. I'm sorry I had to miss the earlier sessions today. It's our last day of school at John's Hopkins so I had to teach my last lecture for the semester on program evaluation.

We have a very distinguished panel here. I'm going to talk for about 10 minutes, then each of our panel members will talk for about 10 minutes, and then we're going to throw it open. It should be a very interesting and lively session. We're going to talk about workforce programs and employment training programs. I'm going to give a brief introduction about some of the findings we've had from some previous evaluations, and then our panel is going to talk about their specific experiences, and then we'll leave it open to all of you who know a lot as well.

Let me first talk about our panel and who they are. Our first speaker will be Mary Ann Rojas. She's the president and CEO of the WorkSource of the Coastal Bend, which, for those of you who don't know where that is on the Coastal Bend in Texas near Corpus Christi, Texas. It's a very nice area and a very good program, so I recommend you all go there.



Our next speaker is going to be Stephen Tucker. And Stephen is the senior pastor of the New Commandment Baptist Church in Washington DC. He's actually running some faith-based programs, so we'll talk about his experience.

Then our final speaker, which should be very interesting, is Dan Mach. He's a senior staff attorney at the ACLU in the program of Freedom of Religion and Belief. He's going to give us an attorney's perspective on faith-based programs in the workforce area. So it should be pretty exciting.

I'm going to briefly give an overview of what we know about workforce programs in general. Then I'm going to talk about what we know about faith-based programs in employment and training. Since we only have about eight minutes, it's going to be a very brief overview.

What do we know about workforce programs in general? Well, we know that they actually seem to work, but work modestly well. Training programs, under the Job Training Partnership Act, JTPA, were evaluated using one a random assignment experimental design. So, we were able to compare people who were in the program to an equally qualified group: the people that wanted to be served in the programs who did not get admitted to the program. And basically, the findings were that for both men and women, the benefits per year were a little over a thousand dollars in today's money. So,

the programs did have a positive benefit, but a thousand dollars for somebody whose earnings would be around \$4,000 or \$5,000 without the program is not very big.

So did the programs work? Yes, but modestly, and they do provide benefits for adults. There was a cost/benefit analysis done in conjunction with the experiment and, indeed, they found using very conservative assumptions, that the present value of the benefit exceeded the costs. So, they're a good investment for society, but they're not big enough benefits to bring people completely out of poverty.

There wasn't time for a random assignment experiment to be done for the Workforce Investment Act, the current program, because the program was authorized for such a short period of time that it wasn't going to be possible to actually mount an evaluation of that nature. We did do a study for the Department of Labor – it's on the Employment and Training Administration's website – talking about how the program was implemented, and it seems to have been implemented pretty well in the eight states that we visited.

Unfortunately, the news for youth is not quite so good. The experiment that was done for youth, at the same time as the one on the adults – and this is for out-of-school youth – found that there were essentially no benefits of the program. There have been a few promising demonstrations, but overall there are no widespread programs for out-of-school youth that have had strong enough benefits for them, as opposed to groups who don't get the training.

For welfare recipients, the results were similar to what we found for all adults. And there have been a number of evaluations of welfare to work programs that have been done for the welfare population, and they find results that are fairly similar to those for the Department of Labor's training programs. Basically, they raise earnings by a fair amount. The benefits usually exceed the costs, but they're not huge; they're not really enough to get people out of poverty.

Regarding dislocated worker programs, we have some evaluations. They're all non-experimental. One of the reviews of the literature said that the author was cautiously optimistic. The employment service or labor exchange program was recently evaluated, and the recent evaluation found that the program had large benefits and that they exceeded the costs. Some of the reviewers were concerned that it had to be done without random assignment, so there's room for dispute about how meaningful the findings are.

So, those are some of the findings on overall training programs, but, mind you, I'm condensing about three lectures of my course into five minutes, so this is a little abbreviated.

With faith-based programs in employment training, there's a much sparser literature; it's a fairly new area. There have been a few studies, and I don't pretend to be an expert on all these studies. I did review a number of them before this talk, and there's some interesting findings. At this point, I'd view them more as what are called formative

evaluations rather than summative. Basically, they give you an idea of how well things are going. They're not using random assignments, so we can't be sure; the researchers have to use strong assumptions. But they're indicative of how the programs are going.

Most of these studies have found that people like the programs; people who get into these programs do enjoy them. They also seem to find that the programs emphasize different activities and services than the ones offered by non-faith-based organizations. They tend to be more, quote "holistic" in nature, they do a lot more on soft skills and attitudes toward life. In terms of outcomes, the studies I've looked at – and it's a limited number – but several of them have found that the outcomes in terms of employment and earnings have been close, but not quite as good as the outcomes from for-profit programs and those run by non-profit or educational programs. Now, this is a limited number of studies – they were done typically in one or two counties or cities – so I wouldn't over-generalize those findings.

So, when you put it all together, what you find is that the faith-based programs are a credible source. The people seem to like the programs. They would choose them again if they could. But on the other hand, the impacts aren't as strong as they might be and we need to work on that. People who've done these studies have had different kinds of recommendations. One study that was done in Los Angeles, for example, recommended that because of the promise that they've shown in terms of getting people involved, that the program should be expanded. Other programs are more neutral.

