

BLACK CHURCHES AND FAITH-BASED INITIATIVES:
ARE THERE HOLES IN THE WALL
OF SEPARATION OF CHURCH AND STATE?

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ABSTRACT

Using the provision of charitable choice included in Section 104 of the Personal Responsibility and Work Opportunity Act of 1996 as his foundation, President Bush made it a priority to expand its role and therefore that of the faith-based community in the delivery of social services. This faith-based element rests on President Bush's domestic policy agenda of "compassionate conservatism."

Many have argued that the African American church is in a position to capitalize on the public funding provided to meet the needs within their community. Through a descriptive analysis looking specifically at three faith-based collaborations in the city of Philadelphia, this thesis examines the role of the religious organization in

working with government in the delivery of services and examines if one emerges as "controlling" the other.

CONTENTS

ABSTRACT	ii
CHAPTER 1: Introduction	1
CHAPTER 2: THE RISE OF THE FAITH-BASED INITIATIVE	7
CHAPTER 3: HISTORY OF THE AFRICAN AMERICAN CHURCHES' ROLE IN THE COMMUNITY	37
CHPATER 4: THE DICHOTOMY WITHIN THE AFRICAN AMERICAN RELIGIOUS COMMUNITY	48
CHAPTER 5: WHO'S CORRUPTING WHOM?	61
CHAPTER 6: CONCLUSION	92
BIBLIOGRAPHY	97

CHAPTER 1: INTRODUCTION

Religion has played an integral role in American lives. It has created and sustained movements calling for the end of slavery, promoting women's rights, prison and asylum reform, developing child welfare, worker protection and mother's pensions. Religion was a major force behind liquor regulation, racial desegregation and civil rights legislation. People moved to political action through religious affiliations have also been important in everyday politics and elections.

Several public policies today seek to devolve social welfare responsibility from the federal level to state and local authority. The most controversial of these policies is charitable choice. Charitable choice and faith-based initiatives are considered attractive by policy makers, scholars and the general public because they place importance on prudence, individual responsibility, less government, responsiveness and flexibility in the delivery of services. Unlike public assistance and services, faith-based support addresses both material and spiritual

needs.¹ It allows for clients to become personally invested in their own treatment or resolution of their situation.

Like any policy, there are proponents and opponents to charitable choice and faith-based initiatives. The disagreements do not fall along party, religious or partisan lines. Reactions create divides among and within those groups impacted by the law.

Supporters believe that religion should play an increased role within civil society and that religious groups have been discriminated against in the past. They view charitable choice as "leveling the playing field." Additionally, advocates argue that people are body-soul entities. Therefore, programs that offer spiritual transformation in cooperation with the best socio-economic and top medical care will be more successful than programs addressing only "half" of the problem with "half" of the solution.

¹ Telly C Whitfield, "Compromising our Integrity: "Charitable Choice" and the Black Church," *The AME Church Review* (October-November 2003): 49.

Opponents are concerned about religious coercion of recipients as well as eroding the wall between church and state. Religious leaders fear acceptance of government funds will lead to bureaucratization of congregations, church dependence on government funding and government interference with religious practices and church activity. Critics also fret that charitable choice is a step toward transferring the full responsibility of healing social ills to the private sector.

Currently, congregations are providing an array of basic social services such as food banks and clothing collections. The more complex services necessary to alleviate poverty are provided at a significantly lower level. According to Mark Chaves's findings in the National Congregational Study,² the following complex services are provided:

- Domestic violence programs - 4%
- Prison related programs - 2%
- Substance abuse programs - 2%
- Tutoring and mentoring programs - 1%

² Mark Chaves, *Congregations in America* (Cambridge, Mass.: Harvard University Press, 2004), 44-93.

