

A close-up, slightly blurred image of the American flag, showing the stars and stripes in a wavy pattern. The colors are somewhat muted, with a dark blue background above the flag.

# faultlines

*Debating the Issues in American Politics*

EDITED BY

DAVID T. CANON, JOHN J. COLEMAN, AND  
KENNETH R. MAYER

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Debating the Issues in American  
Politics

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# 1 Political Culture: A Place for Religion in Politics?

For a country of great prosperity and wealth, the United States is unusually religious. Around the world, the pattern is clear: the more economically developed a country is, the fewer the number of people who say that religion is an important part of their lives. The United States stands out as a striking exception to that rule. Religious belief has been an important part of American political culture since the colonial days and, indeed, was part of the reason individuals fled to America in that formative era. In the Constitution, religion is protected in two ways: the First Amendment guarantees freedom of religious expression and prohibits any official government establishment of religion. Both parts of this formulation have been the focus of substantial debate.

In recent American history, religious belief has been central to political discourse. Reverend Martin Luther King often invoked religious language and principles in support of the civil rights movement, and religious belief has motivated many activists in the anti-abortion movement. Political party coalitions have historically differed in their religious composition—most recently, in the 1980s and 1990s Americans with more conservative religious beliefs became an important part of the Republican party coalition. Presidents and presidential candidates have also wrestled with the place of religion in politics. Presidential candidate John F. Kennedy, a Catholic, defended himself against accusations that he had “divided loyalties” and that his decision making would be directed from Rome. Speaking to a group of Protestant ministers in Houston in September 1960, Kennedy stated that he believed firmly in the separation of church and state. “I do not speak for my church on public matters—and the church does not speak for me,” he declared. At the same time, Kennedy pointed out that he wouldn’t simply abandon his beliefs: “I do not intend to apologize for these views . . . nor do I intend to disavow either my views or my church in order to win this election.” In November, he was narrowly elected president, and was the first Catholic elected to that office.

Over thirty years later, religious references in public life were commonplace. President Bill Clinton, by one accounting, was not only personally a believer who often included religious references in his speeches, but his administration enacted a number of laws intended to strengthen religious institutions. Presidential candidate George W. Bush spoke openly about his turn to faith at around age forty and the importance of religious belief in his life and views. He frequently noted the importance of faith for the country: “For too long, some in government believed there was no room for faith in the public square. I guess they’ve forgotten the history of this great country. . . . Every expansion of justice in American history received inspiration from men and women of moral conviction and religious belief.”

President Bush has continued and expanded former President Clinton’s efforts to increase the role of religious institutions in American public life. One of his chief proposals was the Faith-Based Initiative. The goal of this program, in short, was to allow faith-based organizations more



access to federal funds in the area of social service provision. Bush had difficulty passing his initiative through Congress, so in December 2002, he signed an executive order that directed federal agencies to treat faith-based organizations equally to secular organizations.

In this chapter, Stanley Carlson-Thies and Barry Lynn debate the propriety of this initiative. Carlson-Thies, the former White House Associate Director for Cabinet Affairs in the Bush administration, supports the initiative and places it in historical context. He argues that the initiative is part of a continuing effort to renegotiate the boundaries between government and faith, a negotiation that has been going on for decades and not only in the United States. In this sense, the initiative is more evolutionary than revolutionary. Carlson-Thies also contends that the initiative is fundamentally about reorganizing government and making government more efficient and effective than it is about promoting any particular religious worldviews. To him, the initiative is simply common sense: if there are social service programs that are working and accomplishing goals the government wishes to accomplish, why prohibit government from supporting these programs? Barry Lynn, the Executive Director of Americans United for Separation of Church and State, takes a different stand. To Lynn, the initiative fails on a number of grounds. It inevitably uses government funds to promote the spiritual message of the recipients of the funds, in violation of the First Amendment. Lynn also suggests that the initiative will lead to job discrimination, to favored religions receiving aid while minority religions are excluded, and to particular theological views being advantaged over others. He also contends that the process has a political undercurrent, that it is being used to further the political interests of the president and the Republican party. Given the deeply intertwined nature of religious belief and American political culture, the points raised in the debate between Carlson-Thies and Lynn may well produce a series of contentious court cases in the near future.