I think at this stage, that's about what we should expect, and we shouldn't read too much into it. I think that what we can see is that the programs tend to work and that they could be improved. They do some things on average much better than the non-faith-based programs, and some things they could probably do a little better. I think the trick will be to try and combine some of the benefits we get from the for-profit and government programs and other non-profits and with faith-based programs, and also to bring some of the things that the faith-based programs do in terms of the attitudes of people and export those to the other programs to the extent we can.



So far, I haven't talked about the most controversial and interesting parts about the faith-based program, which has to do with the people they hire – as you all know, there are different rules for who they can hire compared to other types of programs, and some of the services that are delivered – and how they make use of their faith-based beliefs and how those inculcate the programs. Fortunately, we have a speaker who is going to focus on some of those issues and I'm sure we'll have a lively discussion about that. But it was interesting for me in reading the material that I saw to think about those and what the trade-offs are. And I think it's pretty clear that faith-based programs are interested in being in this area, that they have provided the services, and that they're going to continue to be a force. And we have to work with them and work with the

issues having to do with the constitutional issues that may come up in terms of who's served and how they're served, and balance that off against the efficacy of the programs and the tastes of the people who get them and that provide the services.

So overall, I found this very interesting and I think very positive, and I think we should be able to learn a lot from these programs. I know a lot of you are affiliated with them and I expect that they'll continue to provide good services.

So rather than me ramble on, I'm going to turn to our panel, who actually knows a lot more about this area. So we'll start with Ms. Rojas.

(Applause.)

MARY ANN ROJAS: Thank you, Burt. I'm going to put a positive spin on everything you've said.

MS. ROJAS: Again, thank you on behalf of my board of directors and all the workforce boards in the state of Texas. I am glad to be here representing them. I want to thank you for the opportunity. It's really an honor and a privilege for me to be here. What I'm going to do today is share some information with you about some programs that we are actually involved with in Texas. We were one of the recipients of the Department of Labor's grassroots initiative grants, and want to talk to you a little bit about that: what were some successes and some challenges that we had seen with that. Plus also tell you a little bit about what we do and what our role is as a workforce board.



I consider myself very fortunate and very lucky to, along with my President, be from an area known as God's country. I was born and raised in West Texas, and really share in his vision in working with faith-based and community-based organizations. There's two things that these organizations do that have made me become a strong proponent of working with them. One is that they enhance access for people to participate in our programs to help and serve individuals that so need this service. Number two, it [their involvement] strengthens and supports customer choice. Our customers have a better choice, a broader choice, of who they want to help them to reach their goals.

I'll tell you a little bit about the area that I am from, just so you understand our landscape. I am from Corpus Christi, Texas. I've been here a couple of years. Corpus Christi is a coastal city. It's about 200 miles east of Houston, just to give you a perspective as to where it is, and about 150 miles south of San Antonio. It has a population of about 300,000. Over 75 percent of our population is Hispanic. The median income in our area is about \$35,000 a year, compared to the state of Texas which is about \$40,000. Median wage for somebody entering the job market is about \$11 an hour, compared to \$13 for the state of Texas. We are home to the fifth-largest port in the country, and also home to several petroleum refineries: Flintheart, Citgo, Valero. Our major industries are healthcare, agriculture and, of course, retail and the tourist industry.

I'll tell you a little about our organization and what we do as workforce boards. Our board is one of 28 boards in the state of Texas, and one of about 500 or 600 across the country. Burt touched a little bit on the Workforce Investment Act and that was legislation that created workforce development boards. And the whole purpose was for us to create an employer-driven system and to give communities local control over decisions and setting priorities for their workforce regions. Our Coastal Bend region covers about 12 counties in the state, and there are 243 counties in the state of Texas, so that will give you just kind of an idea of just how large a state we are.

Our role as boards is to set local policy and develop programs which will benefit our community and help to bring people and jobs together. Simply put, we help businesses find people and we help people find jobs. Through our contracted service providers, we provide services ranging anywhere from intensive case management and support services to low-income working parents and individuals seeking employment to assisting businesses and economic development organizations in providing training to create and retain jobs in our community.

As the board, we have a tremendous social and fiscal responsibility. Our budget for the Coastal Bend area is approximately \$25 million a year. About 46 percent of that budget goes to providing support services and child care to low-income working parents. But most importantly, we are responsible for insuring that we stay within the boundaries of the law and to structure program delivery that is going to produce successful outcomes. And it's important that we promote and exercise fair and open competition when selecting our service providers. This is the basis for building our service delivery network and we practice that every day.



What I want to do now is take a little bit of time and share our experience with the grassroots initiative grant that we received. The funding period for this grant was from July 1 of 2005 to December 31, 2006, so we are at the very end of that particular project. The total funding that we received for the grant was \$475,000. We served about 200 people and over 2,500 volunteer hours were committed to the project. The purpose of the program: to build partnerships between local grassroots, faith-based and community organizations with the local workforce careers centers in meeting unmet community needs related to hard-to-serve populations.

Now, the targeted group under our grant was to serve 17- to 25-year-olds who were unemployed or underemployed due to lack of education and job skills, individuals that were referred by the justice court or the municipal court system, foster children transitioning from the foster care system or ageing out of the system and, of course, other hard-to-serve groups. The thing that was probably the most important piece of this whole thing is that as workforce boards, we already have a system in place that

helps individuals find employment, so this grant helped us to reach out to some of those that were even harder to serve or harder to get into our career centers. You know, some folks may not come in or feel comfortable in that environment. And having the opportunity for them to reach out to other organizations was there and sometimes they just feel more comfortable working with other agencies.

