



The Roundtable

On Religion and Social Welfare Policy

Annual Conference Transcript
October 23, 2002

Luncheon Session

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and the Roundtable on Religion and Social Welfare Policy

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for Common Ground Working Group on Human Needs

Rev. Eugene F. Rivers, III, Co-Director, National Ten Point Coalition

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Luncheon Session

RICHARD P. NATHAN: It is my honor and pleasure to introduce Senator Harris Wofford, who is going to preside over and introduce our two distinguished speakers for the luncheon talks, which are the next thing on our program. Senator Harris Wofford, Chairman of America's Promise, The Alliance for Youth, has been at the forefront of the nation's service movement since helping to launch the Peace Corps in 1961. A former United States Senator, and more recently CEO of the Corporation for National Service, the Senator has dedicated much of his life to the goal of making citizen service a common expectation and experience for all Americans.

He played a key role in crafting and working to pass legislation that created the AmeriCorps and the Corporation for National Service. He was instrumental in organizing the President's Summit for America's Future held in 1997. He joined the board of America's Promise in March 2001, and was elected chairman the next January. In the year 2000, and again at present, the Senator has convened and chaired the Search for Common Ground Working Group on Human Needs and Faith-Based Community Initiatives -- which I have mentioned before -- is a group that is a partner in the Roundtable project and one that has been extremely valuable to us in providing guidance and feedback on the work that we, and in particular David Wright, have done, including conceptual and planning work for the program of the Roundtable. So we are indebted to the Senator for that.

Most important, I want to tell you something more about him. This is called "Kennedys and Kings", a book by Senator Harris Wofford. Last night I was so keyed up I couldn't get right to sleep, and I watched a little bit of the World Series, but then I started reading this book. And I've read about Senator Harris Wofford in so many books. He is a heroic person who has always stuck to his principles, and been right and courageous in so many moments, particularly with John F. Kennedy. So it's been one of my special pleasures to get to know this gentleman whom I have respected from afar, and now can respect and know up close.

I welcome him, and I welcome our two speakers for the luncheon presentations. Thank you, Senator. And thank you Reverend Rivers and Rabbi Saperstein for your willingness to participate.

(Applause.)

SENATOR HARRIS WOFFORD: Dick, the feeling is mutual. I'm pleased to be part of your Roundtable, the tremendous program that the Pew Foundation is supporting. Luis Lugo is right here, Luis and his whole team, I'm very pleased to be part of it.

I will spare you, this is something I tried at the University of Maryland recently, which I'm going to polish someday, which is to give a counter-resume of the other side, on the grounds like most people, like the media, are interested in the bad news, not the good news, the failures, not the successes. And I have a long list, starting with my loss of

the ninth grade election for junior high school body president, which I kept remembering when I was running for the Senate. And people at midnight would say, you've got to go to one more union hall, and my wife is saying, you'd be crazy if you did. And I'd think of that loss in 1941, and go to the union hall. But the resume would note that although it worked in '91, it wouldn't suffice to carry me through in '94. Anyway, I did my counter-resume, and it's much more interesting than the very nice things you said about me, Dick.

And that might be true of Gene Rivers, Reverend Rivers, and Rabbi Saperstein, but I haven't really got enough evidence to give the livelier side. Now, Eugene, you from time to time give evidence which enlivens us, and I had a great impression yesterday at the Roundtable where I saw that quality in action.

Let me just say a few things. I was asked to say something about the report, "Finding Common Ground" -- twenty-nine recommendations of the Working Group on Human Needs and Faith-Based and Community Initiatives. Ron Sider is now the co-chair with Barry Lynn with me, the three of us, of the continuing round of our search for common ground. And Gerry Kamens and Roger Conner of Search for Common Ground are here. So, if you want them to talk to you about any one of the 29 recommendations, they will be on hand to do so. And if you haven't seen, and would like to see, you can get it on the web site, but also Gerry and Roger can see that you get it. It's outside. Thank you.

I just would call to your attention that it's the Working Group on Human Needs and Faith-Based and Community Initiatives. And what brought us together, and what actually brought the odd couple, we have an odd couple with Barry Lynn and Ron Sider, but the original odd couple was Rick Santorum and me, the man who beat me. We both shared a great interest in the faith-based initiative proposals that, as John DiIulio pointed out last night, were first made in the presidential campaign by Vice President Gore, and then made by Governor Bush. And we both felt that in the House debate and the media debate, and the polarization that occurred somewhere along the way, it had gotten off track and instead of the original purpose that both candidates for president conveyed, that we needed to do something to figure out how to crack the atom, or help to crack the atom of the great power that existed in the faith-based communities in this country to do more to end poverty, and to turn around the lives of children and youth that are heading for disaster, and to deal with other human needs of great urgency.

Why did we think that faith-based communities had more to offer? Willie Sutton went to the bank because that's where the money is. And, at least for me, the primary impetus out of a sense of urgency about our problems, as Martin Luther King would say, "It was the fierce urgency of now," he said, "we must open the doors of opportunity for all of God's children." And three decades later, that sense of urgency is to such an extent I thought had been lost that we needed to know how to recharge it. And, again, the faith-based communities seemed to be a place where you could get spiritual recharging of that sense of personal responsibility and collective urgency. And I think that is a motive that kept this working group together seeking common ground.