- Job training - less than 1%

Chaves found when congregations conduct social services; they often do so in cooperation with government and/or other nonprofits. Twenty-one percent of congregations partner with the government in the delivery of services. Research shows that there are four primary reasons for a church's willingness to apply for government funding in the delivery of social services:

1. The nature of the organizational environment of the congregation
2. A congregation's racial and social class composition
3. The extent to which the congregation's constituents are in the surrounding neighborhood
4. The theological and political inclinations of a congregation's constituents³

Regarding race, a church's ethnic makeup is by far the greatest predictor of its enthusiasm to apply for government funds. Two-thirds of African American congregations, when surveyed, expressed a willingness to seek government monies, compared with twenty-eight percent

³ Ibid.

of predominantly white congregations.⁴ When other differences such as size and denomination are controlled, predominantly African American congregations are five times more likely than other congregations to express interest in seeking public support for social service activities.

Social service and community development collaborations between African American churches and government date back to at least Reconstruction and then expanded further during the late 1960s and early 1970s with President Johnson's Great Society.⁵ Most often located in poor urban centers, African American churches are essential to African American communities. With a history of spiritual engagement, civic activity and social support, African American churches can be viewed as logical participants in charitable choice and other faith-based initiatives. African American church leaders are well aware of the significant social capital at their

⁴ Mark Chaves, "Debunking Charitable Choice: The evidence doesn't support the political left or right," *Stanford Social Innovation Review* (Summer 2003): 35.

⁵ R. Drew Smith, *New Day Begun: African American Churches and Civic Culture in Post-Civil Rights America* (Durham, NC: Duke University Press, 2003), 6.

disposal to contribute to welfare programs, however, they are torn on whether to put that capital at the service of the federal government.

The increased availability of federal funds has created tensions within African American churches as leaders argue as to the best approach for bringing resources to their communities. Should the community empowerment and services be derived from resources they can control or should they seek and accept federal assistance that comes with political attachments and statutory and constitutional strings? Using the dichotomy within African American churches as a microcosm of the broader church-state issue, this thesis will examine the quandary as to whether a closer church-state relationship corrupts either or both of these vital institutions and whether any policy so surrounded with legal and political controversy can succeed.

**CHAPTER 2:
THE RISE OF THE FAITH-BASED INITIATIVE**

What is charitable choice?

The care for the poor in 20th Century America cannot be fully understood without considering the various roles that religion played, including the delivery of a wide range of services outside of the government welfare system, advocating for changes in the welfare policy and raising questions about how much and what kind of assistance is offered. Over time, however, religion's role in social service delivery has become less prominent and visible.

The marginalization of religion's role during the postwar years and in the Great Society's War on Poverty in the 1960s was due in part to the new path for American welfare development. Two changes were significant. First, there was a shift to a government-centered system of assistance. This was a change from a variety of local organizations to a complex secular government-operated system with government funded programs. Secondly, there was a trend to define welfare as nondirective assistance.

The New Deal-Great Society welfare structure implemented a government-managed system and expanded the care for those in need. With this infrastructural change, it yielded little room for either the religious organizations or their distinctive traditional concerns. During this time, government did not eliminate religious organizations completely from the welfare system. In fact, the various levels of government continued to collaborate with religious organizations and programs that included religious practices. For example, the federal government still worked with Catholic charities to run hospitals and shelters for the homeless as well the continued relationship with the Salvation Army.

However, the religious groups were under intense pressure to set aside their religious components. To address this pressure, a multitude of religious organizations, including African American churches, established separate nonprofit organizations to conduct their social service programs and to cooperate with government. During the late 1960s and early 1970s, a large number of them incorporated and registered as tax-

exempt organizations under the IRS tax codes. This was during a time when the federal government and private foundations were making sizable investments in grassroots and community-based organizations under the banner of the Great Society.¹

The welfare reform effort of 1996 again changed the direction of social service delivery in America. Rather than maintaining complete authority over the disbursement and specific use of public funding, the increasing federal dominance was shifted by redirecting the focus to a system of state and local design and control of welfare. A shift in purpose took place, with the emphasis on empowerment for self-sufficiency rather than on income maintenance. Lastly, public welfare was no longer regarded as a government-centered activity. It is now perceived as a joint effort with civil society, specifically including religious organizations.

Until George W. Bush's presidential campaign and later election to the White House, little attention had

¹ Andrew Walsh, ed., *Can Charitable Choice Work?: Covering Religion's Impact on Urban Affairs and Social Services* (Hartford, Conn.: The Pew Program on Religion and the News Media, Leonard E. Greenberg Center for the Study of Religion in Public Life, Trinity College, 2001), 99.

been paid to a provision included in the 1996 welfare reform legislation known as charitable choice or to the larger transition taking place in the delivery of social services in the country.