Our program was administered through our intermediary. We have a company called Circle of Texas, which is a for-profit company, and they are our service provider for our youth programs. We receive funding for youth projects of about \$1.2 million directly from the Department of Labor through the Texas Workforce Commission to fund these programs. And they turned around and subcontracted with four faith-based and community-based organizations to provide employment and training activities for these individuals.

Some of the services that they provided were life skills and anger management; some mentoring training; motivational skills; entrepreneurial educational opportunities; job readiness; job preparation and skills training; and GED instruction. Like I said, we served over 200 individuals. Approximately 68 percent of those individuals are still working. And we helped to put them in jobs. And the average wage for these individuals going into jobs was approximately \$8.75 an hour. Now, we're still a ways from self-sufficiency, but what this does is it puts them on a path to getting there. And again, having access to the system that's already in place and that currently exists through our career centers will enable them to continue on that path. And, of course, if they need other services that were not included in our grant application, that would be available to them. For example, child care assistance, if they needed help with support services, and any equipment, training supplies or clothing that they need for work, then our system is there to help with that. So it also helps with the sustainability of the project.

Again, we are very proud of the project. Some of the challenges that were faced by our faith-based organizations, of course, were they had staff turnover within their organization, and they weren't very comfortable with the reporting requirements that we have as an organization to our state agency, which is the Texas Workforce Commission. So some of those challenges were actually getting comfortable with the reporting and how to actually operate the business. And, of course, the project was only for 18 months, so it just wasn't a long enough time to see some really good results from that particular program. However, we will continue to track those individuals through our own tracking and reporting systems.

So in closing, we did see some of the successes were that people that were uncomfortable with accessing the programs that we had or the environment that they were exposed to felt a little bit more comfortable working with these type organizations. The challenges, of course, for them were the actual technical aspects for running some of our programs. But we will continue to work with them. And I look forward to any questions you may have for us.

(Applause.)

MR. BARNOW: Our next speaker will be Reverend Tucker.

REVEREND STEVEN TUCKER: Good afternoon, everyone. Good afternoon, everyone.

AUDIENCE: Good afternoon.

MR. TUCKER: I know you had a good lunch, but – (chuckles). As you can see, I’m a minister, and we always like to hear some amens and some responses because sometimes our congregants go to sleep after good meals.

First of all, let me say thank you to the Roundtable for inviting me to share with you today. I’m honored to be here, and honored to say a few words on this critical subject of faith-based organizations and its impact on social welfare in our nation. Now, I’m a Baptist preacher – that does mean something – and I have politely asked the preacher that is in me to respect this young lady with the time signs here. The key words are when I say, “and one more thing.” (Laughter.)

I enjoyed the last session, it was rather lively. We’re glad that we had no boxing gloves in the room. But I was wondering what would happen in America if every faith-based organization, every church would shut down and hold worship only and no social services. I would wonder how Katrina would have turned out without faith organizations and people of faith and goodwill. I was wondering what the price tag would be for reparations to the church for those that they have assisted in the past.



I think that as pastor of a church, we are called to respond to all kinds of social ills that have been addressed today. Although my particular emphasis is on employment, we in the church cannot view that as just the only thing that we involve ourselves in as a faith institution. We are concerned about the whole person, because if you just treat part of the problem, the other problems will bring the person down, ultimately. There are so many ills that our community has that brings on a total decay of not only the family, but the community as well. And I know that the lack of a basic, good-paying, decent, sustainable job is one of the issues that our nation must address. I’m trying to reconcile the wealth of this nation with the nearly 40 million people who are in poverty in this nation.

The mission of the organization that I serve with, Jobs Partnership of Greater Washington, is to bring together churches and businesses to train and mentor and employ the unemployed and the underemployed, the hard to serve and even the ex-offender coming out of incarceration. The vision of Jobs Partnership is to reduce poverty by one-half by the year 2015. An unacceptable number of people in this land

go to bed hungry. An unacceptable number do not have adequate housing. And we live in a land of plenty, where just the ability to be able to dunk a basketball, or to hit a ball out of the ball park, or to run a pigskin into the end zone can demand millions and millions of dollars. And they are paid freely and generously. We love our entertainment in America. We love our entertainment more that we love our poor.

My faith teaches that the first church shared and distributed their goods and wealth, so that while everyone did not possess the same amount, everyone had enough to live on. The text in the Book of Acts, the second chapter, also says that they did it with joy and they did it with gladness.



For close to 10 years, Jobs Partnership has taken on the task of training potential taxpayers to not only get a job but to keep a job, by using a curriculum called “Keys and Steps to Personal and Professional Success.” We’ve been able to use principles from the Bible to address the issues of attitude, conflict, authority, communication, integrity, stewardship, the ability to love one’s self, the ability to respect others, to have a love for God and to have a love for nation.

More than 83 percent of all our graduates are moved into jobs. An incredible 92 percent represents our retention rate, which means that nine out of 10 are still working one year later. The Partnership in the District of Columbia and surrounding counties are represented by more than 135 churches and the people who make up those churches, who serve as mentors, job coaches, spiritual friends, and many times are the eyes and ears of new job opportunities. More than 1,500 have been assisted with their job searches and have obtained employment. The program is now in 54 cities across the nation in some form with similar results. In many cities, the program has been embraced as high as the mayor’s office, and the curriculum has also been translated into Spanish for cities with heavy Latino populations, such as Orlando, Florida.