And I would just like to spill over to the current political season, and the next round of this. The hope that the kind of search for common ground that we set forth to do and did, and found that we enjoyed it, I think, and found common ground. Those 29 recommendations represent a very substantial common ground. They're very close to what emerged as the Lieberman-Santorum Administration Bill in the Senate, but they go beyond that and they're different, they're not the same.

The political season is always the time when people are trying to polarize, and that's part of the process of this great American game of self-government. So it's a hot season, and I have a son running for Congress, and it's been, therefore, even hotter for me. And, I know that in our group, for example, the political tension of what happens in an election year had some reflection, but at the same time as we were looking at some of the hot rail issues, such as the employment question, but let us resolve that 14 days from now, this election is over, that we look at this afresh, and step back from the polarization to regain the focus on human needs, and not what we do to see that religious congregations get more money, but what all of us can do to see that they're encouraged, and enabled, and that we relish and welcome their doing more.

And I would say to both sides that I sense developing once again, it's very important for the administration, whose dedication both by the President and by Jim Towey, and John Bridgeland, and people that I admire greatly, to do everything that they can to resist temptation to help the politicians of that particular side of the field benefit. And I know that some people feel that there's been some yielding to temptation, and I know what the temptation is like, because when I was assigned by Clinton the job of trying to save AmeriCorps from a kind of polarization that occurred over AmeriCorps, and both houses of Congress zeroed us out, primarily driven by the House opposition of Mr. Arney and others, and when we talked together about what needed to be done, he hoped that I would step forth and depoliticize AmeriCorps to the extent that it had been in any way political. And most of the expectations of the other side were, in fact, wrong in terms of what had been done, but that we had to take really strong steps which involved totally excluding myself, when I was being confirmed, from any participation in partisan politics, and all our discretionary appointments, and all kinds of other things that we did to make the National Service Initiative something that all Americans can take pride in, as they do the Peace Corps, and with National Military Service. So that's the hope that I have on that side.

And on the Democratic side, I think since President Bush has made this such a strong point, the way Clinton said that AmeriCorps is the transcended idea of my administration, it's clear the president has a deep stake in this, and I think it's been a test for the Democrats not to, therefore, oppose it because it's identified with President Bush. But the American people, I think, and I've been in the thick of some of the political sense, the game, connected with my son, I think what they want really is, the majority of them, finding common ground on things that they believe ought to be common ground. And we began to do that on the education bill, and it was happening on the citizen service bill until the politics got hot, and that bill has been held on ice, but it's going to go through. And I think the Democrats, that's why I'm very happy as a Democrat to be championing a

fundamental purpose of what the president is proposing. And we've got to find a way to go forward, if that's where most of you want to go, that protects, respects, and strengthens the Constitution of the United States, and the First Amendment, not seek to undermine it. But also figure out how, as a nation, we can crack the atom of civic power, and civic power, very importantly, includes the power of the congregations of this country.

(Applause.)

Now, it's really a delight for me to introduce both of the speakers. Reverend Rivers went to Harvard University. When I went to Howard Law School in 1950, my Southern mother and grandmother always pronounced it so that people would think they were saying I went to Harvard, and it's even gotten into some books. Secondly, something we have even more in common is, while I was at law school, and one of the reasons, in fact, I went to law school, was the biggest teacher in my life I never had in a class, but he was a philosopher named Scott Buchanan, the founder of the Great Books Program at St. Johns College. I was involved with him in various ventures. And he said the watchword you should have was, be more inventive, if you're going to do your duty. And Gene Rivers, if you follow what he's invented, and what he's right now thinking of inventing, because I heard some about it at dinner last night, he is doing his duty.

He is co-founder of The Boston Ten-Point Coalition, and co-chair of the National Ten-Point Leadership Foundation. He's pastor of the Azusa Christian Community in Four Corners, an inner city section of Boston, contributing editor to Sojourner's Magazine. I'm on their web site, and it's a big flood of material that comes, I can assure you. He's the author of the Ten-Point Plan for a National Church Mobilization to Combat Black on Black Violence, and two forthcoming collections of essays on the Responsibility of Intellectuals in the Age of Crack, that's different than cracking the atom of civic power, and the Nationalism of Fools, a Manifesto for a New Black Movement. He's the subject of a Newsweek cover story entitled God vs. Gangs. I assume he's on God's side. But he also conveyed to me that he's very much in the business of trying to help stimulate and mobilize good gangs.

Thank you, Gene.

(Applause.)

REVEREND EUGENE F. RIVERS, III: Thank you for those kind words. As a son of the high octane wing of the low church, I'm always presented with a great pneumatological challenge, in that I've got to invoke the power of the spirit to perform a miracle, which is, being a black preacher, saying what you've got to say and making it brief. So even those of you who don't believe in God, I'm going to ask you to pray for me that I might have mercy on you, and keep this brief and substantive.

This is a very interesting sort of occasion for me, because I stand before actually one of my mentors, who actually sort of pulled me into this game 30 years ago. I am a product of the black Pentecostal tradition, and what's interesting about this is that there

has existed, as long as black people have been in the United States, a subterranean world, which has defied most of the fairly inflexible and unimaginative assumptions about the relationship between faith, reason, politics and justice. It was in the context of a black Pentecostal church, in the heart of north Philadelphia, black, north Philadelphia, where my interest in epistemology, politics, and policy emerged. Now, for most folks who don't know the black tradition, or a lot about the planet earth, that would strike you as counterintuitive, because there is this idea that people of faith are those individuals who when they read the Bible read the Bible with their lips moving, there's this assumption. But, the remarkable thing about this faith-based initiative, and I really -- I'm here to commend the Roundtable and Dick Nathan, because they are actually assisting in an intellectual revolution, which is reframing our understanding of the connection between faith, justice and politics.