## STANLEY CARLSON-THIES AND BARRY LYNN

### The Faith-Based Initiative Two Years Later: Examining the Potential, Progress and Problems

#### STANLEY CARLSON-THIES:

We are now two years into President Bush's initiative to "rally the armies of compassion." So what's going on and what's next? I'll talk first about the larger context of the initiative, and then about the path or trajectory that it's following.

\* \* \*

So let me sketch some parts of this bigger picture, and I will mention four points.

Point one: Government funding of expressly religious social service providers did not start with the Bush administration. We all know about Jewish Family Services, about Catholic Charities, and so on, but many people say the government funded only the secular programs that were run by these groups that might be religiously affiliated. After all, the rule used to be and ought to be that anything government does or funds has to be secular—isn't that the constitutional requirement?

Well, the truth is that actual practice has not been nearly that spiritless. Stephen Monsma's 1996 study, *When Sacred and Secular Mix*, showed that long before Bush's faith-based initiative, the government was funding child- and family-serving agencies that were expressly faith-based, in terms of what they displayed on their walls, prayers over meals, encouraging discussion of religious matters, and giving preference to staff of the same faith, and so on.

So despite the theory, even before the Bush faith-based initiative, there was considerable, though inconsistent, history of government funding of expressly faith-based organizations.

Point two: Deliberate efforts to promote consistency—to make both government policy and government practice hospitable to faith-based organizations—did not start with the Bush administration.

Take federally funded childcare for low-income families. More than a dozen years ago, Congress wrote the rules in such a way that churches and other expressly faith-based organizations can take part without sacrificing their faith commitments and characteristics.

And of course, there is Charitable Choice. Since Bush became president, there has been bitter opposition to Charitable Choice in Congress from many, but during the previous administration, Congress and President Bill Clinton four times wrote this language into federal law. So in some key federal programs right now—welfare, community action agencies, and drug treatment—when state and local governments get this federal money, they are required to spend it according to new rules to protect the religious character of faith-based organizations and the religious liberty of people seeking help.

\* \* \*

And according to a range of studies, faith-based organizations that in the past never were partners with government now in many places are receiving government support for their good works, and the sky has not fallen. There have been some problems, some contracts have not been written the way they should be, some organizations have not done everything the way they should do it, but the experience has been positive rather than negative, as far as I can see. The widely voiced fears about religious coercion, massive fraud, and worthless groups displacing expert services have proven to be just that—fears and not realities.

Point three: Initiatives to connect government and civil society in new ways and to give a more prominent place to faith are not unique to the United States, as if such things were simply the product of the Religious Right and the politicians they've managed to lead astray.

\* \* \*

Point four: Conceptions of the proper relationship between church and state, between religious organizations and government, have been in flux in the United States for many decades. That is, there was no long-settled consensus which the Bush administration arbitrarily started to overturn. The U.S. Constitution, of course, forbids the establishment of religion, but on into the twentieth century,

Protestantism was informally established, as the historians say. After World War II, as the nation became more religiously diverse and the federal courts increasingly acted to secure national constitutional values, that informal Protestant establishment was replaced by the concept of no aid to religion and a strict separation between church and state. The government was not to support anything religious.

However, as we've seen, practice was not as rigid as that theory, and the Supreme Court has been notoriously of multiple minds about church-state questions.

And there is a problem with the no-aid idea. After all, while many social service organizations are secular, many are inspired and shaped by religion. The no-aid concept tells government to support only secular programs no matter which ones are most effective, but such a secular bias violates equal treatment and can't be readily squared with the constitutionally required respect for religious liberty—or with good social policy, in my view.