For the first five years of our operation, we had no government grants whatsoever. The model is not just the faith-based model; it’s a business model that emphasizes management of risk factors to effectively and efficiently move, annually, hundreds of chronically unemployed individuals into private sector employment. We believe this model can be replicated throughout the United States, so that tens of thousands of such people will be employed annually. This business model extends beyond initial employment by monitoring performance and managing risk factors, so that many become not only productive tax-paying citizens, but successful homeowners as well.

Many organizations that rely heavily on entry-level positions to achieve their business objectives are facing increasing costs associated with the failure to develop and retain a quality entry-level workforce. First, these organization experience difficulty in attracting and retaining an entry-level workforce, and this challenge is expected to increase as baby boomers retire. Secondly, by developing a quality workforce, these organizations face social welfare costs, higher federal, state, and local taxes, employee turnover costs to subsidize these individuals who currently or potentially constitute this

particular workforce. And the workforce by no means is shrinking. Each year more than 600,000 men and women are released from prisons and jails back into our communities. They need to be employed. Recidivism rates are close to 70 percent, and the lack of a sustainable job ranks right up there as the root cause why many are trapped in the revolving door of reentry.

Right here in the District of Columbia, there is a model of faith and government working together to address the issue of reentry. For five years, Jobs Partnership and two other faith institutions have collaborated to assist the 2,500 ex-offenders returning to this particular community on a yearly basis. The courts services and offender supervision agencies reached out to the faith community, and together a model was created to divide the city into three clusters in order to recruit churches, to recruit mentors, to provide social services, and to support the ex-offender returning with referrals to organizations that assist men and women returning. And while we still have our challenges, especially in sensitizing employers to the many benefits of hiring this population, there can be no mistake about the social and spiritual impact the program is having.

Recently we went to the Rivers Correctional Facility in North Carolina to make a presentation to a little more than 200 ex-offenders whose criteria for being in the presentation was that they were about to be released in six months. We asked the question, how many are being released for the first time? Less than 10 raised their hand. There is a need for a greater emphasis on these types of programs inside our prison system prior to release. Mr. Ronald Peterson was in and out of jails for eight years. After graduating from Jobs Partnership, he obtained two jobs: one with Metro, the other with national security, of all places. He's been employed for three years now, has just married, and also just purchased his first home. There's no measuring cup that can measure the impact of faith on a person or that person's family.

Could the church have done this without government funding? Certainly. In fact, Mr. Peterson's success came before we ever received a dime of government money. Yet Mr. Peterson's story can be multiplied with greater dispatch when we realize that the earth is the Lord's and the fullness thereof, the world and they that dwell therein.

I close with this episode out of the Holy Bible that tells us of the high officials and those conscious of the law in His day that were called Pharisees, and their encounter with Jesus and His disciples over a Sabbath day incident. One Sabbath day, Jesus was walking through a field of ripe grain. As his disciples made a path, they pulled off heads of grain. The Pharisees told on them to Jesus, saying, "look, your disciples are breaking Sabbath rules." Jesus said, "really? Haven't you heard or haven't you ever read what David did when he was hungry along with those that were with him, how he entered the sanctuary and ate fresh bread off the alter with the chief priest Abiathar right there watching, holy bread that no one but priests were allowed to eat, and handed it out to his companions." Then Jesus said, "the Sabbath was made to serve us; we weren't made to serve the Sabbath."

The son of man is no lackey to the Sabbath. He is in charge. Dr. King once said, “It’s always the right time to do right.” If faith and government can move 40 million people off of poverty, then only those who profit from poverty will complain. And if our prison population is cut in half, then only those who profit from prison will complain.

God bless you.

(Applause.)

MR. BARNOW: Our final speaker is Dan Mach from the Civil Liberties Union.

DANIEL MACH: Good afternoon, everyone. First, I want to thank the Roundtable for inviting me here and to thank my fellow panelists for having me as their designated skeptic – (laughter) – though I apologize; after the last panel I don’t really have anything, I don’t think, controversial or provocative to say about job training programs, per se. Maybe I’ll think of something along the way. What I am here to address, and what I’ve been asked to discuss, are the legal issues surrounding government funding of faith-based organizations and activities. Though I think I’m supposed to be the counterpoint to a lot of what has been said today, including this morning, I think much of what I say this afternoon will echo what Chip Lupu and Bob Tuttle have said both this morning and in the past in other contexts, so I apologize for some of the repetition there.



In the short time I have I’ll give a quick overview of the law and, specifically, the Establishment Clause and what it requires with respect to government funding of religion. I’ll also briefly explain not only what I think the law is, but why I think we are all better off with these constitutional limits in place.

First off, a few qualifiers. I want to be clear that, in my view, many faith-based organizations are providing valuable social services, and providing them effectively, and I hope they continue to do so. That said, on the other hand, it is not the case – and I haven’t seen any literature suggesting – Burt can correct me if I’m wrong – that as many proponents of the faith-based initiative claim, that faith-based organizations as a class are better at providing these services than their non-religious counterparts. But I’m not a social scientist and I’m not here to talk about that literature, in any event. But I do mention it, because it is often listed as a justification for increased funding in this area.

I’m not going to talk about social services generally; what I’m going to talk about is the law governing government funds to faith-based organizations and the services they provide.