I was mentored 30 years ago, as I said, by Ron Sider, who at the time was teaching at a Mennonite college, which had an urban campus. And what I loved about Ron is that he had this enormous library, where I was introduced to the Anabaptist radical tradition, which was one of the communist wings of the church, which just naturally had this appeal to me, given the time period. And so it was in that context that, you know, ideas about thinking and policy, and politics emerged. And one of the things that was actually quite fascinating, and it's interesting to think 30 years later about the national debate, because for many of us that have lived in the black and non-white community, many of the debates have been non-issues. And so I wanted to just say a bit about that. When the big discussion emerged, when the faith-based office was initiated, there was the big ACLU, Americans for the Separation of Church and State, and American Way people, the big constitutional debates. Now, for most black people this was a non-issue.

Most of us were more preoccupied with trying to meet the needs of desperately poor people, so that the constitutional debates that preoccupied the feverish imagination of high liberals was simply a non-issue, when in the vast majority of cases we were concerned with delivering services to people who were desperately poor, and who would never, in my 30 years of ministry, never ever has the issue of whether or not someone would be oppressed by the idea that they had to say grace over a bowl of soup, never happened. It was only when I came to Washington that I learned that one of the major threats to civilization and reason was the notion that someone might be oppressed by a preacher or a religion by being told that they had to say grace before their soup.

Well, so when I come to Washington this is a great intellectual experience for me, because I learn about the major problems which afflict the world, which are whether or not people have got to say grace over soup, or whether you take two sticks, put one vertical and one horizontal, and that becomes another expression of patriarchal oppression, as the masses are maligned by the very sight of two sticks crossing at a point. So I am glad to be here in Washington, it's a remarkable experience. And I always come away with just these remarkable insights.

But there's two points I want to raise on these issues. Number one, this kind of dialogue is going to improve the quality of faith for all folks, of faith and of no faith.

This is a major service to me. I come out of the black church tradition, and what's remarkable is that all of the discussions that talk about the evaluation of performance, that talk about how we separate books, all of these issues are of enormous value, because they assist churches in improving the quality of what we aspire to do, which is to serve the needs of the poor. So Dick Nathan, I want to thank you, because you have provided an invaluable service for us. I want to thank, Pew, my man Luis Lugo over here, the power behind, beneath, and above the throne, who makes a lot of this stuff happen, because what is needed now is a new intellectual framework within the context of the black community. I want to talk about it for a couple of minutes.

Number one, what is important about this in terms of the issue of the politics of faith is that we now live in a post-civil rights era. The civil rights movement is over. It's gone. We are now coasting on the fumes of icons, images, rhetoric, a few holidays, and a couple of sound bites on the 15th of January, which are just thrown up to sort of play to the nostalgia of my generation. But, the reality is that the black community is in an entirely different place, and the sub-text of much of this debate has to do for the black community about how do we mobilize the premier sovereign institution in the black community to make it more effective for providing services for those that are neglected by everybody.

Elite liberals, conservatives, elites in the center, do not have as their ideology or priority what happens to ten million desperately poor black people who live in cities like Baltimore, where the collapse of leadership is evidenced in the fact that a woman and three children are murdered, their house is burned down, as the forces of criminality give the finger not only to the leadership – the civic leadership – but they said to the black leadership, we will commit crime and desecrate black life with impunity, with no regard for law and order or that which is sacred. That incident in Baltimore is symptomatic and symbolic of the larger crisis which afflicts the black world. And the beauty of what we're doing here is that we're engaging in a discussion that will refine the theoretical discourse around the political sociology of religion, which will refine some of the philosophic questions that are really the political sub-text of most of this debate.

Now we haven't had that level of abstraction. But, at one level, the philosophic sub-text of this political debate revolves around a range of issues, but one is this whole notion of the sacredness of human life. The fact that folk are made in the image of God. There are certain philosophic presuppositions that undergird that, and there are certain political implications that follow from that. And we should have a robust, lively, engaging debate, and the Roundtable, and the discussions here facilitate and promote that debate, which is good for the entire country, because it forces people of faith to bring more reason and moderation to our tendency as people of faith to overstate and underperform. Let the church say amen.

So the concern is to elevate the quality of philosophic and theoretical discourse. Now, this is just the beginning. I'm going to wrap this thing up, because I promise I'm going to perform this miracle this afternoon, praise the Lord, right, amen. We are focusing here at the Roundtable on domestic policy, social policy, the relationship

between faith and social policy, evaluating the effectiveness of faith-based organizations, or effectiveness, or relative effectiveness of faith-based organizations in comparison to other institutions. And that discussion should take place, and John DiIulio last night had a brilliant formulation when he talked about his four commandments. And one of the things that he said is we need to get out of the lame discussion where the partisans are saying, well -- especially the fundamentalists, which is sort of my end of the continuum, right. Well, we fundamentalists, we've got the best thing, because we've got more Jesus, and it's better than the secular. That's a stupid proposition. It's a stupid proposition, and the fundamentalists should just drop it and other forms of Flat Earth theology. They need to drop that proposition. The proposition always should be one of how do we develop and improve the quality of the performance of all institutions. If secular institutions do a better job, we should simply take a page out of the secular institutions, as opposed to cornering ourselves, and telling lies as we under-perform and overstate. So the point is to complement the delivery of services, drawing on the strength of each tradition.