Thus, for several decades we've been in the midst of debate and experimentation about how to go beyond no-aid, strict separationism. \* \* \* And I think that's exactly the setting of the Bush faith-based initiative—our current stage of church-state relations in which the boundaries are being renegotiated. That's a process that started before the Bush administration and, in my view, will continue after it. Renegotiating the church-state boundaries is one key part of renegotiating the relationship between government and civil society, and such renegotiations are taking place in many countries.

In other words, we can best understand the Bush faith-based initiative if we see it as part of this decades-long, multi-nation process of reconfiguring how government responsibilities are carried out, what the appropriate place of religion is in the public square, what kind of policy is required in a nation comprised of multiple religions as well as secular convictions, and how government services can best be related to private efforts to help needy neighbors.

\* \* \*

Now on to my second major theme about the trajectory or path of the faith-based initiative—a way to think about what's going on and what will happen next.

Many people, and not least many reporters, think the Bush faith-based initiative is a series of laws and programs designed to benefit religious organizations. So we get a picture of the faith-based initiative proceeding by fits and starts: Now there's a faith-based initiative because the House is battling over H.R. 7, and now the faith-based initiative has disappeared because the Senate decided not to take up the CARE Act last year; but wait, there's the faith-based initiative again because the CARE Act has been reintroduced in the Senate, and on and on. But in fact, the Bush faith-based initiative, I think, is more accurately regarded as a government reform effort that has a legislative agenda.

*The Washington Post* backed into the right idea in an editorial about the announcement in the State of the Union speech about federal funds for vouchers for drug treatment services. Here's what the editorial said: "Slowly we are seeing Mr. Bush's new strategy for his faith-based initiative. Once, he tackled it head-on, as a centerpiece of his compassionate conservatism. He did it by supporting, say, in-

creased funding for faith-based groups or tax deductions for charitable contributions. Now he seems to have retreated to something more like a ‘reinventing government’ strategy, using executive orders and rule changes. For him, this has the advantage of tackling bureaucratic hostility to faith-based groups.” \* \* \* In my view, the initiative has always been a reinventing government strategy. There is no retreat, but the *Post* editorial was right to call attention to government reform in place of the conventional focus on legislative agenda.

For sure, government reform is not the whole story. One goal has always been to use the bully pulpit to encourage greater private giving to charities—partly through law and partly through his speeches. This part of the initiative has turned outward instead of inward to improve government’s own operations. And the administration, of course, has promoted particular programs—the voucherized drug treatment idea, mentoring the children of prisoners, the compassion capital fund grants to expand the ability of technical assistance intermediaries to equip small groups to improve their fundraising, management, and programs.

Yet from the start, the primary focus of the Bush faith-based initiative has been on improving government operations. That means it’s not a movement to trash government or simply to dump federal responsibilities on the doorsteps of churches and charities. Instead, it aims at reform, at improving the government’s operations and impact. Our federal, state, and local governments spend hundreds of billions of dollars on programs to uplift communities, divert youth from crime and drugs, move individuals to self-sufficiency and so on. How well are we doing? Well, clearly there is much room for improvement.

The president has proposed that one reason these programs have not been more effective is because they have ignored or not adequately taken account of some of the most important forces in civil society—groups that already, on their own, using their own resources, with few resources—labor hard on behalf of their neighbors. These groups that he calls “neighborhood healers”—both faith-based and secular—are intimately involved in the lives of families and neighborhoods that need assistance, and they go beyond material needs to address values and hopes, and habit, morals, and the spirit. So one aim of the faith-based initiative is to make sure these kinds of groups can partner with federal efforts.

There is a related motivation: The administration’s conviction that the exclusion or uncertain inclusion of faith-based groups from federally funded programs is due to a mistaken and obsolete reading of the constitutional requirements. Equal treatment and a level playing field—these concepts better implement the twin constitutional requirements of no establishment and religious liberty than does the old idea of no aid to religion. In this sense, something like the faith-based movement is not only permitted by the Constitution, but required by it.