Another qualifier here – and I eluded to this earlier. Despite the fact that I’m on this particular panel, I don’t think that the constitutional violations in this area – and there are many, in my view – are rampant in the world of government-funded job training programs. If anything – and I’m offering an educated guess here – I think job training

programs are less likely to violate the constitutional limitations on such government funding simply by virtue of the nature of the services that they perform. That said, the same general constitutional rules apply in the job training context that apply in other areas that have been the subject of more litigation, such as the abstinence-only area.

So, what are those rules? And as I mentioned, some of this will be repetition and I urge you to look at the materials that you were given in your black bag because they'll be very helpful on this score. There are many rules, and I'm not going to talk about all of them. In particular, there are a number of rules about which there is some disagreement in the law right now. For example, I am not going to discuss the legality of what proponents call faith-based hiring by government-funded organizations, what I referred to as government-funded discrimination. The Supreme Court hasn't ruled on that; there are very few cases on that, and they go both ways. So I'm not going to get into that. What I'd rather discuss are areas about which there is little disagreement in the case law, and so these are rules that, whether we think they're right or wrong – and I think many of them are right – it's tough to argue that these are not the laws in place right now.

One of those rules, for example – and there's not much dispute about this – is that organizations that receive government funds are not allowed to discriminate among the program beneficiaries on the basis of religion. And that's fairly straightforward. Another one, in addition, courts and advocates across the spectrum, I think, recognize generally that there is a legal ban on favoritism toward faith-based organizations in the grant-making process. Another one of the justifications that's given for the Initiative and for the expansion of the Initiative is this perception that faith-based organizations were not getting their fair share of government grants to perform secular activities. But I think that the evidence of the so called un-level playing field has been scant, as confirmed by a number of reports.



There was an Urban Institute report last year that said as much, and I believe there's some information in the materials handed out to you today by the Roundtable – its comparative report – that also call that assumption into question. There also have been anecdotal reports of discrimination in favor of religious organizations, most notably and most recently in David Kuo's book that was alluded to this morning. Some, including Kuo, have alleged a pro-religion bias in the grant making process. In his book, Quo, who is former deputy director of the White House Faith-Based and Community Initiative Office, describes how some folks who were on a peer review panel for the Compassion Capital Fund applications would automatically give non-Christian applications a zero score simply by virtue of the fact that they were non-Christian. Now, I have no independent basis for assessing whether this is true, but if it is true, this is undoubtedly unlawful and, frankly,

shameful. And so this is one of the many rules that both the government and the organizations need to keep in mind as they go through this process.

Now, of all the constitutional limits on government funds to religion, the rule that has probably received the most attention, including by this group, is the prohibition on direct government funding for religious activity. And Bob discussed that some this morning and there's more information in your handouts. I want to just address that briefly because I think it is very important to the work that a lot of us do. The basic rule here is that money cannot be used to support program activities or materials with religious content. In essence, this means that faith-based organizations can use government money to support only those non-religious social services that they provide, so that there is a separation that is required.

Now, how the requirement works in practice is another question altogether. And it's one that is clouded by a number of things, including by what I think are unclear federal regulations that purport to implement this constitutional rule, but that I think fall short. As was mentioned this morning, most of the agencies that disperse funds to faith-based organizations have regulations in place that prohibit – and I'm going to read the language here, and you heard it this morning – “inherently religious activities such as worship, religious instruction, or proselytization.” And those organizations have to take steps to “separate in time or location inherently religious activities from the government-funded services they offer.”

Now, this is what the regulation says, and we heard a lot of talk this morning and during lunch about the fact that that regulation is conveyed to grant recipients. I think the problem here – and as the Roundtable's astute legal analysts have pointed out on a variety of occasions – is that these regulations do not actually track what the law requires under the Constitution. They purport to track it but they don't. And they fall well short. Neither the Supreme Court nor any of the lower courts has ever construed the limitations imposed by the Establishment Clause as narrowly as the regulations. It's true that the activities that are listed in the regulations – worship, religious instruction, and proselytization – can't legally be funded by taxpayer dollars – that's absolutely true – but the implication here is that everything else can. And that is not the case.

The government may not fund other social service activities in addition to the ones listed with explicitly religious content, even services that advance secular goals. So, for example, training, education and counseling are not inherently religious – you can do all those things without providing any religious content – but in certain circumstances, they can be carried out in such a way that they do have religious content. When that happens, it's unconstitutional.

So there were references this morning to what can the government do? And I'm not advocating a situation in which the government must put in place procedures and monitoring practices to prevent every single situation, but they should do everything they can. I think we all agree that they should do what they can. I just think that the government can do more. And one area where the government can do more is on the guidelines themselves and the regulations themselves. There was a settlement in a case

that I worked on – and that is discussed at length in the book that you were provided – in the Silver Ring Thing case, which you heard a lot about during lunchtime. And in that case, the government had set up its own set of additional safeguards that they were going to impose on the Silver Ring Thing after they uncovered some violations. Those regulations, those safeguards, are far more detailed and provide a lot more guidance, and they're already on paper. It's just a few pages, and I see no reason why those cannot be disseminated in some simple fashion and conveyed to grant recipients so that folks know what's out there beyond the few words that are contained in the regulation.