In the black community, in the hood, in those jacked up situations, that's not an argument of the Boys and Girls Club, or Big Brothers and Big Sisters versus Mount Moriah Baptist Holiness Pentecostal Storefront Church. That's not the tradeoff. The reality is that Mount Moriah Holiness Baptist Pentecostal Church needs to learn as much as they can from the Boys and Girls Club. Contrasting, when the Boys and Girls Club clear out at 5:00 when the sun goes down, and go back to where they come from, praise the Lord, they should then hand off the ball to the Mount Moriah Baptized Holiness Pentecostal Church, because the pastor in the vast majority of instances lives in the neighborhood. So that the faith-based institutions in this context are of immense utility, simply as a function of geographic proximity to the problem. And then in many of those cases those small, soul saving stations will have high poor neighborhood residency membership, which gives you this access to staff and volunteers, who like ants will lift 30 times their weight in terms of service and sacrifice. Now, that's the beginning as we talk about this, within the context of domestic social policy.

But what's interesting, as we speak there is a new discussion, which is where I would suggest we've got to go. We now must take the faith-based discussion around domestic social policy and ramp it up another level, theoretically and politically, which is to say that we now have got to explore the relationship of faith-based institutions to international relations, development and foreign policy. That's the next level of the game. And if we believe our rhetoric of globalization, that is simply a logical thing to do. For the black church this is of immense significance for the following reasons. And I'll bring this thing home, as we say in the church.

Number one, the black crisis in the United States should be understood, and analyzed, within the broader context of the crisis in the black world. This idea that we should very narrowly talk about African Americans, which is a complicated term anthropologically, because African American would technically mean people of African descent from the Americas. When most people use the language we think in very parochial ignorant terms, as parochial Americans. So we think about native born African Americans generally from the South, as opposed to talking about black people from all of

the Americas, which would rearrange our conceptual trajectory, because we'd be talking in comparative terms, and we'd be talking about closer to 100 million people, all of whom have the similar experience of being jacked up wherever they are.

So if you're jacked up in Harlem, you're going to be jacked up in San Palo, Rio, wherever you go, if you're black you're going to be at the bottom. Male or female, you're at the bottom. Somebody say amen. So that being the case, what we have to do, and this is what I'm going to suggest to you, is that the next arena really revolves around foreign and development policy, and economic development as it relates to black people for the black church.

And you see this is not new. This idea that somehow this began with Bush is factually inaccurate. In fact, the first major discussion in the secular media came from very odd places. Number one, May 1997, Joe Klein, not quite a frothing at the mouth fundamentalist, wrote a cover story entitled God Versus Crime, May 1997. Now, Tina Brown is not quite the evangelical crowd, and they were the ones who wrote the first essay, sympathetically articulating what was going on beneath the radar screen. Twelve months later Newsweek wrote the same article, put my big head on the cover, amen, and used me as simply the wrap around for this idea of God versus crime. So this was under the Clinton administration, and you've got to love the hypocrisy, it's so bipartisan, right, that's the greatest hypocrisy, it's a bipartisan phenomenon and pathology.

So Clinton then invites old Rivers, Mr. Newsweek Cover Story, to the White House, right, and we're in the White House talking with Bubba. So Bubba is just as smooth as he can be, Bubba is just talking, about faith-based and many other things. And so Rahm Emanuel is there talking about faith-based. So Clinton says -- you've got to love this, right? He picks up Newsweek, and in fact, they reported it, he picked up Newsweek with my image and said, "What are we doing about this?" Being the genius he was he understood that he had to get on top of this, this was a new idea. So he said, "What are we going to do about this?" So there was a program created under Clinton called -- it was initially going to be the faith-based and something program. Then Rahm Emanuel with his smooth, intuitive political sensibility said, no, we can't say faith-based, the ACLU is going to break out in a rash, and we'll have to do a march from here to god knows where. So no, we can't say faith-based. We'll call it values based, yes, that's got a good ring to it, values based. So what began initially as a faith-based deal was intercepted by Rahm Emanuel, and became the values based program, so that politically people had the air cover to do what they wanted to do.

So this idea that the faith-based discourse began with Bush is just an ignorant idea, it's just factually incorrect. Clinton had the thing, he knew -- he saw a hot idea, he knew a hot idea when he saw it, he had an eye for the thing, right. So he seized upon it, to his credit. Now, how the country could have forgotten, and poor George who was always intellectually challenged could be given credit for an idea that wasn't his anyway, Clinton was the man. You know, liberals can be a slow crowd sometimes, just neurotic and paranoid about everything, right? When you think the world is out to get you, you begin to assign blame where it doesn't need to be. The reality was that it was an idea

which in point of fact, note, emanated from the ground, from the street. What Joe Klein reported on was not a National Press Club debate about faith-based, it began on the streets of Boston. It emanated from the street as people worked to serve the poor, who were less concerned about the scholasticism of constitutional debate, and more concerned about how we might minister, mentor and monitor a generation of young people drowning in their own blood. That was the bottom line.