So, how to build better connections between government programs and neighborhood groups, how to ensure equal treatment of faith-based organizations—these are not so much questions of grand legislative strategies as of government reform, of reinventing the way the federal government works across the sweep of its social service programs and reaching into how state and local governments use federal funds to provide services.

So what's been going on with the faith-based initiative and what will happen next? Well, since I left the White House Office of Faith-Based and Community Initiatives, I'm not privy to their specific plans—you'll have to ask them—but the trajectory of action, I think, is plain. When federally funded programs obstruct participation by faith-based and community groups; when federally funded programs don't share information, like technical assistance, effectively to such groups; when the design of federal programs disregards the good works done all across the nation by religious and secular neighborhood healers, then Bush's faith-based initiative will be working to identify the specific causes of these obstructions and to propose solutions. Reform may require legislation. There has been some; there will be more. It may require changed regulations, as we've seen. Perhaps just new guidelines instead of updated legal advice, or administrative program redesign, or the inclusion of fresh expertise on grant review committees, and so on.

The focus is improving governmental operations, making sure that federal social service spending actually makes a positive difference in the lives of people who need the help of others. Making the government faith-friendly is a major part of that strategy—faith-friendly, not biased towards faith and against secular providers. Being faith-friendly is important because that's what the Constitution demands, and government ought to be faith-friendly because so much social service work is performed by faith-based organizations. If government is going to do well, it needs to partner with others who are doing well out in the community.

#### BARRY LYNN:

Two years ago, when President Bush first announced his faith-based initiative, I told an interviewer that it was the worst idea since they took King Kong from Skull Island and brought him to New York. And I would now like to apologize to King Kong, because the president's program is infinitely worse. Now having achieved a cheap laugh, I'd like to try to prove that what I've just said is correct.

Even though the president's program was never implemented legislatively, never passed Congress, it certainly is being implemented in a kind of stealth atmosphere. Virtually everything, though, that has happened in the program demonstrates what I'd consider unfortunate—either intended or unintended—effects of any government-funded religion program. All the particular problems find their genesis in a fundamental design flaw, which is the idea that you can protect constitutional interests by simply proclaiming that public funds may go to religious groups so long as they are not used for religious instruction, worship, or proselytization. The kind of magic formula, as often phrased by administration officials, is that tax dollars, they say, will be used to buy bread, not Bibles. This conveniently ignores, though, that the government does fund religion when it funds some loaves of bread for the church-based hunger program, because it also, in the process, frees up more church funds to buy scriptures or to increase the salary of the pastor.

Moreover, it's not possible for most religious groups to turn off the religious ele-

ment of what they are doing when a federal dollar floats by, but turn the spiritual spigot back on when it is a voluntarily contributed dollar. So the matter, in practical effect, in most cases, is that grants or contracts with pervasively religious groups do aid, do promote, do foster religion with tax dollars, violating a core principle of the First Amendment. And in the process, those funds promote the theological assumptions, the spiritual message, and the biases of the recipients.

\* \* \*

The first major problem is this: The administration has made every effort to legitimize the funding of invidious job discrimination. In every set of proposed regulations, in the president's December executive order there is clear language that permits a recipient to hire persons to run taxpayer-funded programs solely on the basis of their religious affiliation or beliefs. This means that a Roman Catholic provider can refuse to hire or fire at will a pregnant, single mother. It effectively permits a fundamentalist Christian church to put the words "No Muslim Need Apply" on top of its employment form.

The president asserts this is designed to protect the integrity of the religious identity of the organization, and, of course, private religious groups can make such employment decisions with privately solicited funds. However, the constitutional and, I'd argue, the moral calculus changes when tax dollars enter the equation. It was wrong to create a system where you can be taxed to help pay for a job you cannot get even if you are the most eminently qualified person for that position. I've never found that a Methodist ladles out the stew in a soup kitchen differently from a Hindu, nor do Baptists change the bed sheets in a homeless shelter using a different methodology than do, let's say, non-believers.