As Missouri governor, John Ashcroft noted that faith-based organizations appeared to be doing a better job than secular agencies in the delivery of welfare services. Later in the spring of 1995, then as a senator, while working on welfare reform legislation, Ashcroft requested the assistance of his staff in developing legislation to encourage an increased involvement of faith-based organizations. One of his staff members, Annie Billings, presented the concept of charitable choice to Ashcroft. Billings was first introduced to the concept by her law professor at the University of Missouri School of Law, Carl Esbeck.

Professor Esbeck wrote and presented a paper on how religious organizations are regulated when they receive government funds. He argued that the regulation prevented religious organizations from fully reaching their potential in the delivery of social services. Included in

his presentation, Professor Esbeck developed draft legislation to solve the problems he identified. The paper and draft legislation was shared with Billings, who in turn shared it with Senator Ashcroft as the solution to his request.

Through a great deal of urging Senator Ashcroft was able to first introduce charitable choice in Section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. After battles in both the House and the Senate, President Clinton vetoed the first attempt in its entirety as well as a similar bill in the spring of 1996. Then in the summer of 1996, Congress again passed the welfare bill with the charitable choice provisions; this time Clinton signed it into law.²

Technically, charitable choice is a guideline about procurement; outlining who can compete for government funds to provide welfare services and on what terms. It is not exactly clear what charitable choice permits that was not previously permitted³ at least *de facto*.⁴ The new

² Ronald J. Sider, "Evaluating the Faith-Based Initiative: Is Charitable Choice Good Public Policy?," *Theology Today* (January 2005): 488.

rules were not intended to substitute religious charities for government welfare. Instead the provision is widely interpreted as establishing by statute that organizations whose main activity is religion may accept government funding for the delivery of services without the pressure to eliminate their religious character. The primary goal of charitable choice is to bring religion back into the American welfare system.

As it was laid out in the 1996 legislation, charitable choice rests on four principles:

1. Level the playing field for faith-based organizations
2. Respect for the integrity of faith-based organizations
3. Protection of clients
4. Church-state separation

In "leveling the playing field," charitable choice was developed with the intention of making it easier for

³ Prior to the passage of charitable choice, religious organizations were permitted to seek government funding. Despite this fact, many religious organizations established separate non-profit organizations to do so with the intent of avoiding any constitutional violations of the separation of church and state.

⁴ Andrew Walsh, ed., *Can Charitable Choice Work?: Covering Religion's Impact on Urban Affairs and Social Services* (Hartford, Conn.: The Pew Program on Religion and the News Media, Leonard E. Greenberg Center for the Study of Religion in Public Life, Trinity College, 2001), 836-37.

faith-based organizations to seek government monies for the delivery of social services. Charitable choice was designed to allow religious organizations to retain their religious identity, while still providing publicly financed services.

Proponents of charitable choice argue that faith-based organizations are best suited to deliver social services to those in need within their community. Jim Towey, former Director of the White House of Faith-Based and Community Initiatives, states:

President Bush has said repeatedly that government cannot love, and that is why he sees great promise in the ability of faith-based organizations and other community groups to touch the lives of people in lasting ways.⁵

For the organizations to "touch lives" in "lasting ways," it is believed that faith plays a vital role.

The final two principles - protection of clients and church-state separation - rest on similar opinions respecting the Establishment and Free Exercise Clauses of the First Amendment. Both are intended to avoid any First

⁵ E.J. Dionne, Jr., Jean Bethke Elshtain, and Kayla M. Drozdzeds, eds., *One Electorate Under God?: A Dialogue on Religion & American Politics* (Washington, D.C.: Brookings Institution Press, 2004), 215.

Amendment violations, while allowing for government to expand its relationships with faith-based organizations in meeting needs within the community.