We extend that understanding now: 25 million people in Africa are now infected with AIDS. In 10 years there will be 40 million orphans in Africa. The unedited-over-coffee-in-the-State-Department-discussion says that Africa runs the risk of being reduced to being a cross between a theme park and beach front property for bored Europeans, because the biological survival of African people is literally in question. So that we that are partisans of faith now recognize that there needs to be a new theoretical, theological, policy, and political discussion that talks about how do we nationally incorporate, and enlist the energies of the partisans of faith to advance egalitarian and rational development in foreign policy, advocating and pleading for the interests of the widows and the orphans. I submit to you that we've just begun.

Dick Nathan, God bless you for how you are being used to refine and improve the quality of thinking of people of faith as this discourse heightens our level of understanding.

I'm very thankful to all of you, and I want to encourage you. The greatest humanitarian crisis confronting the world is the sexual holocaust in Africa. And we now need to enlist our intellectual and moral energy to engage in the kind of vigorous development and foreign policy debates that promote the interests of those who have suffered needlessly. I'm honored and very thankful for this privilege to be before you. I'm going to keep this thing a miracle and shut it down right now. And I look forward to the discussion. God bless you, and thank you very much.

(Applause.)

SENATOR HARRIS WOFFORD: Well, I will never, ever think that you under-perform, Gene. And I under-performed in not knowing and remembering that story about Clinton. And I see you stretch minds, and you stretched mine on the global context you gave us. One thing I also know from today and last night is that you and David Saperstein share the quality of liking an argument. You know the story of the old Scot who was dying, and his minister came and he said, are you ready to make your peace with your Lord, and he said, no, I want another argument. So sometime I'll carry on the argument about those two sticks, because a lot of black people in the South in the United States knew how the stocks put crosswise were used to oppress, Ku Klux Klan and so on, and twist them a little bit and they become a swastika, so there's something to be thought about there.

David Saperstein plays the American great game of politics with extraordinary skill. He poses as a religious person, a rabbi. And he is one, and I know people that say

that he's someone they would go to for spiritual advice of an important kind. But, he also is a public citizen of a very important kind. He's the director of the Religious Action Center of Reform Judaism, he represents the Reform Jewish Movement to Congress, and the Bush administration. I don't want to leave out Clinton, I assume you represented it to the Clinton administration. He was the first chair of the U.S. Commission on International Religious Freedom, and serves on the boards of numerous organizations, such as the NAACP, and the People for the American Way, and co-chair of the Coalition to Preserve Religious Liberty. You've read him, he teaches, you've read him in major places, you've seen him on ABC and Oprah, and Nightline. We probably should really read the Jewish Dimensions of Social Justice, Tough Moral Choices of Our Time. He's been a great and important member of our working group, and I'm delighted to be hearing him again.

RABBI DAVID SAPERSTEIN: Whenever you begin a speech you have to worry about who you're going to acknowledge. I could start with Dick Nathan and David Wright, in their utterly flawed, failed vision that it would be a good idea for me to follow Eugene Rivers. But, I do want to acknowledge the extraordinary work of those two in the Rockefeller effort to spur vitally needed research, and to make that research available to policy makers and players in the field of social services, and Rockefeller and Pew have driven so much of this, and made a profound difference in the national discourse. I could start with Harris Wofford, who himself in his life was a profile in courage in so many ways, or with Eugene Rivers, who is one of those few people – there are a handful in our nation at any one time, who by dint of their vision, their tenacity, their organizational ability, are able to actually shift an entire national debate. And he has been able to do that, and today you got some sense of how he was able to do that.

But I want to acknowledge even more so all of you -- It is no secret that you could have taken any one of these panels off the program, and substituted an equal number from virtually all the people in this room, and it would have been a different but equally valuable, and rich discourse for us to have. You folks are the people who have been thinking about this issue and writing about this issue and doing on this issue now for many, many years. And this entire enterprise is richer because of what you've done. And I'm really honored and pleased to be with you.

Gene Rivers may be, as you will see, one of the few people in America that talks quicker than I do. I'm going to try and cover some territory on some of the substantive issues. The reason being, when I first looked at the program, I thought I was going to be a little bit like Daniel in the lion's den, one of the few voices that was promulgating traditional separation of church standpoint, and was arguing that the faith-based initiative, as conceived, really was unnecessary, at best, if not ill-advised. Actually, after listening to Gene Rivers, and the panel before, I have to raise some serious questions to the first panel about why many of their efforts are needed the way they are. And I think one of the most eloquent arguments on the side I want to argue were made by those two presentations here, and indeed, it's turned out to be a quite balanced picture of the play of this issue.

There are really two different discussions going on about this whole arena of faith-based initiatives, faith-based organizations. One is the one represented by Search for Common Ground. If the 95 percent of the issues that everyone agrees on can be done to strengthen government-religious organization partnerships, they'll provide more and better social services. All the ways that don't raise constitutional debates, and minimize policy debates, I wish the national debate were focused on that. I wish this debate could be focused primarily on that. We could really work it through and put policy flesh and bones on the kind of proposals the Search for Common Ground and others of you in this room have been making that your research would help develop the best practices, and evaluate the efficacies of the various approaches that they would put before us.

Instead, my remarks, and much of the debate, are going to be focused on another debate. It is over the wisdom, policy-wise, the wisdom in terms of the religious community's well being, and the wisdom constitutionally over three issues. Three issues only: First, should there be direct government money funding pervasively sectarian institutions, or faith-saturated institutions?