The administration has literally poisoned the employment pool, aiding and abetting state officials who want to dole out tax dollars to discriminating organizations. \* \* \* Folks, that is morally wrong. If you get government money, you have to be open to hiring the best-qualified person without regard to your religious opinion of him or her or the life he or she lives.

Second, there is a growing doubt about who will, in fact, be getting funds in this program. When George Bush was campaigning for the presidency, you may remember, he said that groups promoting hate would not be eligible, specifically mentioning the Nation of Islam. White House official Stephen Goldsmith has said that Wiccans could not get funding because they were not, in his words, "humane" enough to provide childcare services.

In America, we can personally have all kinds of biases about other religions based on our own theological differences. We know that just by listening to Jerry Falwell. I mean, he, on a regular basis, has opinions about everybody—Mohammed is a terrorist, Mohammed is a virulent man of war. I once had to remind Jerry Falwell on *Hardball* that there are actually people in America who thought that he was a virulent and hateful person. We can do that as individuals, but as government, we don't have an opinion and we shouldn't.

I cringe at the very idea that the government will put together lists of acceptable and unacceptable religions on the basis of the passion of the rhetoric or the idiosyn-

cratic nature of their beliefs. Government seals of approval for faith serve as just one exemplar of how little this administration understands about the First Amendment to begin with.

The third trend is that the faith-based initiative is becoming a perfect example of how the government tries to palm off on private groups the problems they can't or won't fix themselves. I used to predict, as Stanley reminded us, that this plan would amount to dumping the poor on the church steps one day, dumping a small bag of money there the next day, and then praying that the two find each other.

I didn't think that was a wise idea, but from the very outset the president's program contained little, if any, new money. He wants to pit the current providers against a raft of new faith-based providers for the crumbs from an increasingly small sliver of pie of federal funding for human needs. In the first year of his presidency, some of you know, he zeroed out an entire program for inner-city development. Nothing has changed. In the new budget, about 400,000 people may be kicked off the low-income fuel subsidy program, which of course primarily helps people heat their homes in the winter. Now think about this. If it's too cold in your apartment because you have lost your home heating subsidy, why should we be impressed if a small percentage of the newly homeless will be taken in by a federally funded, faith-based homeless shelter? That is not compassion; that is just stupid.

Fourth, the blatantly political nature of this whole effort is now abundantly clear. \* \* \* The administration has been setting up how-to seminars to lure people, particularly African American pastors, into hearing about this faith money, as one of their spokesmen calls it, and actually trying to convince them they might get some of it.

There was an overwhelmingly suspicious pattern about these meetings in advance of the recent elections. They were overwhelmingly being held in congressional districts deemed pivotal in the Republican effort to retain control of the House, or in states like Florida, with highly competitive gubernatorial races. In South Carolina, where this faith-based event was actually co-sponsored by the state Republican Party, the Democratic Party's invitation apparently got lost in the mail.

\* \* \*

Fifth, the administration is already paving the way for implicit and explicit restrictions on the content of religious programs that will be eligible for funding. For example, several grants have now gone to Christian groups for strengthening marriage. Marriage is a sacrament in most religious faiths. When a government funds a program that teaches that divorce is never acceptable in the eyes of God, doesn't this, in fact, give some kind of government blessing to certain theological beliefs? It's absolutely inevitable that grants will eventually be awarded after a review process which includes consideration of the theologies which under-gird the potential recipients' programs. That's a bad idea.

It's already occurring in regard to other programs. Outside the religious arena, funding for community-based sex education programs, of course, only goes to those that preach abstinence only before marriage, not just that abstinence is preferable. One program in Louisiana has been successfully challenged in federal court because tax dollars are paying for a blatantly fundamentalist curriculum. But if we go



one step further and restrict the content of a program run by a faith-based group, you are effectively giving preferential treatment and funding to some theological viewpoints over others.