Included in the provisions found in Section 104 are many stipulations designed to protect the First Amendment rights of both the applicants and the recipients of the services.⁶ Those stipulations are:

- Religious organizations remain independent of government and retain control over their beliefs, practice and expression.
- Religious organizations are not required to remove religious art and/or symbols from the facilities in which services will be delivered as a part of their participation.
- Faith-based organizations may discriminate in their employment practices on religious grounds.
- Funds received are subject to audit similar to any other grantee/contractor.
- None of the funds received directly may be spent on sectarian worship, instruction or proselytizing.
- Faith-based organizations may not discriminate on religious grounds in the delivery of services to beneficiaries or potential beneficiaries.
- Should an individual have an objection to the religious character of the organization,

⁶ Domestic Social Policy Division. Congressional Research Service. 2006. *Charitable Choice Rules and Faith-Based Organizations* by Joe Richardson. Washington, DC, 2-3.

government needs to provide accessible alternative.

During the following year, Congress attached similar provisions to the Welfare-to-Work program amendments of the 1996 law. In 1998, with the reauthorization of the Community Services Block Grant program, legislators added charitable choice language to funding for services administered by community action agencies in low-income communities. Similar language was also added to the reauthorization of federal drug treatment funding administered by the Substance Abuse and Mental Health Services Administration.

Charitable choice received little opposition. It is also interesting to note that the legislative efforts surrounding charitable choice received little attention from the faith community. There was no pressure to pass the effort, nor was their much initial support from them. A "Working Group for Religious Freedom in Social Services" lobbied against the effort and distributed a packet of

information against charitable choice.⁷ For the most part, however, it appears as if the issue of charitable choice slipped in under the radar.

The Bush Administration's Efforts to Expand Charitable Choice

The Clinton Administration did little to promote or implement the provisions of charitable choice included in Section 104, allowing for President Bush to capitalize on the provision to lay groundwork for his expanded faith-based and community initiative. President Bush brought it into the public's view.

Early in George W. Bush's campaign for the White House, his political advisor, Karl Rove, introduced him to a variety of books and political thinkers. Included among the books suggested was Marvin Olansky's book, The Tragedy of American Compassion. It is with this book that Bush began to shape his philosophy of compassionate conservatism.⁸ In describing his philosophy he states:

⁷ Ronald J. Sider, "Evaluating the Faith-Based Initiative: Is Charitable Choice Good Public Policy?," *Theology Today* (January 2005): 489.

⁸ Jo Renee Formicola and Mary C. Segers, *Faith-Based Initiatives and the Bush Administration: The Good, the Bad, and the Ugly* (Lanham, Md.: Rowman & Littlefield Publishers, 2003), 28-31.

I call my philosophy and approach compassionate conservatism. It is compassionate to actively help our fellow citizens in need. It is conservative to insist on responsibility and results. And with this hopeful approach, we will make a real difference in people's lives.⁹

Relying on the writing of Olansky, he stepped outside of the traditional Republican mold when addressing welfare. President Bush believed that the most authentic kind of compassion does not result from government spending, but from helping citizens build their own lives. The aim of his philosophy was not to spend more or less money, but to spend money only on what works. The measure of compassion is more than good intentions, it is about good results.¹⁰

As Texas governor, George W. Bush was one of the first political leaders to put this notion into practice. He established a state policy of partnering with religious groups to assist in the delivery of social services for the state. For President Bush, charitable choice has both

⁹ U.S. President. 2002. Fact Sheet: Compassionate Conservatism. <http://www.whitehouse.gov/news/releases/2002/04/20020430.html> (accessed November 23, 2008).

¹⁰ Ibid.

personal and political significance. On a personal level, President Bush has spoke of his own religious conversion that helped him turn his life around and overcome a drinking problem. Politically, charitable choice allowed him to expand his appeal beyond his core base of the religious conservatives and evangelicals to Latinos and African Americans.¹¹

President Bush made the promotion of increased involvement by faith-based and community organizations in federally funded social service programs a key element of his domestic agenda. Upon taking office in January 2001, President Bush put forth a legislative agenda, which included a substantial expansion of tax incentives for charitable giving and an extension of charitable choice to most federal government social programs. To assist in the implementation of his agenda, he issued two executive orders, EO 13199 and EO 13198.