Second, should there be direct government funding of programs that have worship, proselytization, religious education as a part of them? That was the dispute you heard between two of the people on the panel from the administration, hearing different views there of, well, it's okay if they're in a different time and place, the religious content; and, no, it can be part of it if only the federal dollars don't go to it. On that point, if it can be part of the program funded by federal dollars, it raises very divisive and serious public policy and constitutional concern.

And, third, can you take federal money and hire people and discriminate with tax dollars and federal money? Discriminate on either religious identity grounds and/or as it primarily is, also on religious tenet grounds?

Those are what the three debates are over. And I want to suggest to you in the meantime, they are unnecessary. They're unnecessary because, I think, in the first arena, the arena where most everything happens already and should happen, the very rich arena of the religiously affiliated organizations and separately incorporated entities set up by many individual or groups of churches, synagogues, mosques, inter-faith groups, that function according to all the rules about no discrimination in recipients or in employees, that all of that could meet the overwhelming needs that we need to address in stimulating and mobilizing the religious community even more.

The other parts of it, it's already being done also, but just not with government money. A significant majority of churches and synagogues are providing programs. Millions of people are volunteering for those programs. We play an enormously effective role. There are ways that government can stimulate even more of that, and the whole effort at America's Promise, I hear, the whole effort of the last two administrations in encouraging the spirit of volunteerism is an eloquent expression of one of the ways that we can stimulate the voluntary power, awesome power, of the religious community to

handle the parts done by the pervasively sectarian entities, or the parts that have religious content to them. So we don't need to do this...

But I would make the following suggestion: If you look at the literature, at the overviews of what the Rockefeller Institute project has provided of what the literature has said, there are too few studies that have actually tried to separate – when they're looking at efficacy, or how things function – that separate a church receiving money as it is, as opposed to a church setting up a separately incorporated entity that will play by all the rules as anyone else, as opposed to a church participating in some umbrella separately incorporated entity. And in many of the studies, they get thrown together as, this is what congregations do, and this is how it works. In order to join, really join the debate that I am describing, the different parts of this debate, the studies that many of you are doing need to break down those three models even more than you've done. Some of you have already done it. The Hudson Study report, Goggin and Orth, and they will begin to get at some of these things.

But we need to do it in a much more systematic way, here. Keep in mind that throughout this entire discussion, that there really isn't that big a difference between us. Gene Rivers and I have worked together long enough to have a sense of this. Almost everything that he does and those in his religious flock in his church do through religious entities that get government funding, they're done through separately incorporated entities here. It works, and we need to stimulate more of that. And the Common Ground proposals talk about ways that government can ease the requirements about how you become a 501 (c)(3), list the funding requirements to do it, provide easy registration forms here, do training programs to show people how to do that, give all kinds of capacity building aid to them. We know it works.

I'm going to focus on the parts that are the controversial parts. Why is government funding of pervasively sectarian entities bad here? First of all, there's no conclusive evidence they do a better job than non-religious entities do in the main. You all know the literature, and what it shows, the difference between sectarians work in rehabilitation. But there are only glimpses at the efficacy issues, and we need to do far more on the efficacy front here.

What are the policy concerns? First, as to religious institutions, with government money comes government rules, regulations, audits, monitoring, interference and control. Chet Edwards, a leading congressional critic of charitable choice warned, it will be a religious nightmare with federal agents, including IRS agents, auditing the finances of churches, synagogues, and mosques across the land. Currently, as discussed below, the concept of church autonomy has led lawmakers to write numerous protective exemptions from audits and monitoring, exemptions that could well be called into question the more we merge together the government funding program within the church, the overall church structure.

Even equally alarming would be the reverse, though. On the one hand, we don't want the government intrusively monitoring what the church does, and how do you

evaluate it? I mean, a family counseling session in a church may be led by clergy who may not have state certification as a therapist or counselor, an issue in and of itself, and the goals in the church, a church that formally eschews divorce, might be much more focused on simply keeping the family together under any circumstances, or stressing individual involvement in religious activity than a state-certified social work counselor might do. What measurements should be used in evaluating positive outcomes of such counseling? Are they going to be the same, can we agree on standards? We haven't even really begun that kind of enterprise yet.

But equally alarming is the reverse, having the federal government fund religious programs with tax dollars and not monitor those organizations. We know that the inherent religious mission and culture of many of these pervasively sectarian institutions will exert significant pressure on those churches who receive government funding to discriminate, to proselytize, and to fulfill their broad religious mandate, even in theory, if they have agreed not to do it. There is documented evidence that such incidents do happen, as Jim Towey acknowledged, there are a number of cases making their way up the court that dramatize some of the more egregious problems in this regard, and the only way to counterbalance that pressure, and ensure the government relations are met, is through the kind of extensive government monitoring that threatens religious autonomy.

So my response to Jim Towey's observation that there's no real outcry about this focuses on some things I think Brent Orrell said when he talked about the recent GAO report in terms of saying, if I recollect right, he said there wasn't one single instance of coercion that was documented.

Let me read you the GAO report, because it illustrates this problem: "In the five states we visited, understanding and implementation of charitable choice safeguards differed. And the instance of problems regarding safeguards is unknown. Few of the safeguard provisions specified in federal law are subject to interpretation, and federal agencies have issued limited guidance on how to interpret them."