There are a lot of other constitutional rules, and I don't have time to cover them all. I do want to just close with one final thought. I recognize that according to the religious tenets of some individuals and organizations, there are certain social gains, like rehabilitation or recovery, that can't be achieved without incorporating significant integrated faith-based components into the relevant program or service. And whatever the merits of that approach, those who believe in such an approach – that it has to be integrated – have every right to pursue that approach, but not at the taxpayers' expense. There's simply no place in our constitutional structure for government sponsorship and financial support of religious activities.

Religious freedom is alive and well in America precisely because the government can't tell us what to believe and can't favor one religion over another. It's clear from our constitutional history and tradition that religion prospers best when government stays out of religion; that is, when government neither funds nor endorses any specific religious belief or activity. And as recent experience has shown, as James Madison, author of the First Amendment warned, when the government's purse is opened up for the purpose of promoting particular religious beliefs, it will corrupt both government and religion.

We have more religious freedom in the United State than in any other country. We need to stick to the constitutional rules on government funded religion if we want to keep it that way. Thanks.

(Applause.)

MR. BARNOW: Thank you. Those were three interesting presentations and I'm sure it's got everybody thinking.

So we have at about 20 minutes for questions and discussion. I'm going to ask people who want to speak to please raise their hands and I'll call on you. And if you have a question for a specific person, be sure and indicate who that is. Try and keep lectures to a minimum and not talk too long so we can get a lot of comments in. Thanks.



Okay, first question? Yes. And tell us who you are and where you're from.

Q: Oh, great. Thank you. My name is Jannah Scott and I am the state policy advisor on Faith and Community Initiatives for Arizona. I actually had a question for you.

MR. BARNOW: Okay.

Q: I really appreciated the presentations and particularly the references to the effectiveness of the faith-based jobs training programs. At the beginning, though, you said something that I questioned, and that was, number one, that faith-based job training programs are relatively new, so there's not a lot of empirical research to show their effectiveness. And then number two, that they don't compare equally in terms of getting people out of poverty as do non-profit, secular, or for-profits. And my question is, number one, in the research that you've done, have programs like the OICs, which have been around for probably 40 years, coming out of a faith-based perspective, been included in the research? And number two, has the research maybe been trying to compare apples to oranges when looking at the effectiveness? Because what I heard Ms. Rojas say is that the true effectiveness is measured by providing a pathway to self-sufficiency because these programs often dig down to reaching the people who are the hardest to reach and who often won't go to the secular or for-profit programs.



MR. BARNOW: Okay. I don't want to overstate my points. Those are good questions. First of all, as I tried to say, I was worried about whether or not I should even bring these up. I looked at a few very specific studies that looked at one or two counties in Indiana, another one in Los Angeles and a few other places, so they're very limited studies. And these seemed to be people who actually did not have an axe to grind against the programs. What they found – and I want to be clear on this – none of them found hugely worse outcomes; they just found slightly worse outcomes. And those were just in terms of slightly lower placements and earnings. They weren't huge differences; they were just there and it was at more than one site. But these are two or three studies, so I don't think that there aren't really good programs out there that haven't been studied. And they were not using the most objective and high-quality evaluation methods. So I don't think we should take those as being a death knell for faith-based programs. At this stage, it's not at all surprising that we would find that they are just getting their feet wet; they're just starting. So I don't view that as a negative that says, "oh, we better stop funding faith-based organizations." And it's just that that's what these few studies showed.

And let me also, before you asked your question – and maybe this is telepathic or something – but I wrote down, why should we fund faith-based programs? And there are a number of reasons. And let me just give you four reasons why we might want to do it, even if the results are slightly less overall.

First of all, we have a group of providers that are eager and willing and quite capable, and they're competing, as Ms. Rojas said, on an equitable basis with other providers.

Why not fund them? Why rule out a bunch of providers who are willing to providing our services? So that's one. Why limit competition?

Secondly, some people – and I think you made this point – want services that are provided in a faith-based environment and may not come if it's offered by a secular organization. So we can broaden the pool of people who are willing to partake in these programs. I think that can be valuable.

Third, they serve people differently. And that's a point made in all the studies I looked at. The faith-based organizations put more emphasis on holistic services and trying to get people's attitudes to be better and things like that. So some people need those more than others and that can be a very useful thing. That's why I mentioned at the end that I think all the programs can learn from each other.

And then fourth, some of the groups may benefit more from the faith-based organizations than they might from a secular organization.

So there are a lot of reasons why I think we would want to continue funding faith-based programs. And as we get more experience, I'm convinced that they're going to learn more and pick up some of the things from the other organizations. And I realized after I gave my remarks that they probably would come across more negatively than I intended.

So I, in no way, would say that we shouldn't continue to fund faith-based organizations. We'll continue to do research and, at some point, we'll have a big enough body of programs that are getting funded, we'll do more rigorous research and I would be willing to bet that as the faith-based organizations learn to meet the performance standards, or we learn, frankly, in the government, what we want to get out of them, that it's not just the impact on earnings, but if they can reach certain populations that others can't, that will be a reason to continue.

So thanks for asking the question. I hope I answered it to your satisfaction.

Yes?

Q: Hi, my name is Cecilio Morales. I'm with Employment and Training Reporter. I want to ask about the Workforce Investment Act reauthorization. As you know, the legislation is stuck because in the House, there is a Charitable Choice provision; in the Senate, there isn't. And I'm told that next year the House one will be stripped off. But I'm wondering, what is the perspective of each one of you about the reauthorization of the Workforce Investment Act being stuck precisely because of the Charitable Choice provision and what would you prefer to see happen in the future?