It's not only liberals who worry about this. Joseph Farrah, a pretty conservative columnist, complained recently that some faith-based money might end up going through the Department of Energy to religious groups that have left-wing environmental views. After all, he said, many denominational structures actually believe in global warming. Can you believe that!? The National Council of Churches got behind that "What Would Jesus Drive?" campaign, which of course was a challenge to the auto industry's apparent belief in the God-given right of every man, woman, and driving-age child to own and operate an SUV. They were behind that stuff.

\* \* \*

We now know that the president wants to help more people with vouchers who happen to be addicted. They can use the vouchers so they can go to any treatment program they want, including those that believe that addiction is sin, pure and simple, and reject even a medical component to their programs. The Louisiana-based group the president praised in the State of the Union address is in that category. Again, though, we cannot afford, and constitutionally are not permitted, to fund religious conversions, even if that has a temporary side benefit of stopping a person from abusing an illicit substance. The successful court challenge of one of Wisconsin's "faith works" programs makes that very clear.

Of course, we don't know whether these untested programs even have that secondary effect of helping people, but to this administration, the facts really don't seem to matter very much to begin with.

\* \* \*

Sixth, and finally, we have mounting evidence that significant damage is being done to current ecumenical efforts and other community initiatives. \* \* \* In [one] incident, a homeless shelter for veterans west of Boston was told that its federal grant was being cut so substantially that almost 50 percent of the beds would be eliminated. Their lost funds were now going to be going to several faith-based shelters—not near Boston, although one was in Utah and one was in North Carolina. A veterans' activist told *The Boston Globe* bluntly that this meant more people in Massachusetts would be out in the cold and, "more people will die."

This is what happens when you look at the wrong problem in the first place. The problem in America is the crying need of human beings for help from somebody. It is not the false claim that faith-based organizations have not had a level playing field so we should make up for it by punishing secular groups that are doing their job. The whole program is so tempting, though—even if you believe everything I've said. The State of the Union address made it clear when the president started talking about some of the unmet needs—AIDS projects in Africa, hydrogen-powered cars. We know that the American people are never going to support the level of taxation necessary to pay for all of those programs and all of the programs all of us want, and therefore we must keep private philanthropy alive and well.

I remain very concerned that one of the unintended consequences of the faith-based initiative will actually be a reduction in voluntary faith-community giving to



others. If Uncle Sam is paying for the Wednesday night dinner for the homeless in your church, won't a few of your parishioners think about skimping on their pledge next year? And how do you get it back when Uncle Sam likes the Methodist program across the street more next year than he likes your program this year?

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## DISCUSSION QUESTIONS

1. *What would you do?* If a case concerning the faith-based initiative reaches the federal courts, it will most likely be on the grounds that the initiative violates the constitutional prohibition of government establishing religion (the "establishment clause"). The Supreme Court has established the "Lemon test" to determine whether a government action or law violates the establishment clause. The three-part Lemon test will find an action or law constitutionally acceptable if it (a) has a plausible secular purpose, (b) has a primary effect that is neither to advance nor prohibit religion, and (c) does not foster "excessive entanglements" between government and religion. With this standard in mind, you have been asked to submit an opinion column to the editor of a local newspaper indicating whether you would find the faith-based initiative constitutionally acceptable or constitutionally problematic.
2. Where would you draw the line between the appropriate and inappropriate use of religious belief and religious references by an elected public official? Are you comfortable with the use of religious language and imagery in public debate? Is it more problematic if a public official defends his or her actions by explicitly referring to religious beliefs rather than making secular references to "the values" that drive his or her decision making?
3. Carlson-Thies argues that the faith-based initiative is primarily about providing effective government services. Assuming he is correct, do Lynn's arguments retain or lose their persuasiveness? That is, if we were to find that a particular organization was exceptionally effective in combating drug use, should the government not be allowed to assist this organization because of its hiring practices or the possibility that certain theological messages would be conveyed to program beneficiaries?