

## **VI. THE OUTLOOK FOR FAITH-BASED INITIATIVES IN THE OBAMA ADMINISTRATION**

The message of change was front and center throughout President Barack Obama's campaign, inauguration and first days in office. From the decision to close Guantanamo Bay detention camp to lifting the restrictions on federally funded human embryonic stem cell research, sharp breaks from the past have been in abundant supply. But one signature effort of President George W. Bush may live on in fair measure under the Obama administration: the initiative to expand the participation of faith-based organizations in addressing poverty and other social problems.

Few topics have been more durably contentious over our nation's history than those involving intersections of church and state. And since few matters of domestic public policy were more controversial or more closely associated with Bush than his Faith-Based and Community Initiative, it is all the more surprising to see this effort continue despite sweeping change coursing through Washington with Obama's historic election. A closer look suggests time will reveal both continuity and change between the Obama and Bush approaches toward service partnerships between the government and religious groups.

### **SIGNS OF CONTINUITY**

Candidate Obama surprised many in April 2008, when he said if elected, he would launch his own effort as president to expand government social service partnerships with religious organizations. The Bush White House Office of Faith-Based and Community Initiatives did not function without controversy, and questions remain about its operation. Obama appeared to be aware of these criticisms when he proposed his own faith-based initiative during the campaign. "I still believe it's a good idea to have a partnership between the White House and grassroots groups, both faith-based and secular," he said July 1, 2008, at a community ministry in Zanesville, Ohio.

Obama has adopted much the same operational structure for his own faith-based initiative as the Bush administration. Like Bush, he has set up a high-profile office within the White House that will coordinate with satellite centers within the principal regulatory and grant-making federal agencies.

And like Bush, Obama also vowed to work more closely with state and local governments to encourage their efforts and move the faith initiative out of Washington. A study by the Rockefeller Institute's Roundtable on Religion and Social Welfare Policy found that more than half the states have enacted laws that identify faith-based organizations as potential participants in social service programs. And many states have special efforts underway to help religious organizations deal with the complexities of competing for grants and contracts.

### **SIGNS OF CHANGE**

On Feb. 5, 2009, Obama signed Executive Order 13199 establishing the White House Office of Faith-Based and Neighborhood Partnerships to be headed by Joshua DuBois, who was acclaimed for his work on religious issues and outreach for Obama's campaign. At the same time the president created a 25-member Advisory Council, naming 15 of its members then and the

remaining 10 in concert with the first meeting of the council, which was held April 6, 2009. The members of the Advisory Council serve for one-year terms and include a host of people with significant experience and wide-ranging views on church-and-state matters, as well as accomplished innovators in social service delivery.

In announcing the office and the Advisory Council at the National Prayer Breakfast, Obama said, “The goal of this office will not be to favor one religious group over another, or even religious groups over secular groups. It will simply be to work on behalf of those organizations that want to work on behalf of our communities, and to do so without blurring the line that our founders wisely drew between church and state.” In this executive order, Obama authorized the director of the new office to seek guidance from the Justice Department on specific legal issues regarding constitutional questions and nondiscrimination laws.

Developments to date indicate that Obama intends to diverge from the direction taken by Bush to concentrate on “leveling the playing field” for federal contracting to faith-based and other service organizations. Instead, Obama has placed greater emphasis on involving religious groups in larger, more-extensive policy development roles. He placed both the White House Office of Faith-Based and Neighborhood Partnerships and the Advisory Council under the purview of the Domestic Policy Council. He also named four priority areas, each with considerable breadth and complexity: improving interfaith relations both at home and abroad, strengthening the role of fathers in society, reducing poverty and developing policies aimed at reducing the number of abortions.

But the pivotal difference in the Obama and Bush approaches to partnerships with religious groups is their stance on whether religious organizations hiring for positions funded with taxpayer money retain the right they have under the Civil Rights Act to base employment decisions on a person’s faith. The hiring rights question remains mired in cloudy and contradictory policies Obama has inherited. Proponents of religious hiring rights – Bush among them – argue that allowing such preferences in hiring is essential to maintaining a faith-based organization’s religious identity and part of what makes faith groups’ approach to providing services distinctive. Opponents counter that religious groups should not be allowed to discriminate against people of different faiths when they are funded with public dollars and that applicants for publicly funded positions should not be barred because of their religious beliefs.

The issue of hiring rights has already put Obama and his council in a quandary. During the campaign, Obama said he would not support the right of faith-based groups who receive public funding to “discriminate against...the people you hire on the basis of their religion.” Once elected, however, Obama said his administration would consider religious hiring questions on a case-by-case basis while his advisors and legal experts at the Justice Department study the policy and the regulations they inherited from Bush. “The president strongly believes this is the best way to really fully understand this issue and other legal issues and make a decision that will actually survive scrutiny,” DuBois told a group of Jewish leaders in April 2009. DuBois said his office would continue to consult with the White House counsel and the attorney general to analyze the legal and policy implications for each case as it comes.