Thank you.

MR. BARNOW: Let's go through the panel in order.

MS. ROJAS: Well, of course, I just prefer to see it get reauthorized. You know, it's been 10 years now since the Workforce Investment Act was passed, and we actually started forming boards. Of course, the state of Texas has been a leader in implementing the Act and we have really seen some wonderful progress in terms of what the intent of the legislation was. And I think we're just now getting to the point where, in the last couple of years, where we're really seeing that it is a good thing and we want to continue with the work.



The business community, now more than ever, is more involved with the public workforce system. They understand the activities and what value it brings to them in terms of accessing a qualified labor market. And I just hope that the reauthorization does continue.

MR. TUCKER: I personally don't think that we pour enough financial resources into those kinds of programs, again, when we look at the poverty level here in this nation. Here in the District, a lot of the workforce investment money went to the District, and the District then came to the community to try to get the community to do what they have not been able to do successfully. I think that social organizations, faith-based communities – and I'm speaking right now in terms of where I serve in the District of Columbia – I believe they provide more bang for your buck than the dollars that go into the government workforce organizations. So I'd like to see additional funding, but I'd also like to see those funds get into the right hands.



MR. MACH: I would have a problem with any legislation that authorized government funding of groups that discriminated in employment on the basis of religion. I don't think that taxpayers should be forced to subsidize employment positions for which they are disqualified merely on the basis of their religion. So if that's what's holding it up, I think that's a good thing.

MR. BARNOW: For those of you who haven't been following this debate, the current legislation is still in effect while the reauthorization is stuck in Congress. So it's not that we're not getting training programs; there's just some uncertainty about when the new provisions would ever come in.

Okay, next. Over here.

Q: Hi, my name is Bernice Smoot, and I have a question for anybody who can answer it.

I think that the challenge here for everybody is how do we get people to work? And I've worked in DC government. I've been a volunteer with Jobs Partnership of Greater Washington. I've had a chance to have as friends and family members, people who have been at all levels of unemployment and poverty. The interesting thing that I hear from people who have been served by programs is that they value most the spiritual strengthening that they get from faith-based programs because those programs help them develop what it takes to find and keep a job. It helps them with the internal stuff that is often the reason why people are unemployed and poor to begin with – not economics, necessarily, from the start.



So when we think about what we're really here for and what we're really trying to do, I wrestle with the issue of faith-based and secular and for-profit and government and taxpayer, et cetera, and I keep thinking about the persons that we're trying to serve and what best serves them.

From my experience at the Jobs Partnership of Greater Washington, while there is a preaching or a teaching about the need to have respect for God and respect for self, there is not a discrimination that says you can't come to this program if you are not Christian. There's not a discrimination that says you have to believe in Jesus. There's not a discrimination that says you can't be a part of the program unless you go to church. So, a lot of these aspersions that are being cast on faith-based organizations that are doing employment and other kinds of programs are just flat-out wrong. And I question where the facts come from that support this kind of thinking.

I keep going back to the people who are being served and what is it that they want and what is it that they best respond to? And with that thinking in mind, every time I hear one of them say that they value most the spiritual strengthening, I'm asking myself, okay, if I'm in charge of government, if I'm in charge of a purse, I want my money to go where the most good is going to happen. And if I'm going to evaluate a program, it's not going to be because it's faith-based, it's not going to be because it's secular or for-profit or a big name or a no name; it's going to be because the facts support that it does the work for the community based on the response from the community, not based on anybody else's opinion.

So I'm trying to figure out, what is it going to take in these forums to really get to addressing what's important to the people, as opposed to what's important to particular organizations or particular politics?

(Applause.)

MS. ROJAS: Just to add to that – and I really appreciate your comments, and I echo what you've said. You know, one of the interesting things about the Workforce Investment Act was local control. And we now have boards at the local level who are doing a better job of listening. At least we are at the Coastal Bend. You know, we are setting priorities for our funding and for our service delivery and program development based on the market. We're listening to what our community is saying to us: our business community and our job seekers.

You know, if the very best service provider for us happens to be a faith-based organization, then it is. But as far as a workforce board, what we have to do as the administrative entity is just to ensure that we are, you know, within the rules, we're within the guidelines, and that we are open and fair to, you know, bidders in the process.

MR. TUCKER: I heard earlier the mention of the deal, and when faith-based organizations sign on to take money, they have to sign on to the dictates of the deal, and they have to abide by the rules of the game. And then I heard in the same sentence that this is not a game and that we are to try not to be cute with what we do.

My comment is that, number one, I really think the deal is flawed because those who create the deal misrepresent their qualifications to be the deal makers. There's a book out – I'm sure you have read it – "Tempting Faith" by David Kuo who talks about the whole origin of this Faith-Based Initiative, and how the ploy was really to get votes from the religious right, and so they came up with the faith-based initiative. And so I'm simply saying that there ought to be some faith-based people at the table when the deal is made so that it's not all one-sided government. We call it partnership, but it's really a 90-10 partnership, and I'd like to see some more 50-50 partnerships if we are going to be responsible for helping this nation create more taxpayers, which is what we are doing. We are helping this nation create the tax money that they don't want to see us spend on faith initiatives.

(Applause.)