Indeed, the CSPG for welfare, for SAMSA, there are no regs yet written in that area. Back to the text: "As a result some government and FBO officials expressed confusion concerning two matters, ability to discriminate in hiring, and allowable activities under the prohibition on the use of federal funds for religious instruction, or proselytizing. In the five states, government officials reported few problems concerning FBO use of federal funds for proselytizing, discrimination against clients, or client requests for alternative, non-religious providers. However, the incidence of violations of these safeguard requirements is unknown."

We haven't really begun the process of looking at this. And very often people are interviewed who are already part of that faith community, and, of course, they're feeling comfortable about it. Some of these studies that are being done have to be a little more differentiating between people who are members of the faith group providing the services and those who are not, and not look at it as one cohort in the totality. We're really

concerned about the people who are not part of that faith group, who are often made to feel like outsiders, made to feel the coercive pressure of participating in these programs.

With government money comes compromises in the religious mission of the church and synagogues and mosques in America. It weakens the prophetic voice of these groups. We make compromises in the mission, the kind of vendorism that Stanley Carlson-Thies talks about here, and, indeed, in the report that is just being published now that Goggin and Orth did in which they concluded that FBOs that have significant funding tend to become more secular, be it not in every regard.

Third, by opening up our nation's limited funding for social services to potentially scores of thousands of houses of worship, countless millions of dollars will be diverted from what are widely regarded as the finest, most effective social service providers today, the superb religious-affiliated social service providers, which are Catholic Charities, Jewish Federation, Lutheran Social Services, all of which are provided by these groups in accord with the vast majority of regulations applicable to other charities. Without a national commitment to substantial increases in funding, and I was not reassured by what I heard when that question was posed this morning, there is no guarantee that one more needy person is going to be helped by ill-advised initiatives.

Not only is it true at the macro level, even at the micro level. Let me give you an example. I was a Rabbi at a congregation in Manhattan. We set up a hot luncheon program to feed 380 poor people every day in Manhattan. We did it jointly with an African-American church around the corner from us. Half of these people were elderly Jews, half of these people were older African-Americans. We raised our own money for it. Now, the government could have given us the \$20,000 we had to put into this, we would have gladly taken it. We could not have fit one more person in that room. Not one more person would have been served, but we would have freed up \$20,000 for our youth ministry, or our religious education, therefore, our worship initiatives. So, how this actually plays out at the grassroots level is really going to tell whether or not anyone additional is going to be helped.

Fourth, dependence on government money weakens religious organizations and their reliance on government funding obviates the needs for individuals to support their own churches, synagogues and mosques.

Fifth, charitable choice may well lead to increased social divisiveness in America. It's one thing for the professional groups, Catholic Charities, Jewish Federations, to compete for grants. They have a long track record of having worked it out over the years. These things all work themselves out here. But the local houses of worship are altogether different. Choosing between them comes much closer to choosing between religions. It is difficult to know how many of our 350,000 houses of worship will seek government funding. Let's assume it's 1/10th of them, and 35,000 local churches, together with local religious ministries, parochial schools will be competing. So, on the same block, the Episcopal Church, AME Zion Church, and the local mosque are all going to be competing with each other, let's say with decent grants, but it's not enough money to go

around. They come to their elected officials asking for help, and they'll want answers from them when they fail to get it, and those that don't get it are made to feel like outsiders, are delighted to hear what I think all of us who work at the grassroots in the religious community well know, it's the majoritarian religious traditions that have the political clout, very often, to get the grants, and it is the small religious groups who are often made to feel like outsiders, and left out. It is exactly the kind of political divisiveness that the separation of church and state in the main has spared us, and we don't need in America.

Finally, such funding violates the religious rights of taxpayers. Even in cases where the courts have held that taxpayers do not have standing to assert a free exercise claim to contest the use of their dollars, it's still wrong on a policy level, and it exacerbates religious tension. As Jefferson says in his well-known quote: "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical." And that helps explain why so many national religious denominations and so many religious leaders on the left and the right oppose the Faith-Based Initiative components that involve funding of religious activities or programs with religious activities, and oppose funding of pervasively sectarian institutions.

Let me turn from the policy briefly to the constitutional issues, and just a little bit longer than I intended, because I think I'm going to be the only voice on this. When Chip Lupu and Bob Tuttle come up here later, ask them the following question. They argue that it is clear doctrine, as I understand it, that there can now be direct funding of pervasively sectarian institutions. I admire them both. Professor Lupu and I have been friends for 35 years, going back a long, long way: they're just wrong on this. The Supreme Court of the United States and a vast majority of lower courts as well have never upheld direct government care or support for pervasively sectarian institutions. Indeed, in cases where the high court and other courts have upheld some type of government support for such religious institutions, they've gone out of their way to distinguish it from exactly the kind of direct government subsidy of houses of worship, religious ministries and parochial schools that is entailed in charitable choice.

In *Bowen v. Kendrick*, the case that upheld government support for religious groups and provided pregnancy care services and prevention services, the court said, even when the challenged statute appears to be neutral on its face, we've always been careful to ensure that direct government aid to religiously affiliated institutions does not have the primary effect of advancing religion. One way in which direct government aid might have that effect is if the aid flows through institutions that are pervasively sectarian.

In *Rosenberg v. Rector and Visitors of the University of Virginia*, upholding the use of student fees at a state university to pay for publications, including religious publications, the court observed: The neutrality of this program distinguishes the student fees from a tax levied for the direct support of a church. The court of appeals are correct to extract from our decisions the principle that we have recognized special establishment clause dangers where the government makes direct money payments to sectarian institutions.