## UNRESOLVED ISSUES

There are other unresolved issues: whether and why religion influences the effectiveness of services provided by faith-based organizations, if and where such differences do exist. Although anecdotes abound, there is scant evidence measuring or distinguishing the ways in which religion may explain differences in organizational performance and program outcomes. It may be that faith-based organizations are effective because they possess a higher probability of having certain traits – such as staff commitment, service range, community ties and strong relationships with clients – associated with strong performance.

It may be that faith-based groups resonate in a different way than secular groups with some clients; they may be able to respond more fully and effectively to the needs of individuals for whom religion is already important. Or, it may be that by strengthening religious belief and practices among people in their care, faith-related programs enhance individuals' capacities to make fundamental changes in their lives and achieve secular goals of public social service programs. Unpacking these different pathways of influence on organizational performance will suggest very different avenues for public policy.

Other obstacles present themselves too. Resistance to government partnerships with religious organizations under the Obama administration may also come from the faith community, as it did under Bush. Some churches simply don't want to accept government support because they see it as a potential source of unwanted control. Others are unaware of or unprepared for public funding. As noted in this report, a survey sponsored by the Roundtable on Religion and Social Welfare Policy found that seven in 10 churches throughout the country sponsor social services, ranging widely from marriage counseling to food pantries. But relatively few congregations apply for or receive government funding to support such services. Many, in fact, don't even know about changes in federal law over the past 10 years that were intended to make it easier for religious organizations to participate in taxpayer-funded services.

Among congregations that have sought government funds for social services, more than three-quarters found it hard to apply for and manage grants, according to the Roundtable's survey. Few have the organizational capacity and practices necessary to properly receive, manage and account for public funds. Several of the members of Obama's Advisory Council are leading experts in working with and developing the capacity of smaller groups close to the community. It will be important to see what comes from this process.

## MOVING FORWARD

Thus far, the Obama administration has begun to set out its own efforts to strengthen nonprofits and faith-based groups. The Strengthening Communities Fund, created by the American Recovery and Reinvestment Act of 2009, will make \$50 million worth of grants available for two programs:

- the Nonprofit Capacity-Building Program, which provides two-year matching grants of up to \$1 million to support faith-based and secular nonprofits.
- the State, Local and Tribal Government Capacity-Building Program, which provides two-year matching grants of up to \$250,000 to governments to help strengthen faith-based and

secular nonprofits that are aiding families and communities during this economic downturn.

On the legislative front, extension of citizens' service programs was accomplished swiftly through the Edward M. Kennedy Serve America Act of 2009. However, reauthorization is still due this year for the Workforce Investment Act, whose programs are implicated in major ways in the American Recovery and Reinvestment Act, the massive effort by Obama and the 111<sup>th</sup> Congress to stimulate the economy. The Temporary Assistance for Needy Families program – and the core Charitable Choice provisions it contains – comes up for reauthorization in 2010. Both of those bills were the subject of intense debate in Congress over religious hiring rights, and one wonders whether advocates in those debates will again take up their positions in the trenches or be pulled toward consensus in a new environment.

“The big picture is that President Obama believes faith-based and smaller secular neighborhood organizations can play a role in American renewal. They can work with the federal government to address big problems. We're also going to make sure we have a keener eye toward the separation of church and state,” Joshua DuBois said in a February interview with The Associated Press.

In the *Christianity Today* blog on April 13, 2009, Melissa Rogers, director of the Center for Religion and Public Affairs at the Wake Forest University School of Divinity and a member of Obama's new Advisory Council, summarized the president's approach this way:

“The Obama White House has said that ensuring that these partnerships are in compliance with the Constitution is a priority, as is making sure that they are effective and sensibly arranged for both providers and beneficiaries. It has said it won't measure success by how many religious groups or secular groups get government money, but by whether its policy goals (like bringing about an inclusive economic recovery) are being achieved through these partnerships.

“The Obama office has a much broader mandate. There is an effort to see, for example, where the areas of agreement are on issues like encouraging responsible fatherhood, reducing the number of abortions, and promoting good stewardship of the environment. And the administration is involving religious and secular communities not only in discussions about social service partnerships but also about what the government's policy should be on domestic and global poverty.”

The decisions of the new Obama administration and the next sessions of Congress will have a substantial effect on the continuation and expansion of the Faith-Based Initiative and related policies. The future rulings in the courts and the arc of interpretation of the First Amendment's Free Exercise and Establishment clauses will also shape the course charted by this new White House Office of Faith-Based and Neighborhood Partnerships. Of course, much also depends on the competing social and economic challenges and priorities facing the nation.