MR. BARNOW: Let me just quickly add to that. The evaluation of the Los Angeles program – the Welfare to Work program – which did find slightly lower earnings and employment outcomes, did say that one of the real strengths of the faith-based providers was people really liked them, and they liked them much better than the other programs. So it depends what we're trying to get out of the programs. If we just want employment and earnings – is that what we want? Or are we interested in how well people feel about themselves and things like that? So there's no reason why you have to look at just one outcome. So what you're saying is consistent with what the research has shown.

Other questions? No – Dan.

MR. MACH: And again, I'm not a social scientist, so I don't want to opine on this too much, but I've heard many folks in the administration say that all they care about are

results, and it doesn't matter. We shouldn't care whether the recipient is faith-based or not; what we care about is results.

My first response to that is – and correct me if I'm wrong – I don't think there is any indication beyond anecdotal evidence that faith-based organizations are inherently better at this. I don't think they're inherently worse either. So I think that is a dangerous assumption to proceed on. But even assuming that assumption were correct, the rules that we're talking about here and the deal that has been struck is something that is implemented by government bureaucrats. And I certainly don't want to be up here defending them in their implementation, but it is imposed, and I think rightly so, by our Constitution. There is a danger when the government starts funding religious activity. And when I say religious activity, this is not merely a matter of avoiding discrimination among beneficiaries, although that would be bad. This not merely a matter of avoiding coercion of beneficiaries, although that would be bad too. This is also a matter of avoiding government funding of religious activities or programs and materials that have religious content. Once you go down that road, I think you start eroding our constitutional protections. And as I said earlier, I think the reason why there is such religious liberty in this country is precisely because we've avoided that so far.

(Applause.)

MR. BARNOW: Yes, sir.

Q: [Anthony Conyers, Jr., Commissioner, Virginia Department of Social Services] I'm not sure if this is a question, but I do have to say that I'm one of those government officials and I'm also a Baptist deacon, and I've been at both a long time. And it does seem to me – to follow up on what the young lady over here says – is really to first of all decide, what's our purpose? What are we trying to achieve? Are we trying to in fact create taxpayers, citizens, in the vernacular of the '60s, by any means necessary, consistent with the law? Then I think we take a different approach.



But let me say this: government is not going to get this job done alone. And I say that having spent a lifetime in it. The faith-based community is not going to get this job done alone. This job is only going to get done by us working together. Now, we're smart enough to do that. But in order to do that, we have to decide what our goal is, spy our prize and keep our eye on it, as opposed to going to our separate corners, making our legal arguments or making our bureaucratic arguments or our theological arguments. I mean, they're interesting, but meanwhile our children are going to hell in a proverbial hand basket.

We've got to say we're smart enough to sit down at a table, program by program, be consistent with the law and get the job done. There are lots of examples of that happening. A young lady – somebody mentioned the OIC. That's been out there for 30

or 40 years. So there are examples of it working. But it's not going to work so long as we gather to fuss at each other, to make our academic or theological points without focusing on the fact that we do job training so that people can get a job, or we do education to prevent – abstinence education, for example – but the real goal is preventing pregnancies and building families. I'm not sure we're focusing on our real goal in terms of social policy. That's a comment not a question.

MR. BARNOW: Anyone else have a comment or a question? Yes, ma'am. The front table.

Q: Hi, I'm Lola Montgomery. I'm with the Institute for Youth Development. Earlier it was brought up in the abstinence discussion, the idea of vouchers and choice, and that I don't think would be practicable with abstinence programs. But given a community, if there is actual choice among the providers, vouchers would be ideal for job training. I mean, that seems to me to be a practical approach.



MR. BARNOW: Actually, vouchers are a major part of the Workforce Investment Act, and most people who get training – and Mary Ann can probably amplify on this – do get individual training accounts. And they're eligible providers. The providers have to be certified by the state as doing reasonably well at providing services and having placement rates and wages that are suitable. And then, within parameters set up by the local programs, people are free to pick the training provider of their choice, regardless of whether it's faith-based or some other.

Did you want to add anything, Mary Ann?

MS. ROJAS: That's what I was going to mention is the individual training account system we have set up.

Q: I was thinking that that was going to be a problem in rural areas. In urban areas you can always find multiple providers.

MR. BARNOW: Yeah, actually there are provisions. Where there aren't enough providers, you don't have to use the ITA approach.

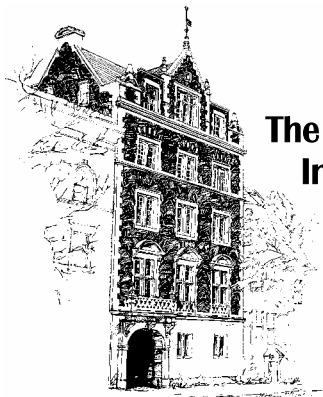
I was just handed a note, but I'm not sure if it was somebody who was dissatisfied with our session or if it's someone official. It says, "That was the last question." I'll assume it's legitimate. (Laughter.) So I want to thank everybody for having a lively and informative session. And we have a 10-minute break.

(Applause.)

(End of session.)



The Roundtable on Religion and Social Welfare Policy
www.ReligionandSocialPolicy.org
(518) 443-5014



**The Nelson A. Rockefeller
Institute of Government**
State University of New York
411 State Street
Albany, NY 12203

THE GEORGE
WASHINGTON
UNIVERSITY
LAW SCHOOL

WASHINGTON DC