And the principle articulated in *Bowen and Rosenberg* was reaffirmed recently when a majority of the court in *Mitchell v. Helms*, the two justices again concurred, joined by the three dissenting justices, this provided federally funded computers to religious schools, noted these special concerns associated with the flow of government funds to pervasively religious organizations. As Justice O'Connor noted in her concurring opinion, our concern with direct monetary aid is based on more than just concern about diversion of tax-funded aid to religious uses. In fact, the most important reason for according special treatment to direct money grants is that this form of aid follows precariously close to the original object of the establishment clause's prohibition. So the second constitutional concern has to do with the rights of beneficiaries that I have talked about, and how can we ensure that the beneficiaries have the right, not just in theory, but also in practice, to decline to participate in religious exercises without jeopardizing their benefits.

I want to give credit to Doug Laycock and a number of other law professors, Professor Lupu and others, who have testified on behalf of charitable choice, but have said this is one of the areas that worries them most: without real transparency in the program, without really finding a way effectively to protect the beneficiaries, in real life they're just not going to be protected. Third, the fungibility argument has always been a consideration in the Supreme Court's refusal to uphold direct government payments to pervasively sectarian institutions. They argue that religion is so subsumed in the entire program that it can't be separated out, and since funding is fungible a program of support to any part of the institution will constitute government funding of religion. Common sense says they're right on that, the example I gave of my synagogue is a perfect manifestation of that. As James Madison wrote, "The appropriation of funds of the United States to the use and support of religious societies is contrary to the article of the Constitution, which declares that Congress shall make no law respecting an establishment of religion."

Now, the fourth issue is the one about neutrality. You hear a lot, "Just treat religion like everything else." It is the major driving ideological argument right now. My friends, it will be a disaster for religion to treat it like everything else. It is not treated like everything else in the Constitution. The Constitution has the establishment clause for religion, not for music, not for political views, not for art, not for other means of expression; for religion. It is treated differently, and as a result we have a panoply of all kinds of protections and exemptions. You know, if you keep insisting we should be treated like everyone else, some day the country is going to believe us, and they're going to say, why have all these protections like exemptions from civil rights laws? We're finding out right now in the debate there ought to be exemptions if government money goes to the programs. Religion is not going to come off for the better in the end if we actually get the country to believe it. There is facial neutrality and functional neutrality. Facial neutrality says treat everyone the same. The real neutrality envisioned by the Constitution was that which says, in terms of religion the government will be neutral. And in order to be neutral on religion, it has to keep its hands off of it.

Let me go to free exercise, just because it dramatizes it a little more clearly. You want to be neutral on the question of should you wear a religious hat. The State of Connecticut passes a rule saying, no state employee can wear a hat, you can say it's neutral between religious observers and non-religious observers, it's one kind of neutrality. Another is to say, we're not going to tell people they can wear a religious head covering or they can't wear a religious head covering. In order to leave it to them to decide we have to give an exemption from a law that says no one can wear a head covering, then we're neutral on their decision. The same idea applies in the establishment realm as well here. It's not just treating everyone different, it's keeping your hands off of religion, letting religion go without the government enhancing or abridging, interfering with religion.

And finally we come to the issue, the very complicated issue of discrimination, where there's two good arguments. One says, there are good reasons for religious exemption, we shouldn't take it away, or we will hurt religious autonomy in America. The other is you shouldn't use government money to discriminate. It's the kind of issue that can tear us apart. That's why I advocate separately incorporated entities that play by the non-discrimination rules. And where you want to discriminate use private funds. If we do it well, the churches will be able to go into separately incorporated entities and free up enough of their money to it for social services in which you can discriminate, enough of their own money, private money, in order to do that. That's the reality of fungibility, but do it in a way that doesn't compromise constitutional principles, and doesn't tear us apart.

So that's where I end up, where I began. There is so much that we can do without tearing this nation apart, without pitting civil rights groups against religious groups, without compromising the integrity and the protections of religious communities. There is so much we can do if our goal is not to score political points with any constituencies, not to drive an ideology about the Constitution, and what we feel to be a vulnerable point, but rather to mobilize the power of the religious community to really help poor people in America. Let's get back to the agenda on what we all agree on, and let's make that happen, and not divide America on those other issues.

(Applause.)

SENATOR HARRIS WOFFORD: Thank you, David, for your argument, and Gene Rivers for yours. Another voice of our committee I saw here earlier, who was a very important part of our working group argument, Richard Foltin legislative director of the American Jewish Committee. Thank you, David, for reminding me that one of the common grounds that we found, that we all stood on strongly, was that a major increase in financial support for community based and faith-based groups, working effectively to address poverty, and related unmet human needs is needed. You reminded us of that common ground, and this is a wonderful conference, and thank you all. I know each one of your tables, as David said, could be a little working group for common ground, and that's what I hope you will be.

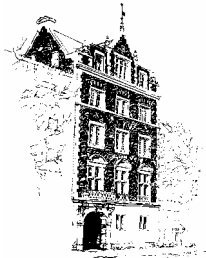
(Applause.)

RICHARD P. NATHAN: That was a wonderful treat, and we thank you, all three of you, that was just great to have you here. Thank you so much.

(END OF LUNCHEON SESSION.)



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