¹¹ Michele Estrin Gilman, "Fighting Poverty with Faith: Reflections on Ten Years of Charitable Choice," *The Journal of Gender, Race & Justice* (March 2007): 400.

The issuance of EO 13199 served two primary purposes. The first allowed for an explanation of President Bush's policy position.

Faith-based and other community organizations are indispensable in meeting the needs of poor Americans and distressed neighborhoods. Government cannot be replaced by such organizations, but it can and should welcome them as partners. The paramount goal is compassionate results, and private and charitable community groups, including religious ones, should have the fullest opportunity permitted by law to compete on a level playing field, so long as they achieve valid public purposes, such as curbing crime, conquering addiction, strengthening families and neighborhoods, and overcoming poverty. This delivery of social services must be results oriented and should value the bedrock principles of pluralism, nondiscrimination, evenhandedness, and neutrality.¹²

Most notably, the Executive Order, EO 13199, fulfilled his second purpose by creating the White House Office of Faith-Based and Community Initiatives. This office was tasked with taking the lead responsibility in establishing policies and priorities. Including the coordination of public education designed to mobilize public support for faith-based and community nonprofit initiatives through volunteerism and special projects. It

¹² U.S. President. 2001. Executive Order no. 13199, Establishment of White Office of Faith-Based and Community Initiatives. <http://www.whitehouse.gov/news/releases/2001/01/print/20010129-2.html> (accessed November 23, 2008).

was also charged with providing policy and legal education to state, local and community policymakers and public officials seeking ways to empower faith-based and other community organizations and to improve the communities, capacity, and expertise of such groups.¹³

The second Executive Order, EO 13198, created Centers for Faith-Based and Community Initiatives in five agencies: the Departments of Health and Human Services, Housing and Urban Development, Education, Labor and Justice. Each center was mandated to work with the White House Office of Faith-Based and Community Initiatives to ensure their agencies were as open and supportive as possible to successful faith-based and grassroots organizations and to identify and to eliminate regulatory, statutory and administrative obstacles to the participation of faith-based and community organizations in the providing of federally funded social services.¹⁴

¹³ Ibid.

¹⁴ U.S. President. 2001. Executive Order no. 13198, Agency Responsibilities with Respect to the Faith-Based and Community Initiatives. <http://www.whitehouse.gov/news/releases/2001/01/print/20010129-3.html> (accessed November 23, 2008).

President Bush's executive orders inspired activity within state and local governments and in non-governmental groups. More than thirty-five states have established faith-based liaisons, offices or task forces within their social services bureaucracies. Their primary mission is to increase involvement of religious organizations in publicly funded social services.¹⁵

In a White House announcement, President Bush outlined his proposed legislation. The 107th Congress refused to pass President Bush's agenda as he presented it. Instead the House took up a modified version in the form of H.R. 7, the "Community Solutions Act of 2001," which was sponsored by Representative J.C. Watts (R, Oklahoma) and supported by forty-four other members. H.R. 7 included an expansion of charitable choice, tax incentives for charitable giving, limitations on corporate liability for charitable donations of equipment and modifications to the program of individual development accounts for low income persons.

¹⁵ Mark Chaves, "Debunking Charitable Choice: The Evidence Doesn't Support the Political Left or Right," *Stanford Social Innovation Review* (Summer 2003): 31.

The measure passed the House on July 19, 2001 by a vote of 233-198 that essentially followed party lines with only fifteen Democrats supporting the bill. The opponents argued that government funds should not be used for "religious discrimination" in employment hiring practices.

Despite strong White House support, this piece of legislation ultimately stalled in the Senate due to concerns surrounding the constitutionality and the general concept of distributing federal funds to organizations in which religion plays such a fundamental role in the execution of social services. The Senate Judiciary Committee stressed that charitable choice was "not new" and had been previously enacted four times. H.R. 7 never reached the Senate floor for a vote.

A joint initiative, S. 1924, was proposed by Senators Santorum and Lieberman as a compromise to H.R. 7 with the Bush Administration's immediate support and push for adoption. The "Care Act of 2002" including more generous tax attempted to reach a political compromise and garner the necessary support by including more generous tax incentives for charitable giving and modifications of the

individual development account program. H.R. 7 did not include the limitations on corporate liability and eliminated most of the charitable choice provisions. During Committee hearings, Representative Watts announced he would accept the compromise if the Senate passed the measure and would urge its support in the House.

As with H.R. 7, S. 1924 was supported primarily by Republican members. Despite various attempts at modifications at the Committee level, unanimous consent agreement could not be reached leaving this measure without a floor vote as well.

One final effort was presented in the House, H.R. 4737. This would have allowed for reauthorization and extension of the 1996 legislation. It did not contain amendments to the charitable choice provisions of TANF, but authorized a new program of grants to the States to promote healthy marriages. A modified version of the legislation was reported by the Senate Finance Committee, but again, received no further action.

Much to President Bush's dismay, the plan for quick passage was halted by several factors. The first was

Vermont Senator James Jefford's decision to switch to the Democratic Party. His switch brought about a shift in the Senate majority from the president's Republican Party to the Democrats.

The second factor was the issue of the constitutionality of the various proposals. This concern ultimately caused Democratic Senator Joseph Lieberman to pull his support from the Senate bill. Not alone, Senators from both sides called for further exploration and explanation before taking a vote. As is often the case, politics slowed down efforts to pass expanded charitable choice legislation.

The final blow to the passage was the terrorists' attacks on September 11, which diverted attention from this controversial issue to the pressing issues of national security, recovery and terrorism.

Not to be deterred, President Bush attempted to bring about the same end by administrative fiat that he was unable to accomplish by legislation. On December 12, 2002, Bush issued two further executive orders: EO 13280 and EO 13279. The first, EO 13280, created Centers for

Faith-Based and Community Initiatives in two additional agencies: The Department of Agriculture and the Agency for International Development.¹⁶ The second, EO 13279, directed the seven departments and agencies to comply with charitable choice. It went a step further than previous orders by allowing for the discrimination on religious grounds in employment practices.¹⁷

After election to a second term, President Bush issued two additional Executive Orders to further assist his commitment to expanding his faith-based and community initiatives. In June 2004, he created three new Centers for Faith-Based and Community initiatives at the Departments of Commerce and Veterans Affairs and the Small Business Administration. Later in March 2006, he created

¹⁶ U.S. President. 2002. Executive Order no. 13280, Responsibilities of the Department of Agriculture and the Agency for International Development with Respect to Faith-based and Community Initiatives. <http://www.whitehouse.gov/news/releases/2002/12/print/20021212-5.html> (accessed November 23, 2008).

¹⁷ U.S. President. 2002. Executive Order no. 13279, Equal Protection of the Laws for Faith-based and Community Organizations. <http://www.whitehouse.gov/news/releases/2002/12/print/20021212-6.html> (accessed November 23, 2008).

a subsequent center at the Department of Homeland Security.¹⁸

**What are the strengths and challenges
of the faith-based initiative?**

There are proponents and opponents to charitable choice and the faith-based initiative. Both sides present solid arguments in support of their position.

First, those supporting the faith-based initiative believe that faith-based organizations and their approach to providing social services is the answer to healing society's social ills. They argue that places of worship and religious-based nonprofits are already serving those in need and are providing the service in a much more personal way. Government social services are claimed to be bureaucratic, cold and uncaring; the personal delivery of services by faith-based organizations is believed to foster a deeper transformation of the person ultimately eliminating their dependency on the assistance in the future.

Secondly, charitable choice and the faith-base initiative are believed to eliminate the discrimination

¹⁸ See Executive Orders 13342 and 13397 for more information.

faced by religious organizations. Supporters argue that faith-based organizations that visibly integrate faith components into the delivery of their services were frequently deemed ineligible for funds despite billions of federal dollars directed to secular but religiously affiliated organizations such as the Salvation Army, Catholic Charities, Lutheran Services of America and the Jewish Federations. The implementation of the faith-based initiative "levels the playing field" for faith-based organizations to compete for government funds without eliminating the faith component from their programs.

Thirdly, supporters contend that the faith-based initiative focuses on outcomes, on whether the provider is able to produce specific results, and not on the perceived religiosity of the program. The provider is held accountable. For example, the provider is responsible and accountable for the number of individuals completing job training or effective drug rehabilitation. Ronald J. Sider summarizes this argument best when he states:

Under charitable choice, government neutrality toward all forms of religious or philosophical worldviews becomes the norm, because government no longer favors some forms of religion (more secular versions) over

others (more pervasively religious), but rather offers a level playing-field, choosing social-service providers on the basis of their proven effectiveness in providing specified public goods.¹⁹

The majority of opposition toward faith-based initiatives stems from concerns surrounding the overall constitutionality of the proposal. First, there were concerns that despite the various provisions included in the legislation and the executive orders they still violate the Establishment Clause of the First Amendment. By allowing direct federal funding to the faith-based organization, government becomes entangled and thus defies the First Amendment. In theory, applicants have the right to seek a different provider if they desire. However, the applicants may not feel they are in the position to challenge the religious nature of the services. Opponents argue this could lead to government funded proselytizing.

Secondly, there are expressed fears that the faith-based initiatives will lead to civil rights infringements, in particular those revolving around the hiring practices of the faith-based organizations. The opponents argue

¹⁹ Ronald J. Sider, "Evaluating the Faith-Based Initiative: Is Charitable Choice Good Public Policy?," *Theology Today* (January 2005): 491.

that allowing grantees to "discriminate" in their hiring practices based on faith beliefs is improper, if not illegal.

Thirdly, by participating in the faith-based initiative, religious organizations are putting themselves at risk. It is understood that government will require accountability with the expenditure of such funds. With the accountability comes the unavoidable risk of excessive entanglement between government and religion. Some organizations may dramatically shift their approach in delivery to appease government policies and regulations. Others may engage in politically messy and polarizing competition with other organizations for the limited dollars available. Lastly, members of the organization may no longer feel the need to make private contributions at the receipt of federal dollars.

Legal and Constitutional Issues

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (U.S. Constitution, First Amendment)

The Founding Fathers developed the concept of separation of church and state to prevent the church from corrupting the government and in turn to prevent the government from corrupting the church. This is the logic behind the Religion Clauses of the First Amendment.²⁰ As the Supreme Court interprets the First Amendment, the justices have consistently focused on neutrality. Government should remain neutral in matters of religion while ensuring excessive entanglement between government and religious institutions does not occur.

Religions and governments are two of the most powerful human institutions to have ever been created...Because each is powerful in a different way, each is tempted to use the other to help accomplish its goals.

Governments are tempted to use religions to support their own legitimacy and, often with the best of intentions, to utilize the moral authority and outreach of religions to solve social problems. Religions are such valuable props that governments are often willing to support them with privileged positions, financial inducements and far too often the use of force.²¹

²⁰ Bruce T. Murray, *Religious Liberty in America: The First Amendment in Historical and Contemporary Perspective* (Amherst: University of Massachusetts Press, 2008), 32.

²¹ Jo Renee Formicola and Mary C. Segers, *Faith-Based Initiatives and the Bush Administration: The Good, the Bad, and the Ugly* (Lanham, Md.: Rowman & Littlefield Publishers, 2003), 77-78.

As noted earlier, charitable choice has implemented measures that, in theory, ensure their constitutionality. Funds are disbursed in a neutral manner, not providing favoritism to the religiosity of the organization. Safeguards have been put into practice that will prohibit the use of direct funding to be spent on sectarian worship, instruction or proselytizing. Faith-based organizations may not discriminate against beneficiaries or potential beneficiaries on religious grounds in the delivery of social services. Lastly, the recipient has the opportunity to object to the religious character of the organization or program and government is required to provide an accessible alternative.

However, charitable choice allows for the religious organization to discriminate in their employment practices based on religious grounds, to display religious art and symbols on the premises where services are provided and to practice and express their religious beliefs independent of government control. Additionally, there are no requirements for the government funded program to be incorporated separately from the sponsoring religious

organization. If the funds are received indirectly, i.e. via vouchers, the religious institutions retain the right to incorporate religious components or requirements of participants once in the program. Finally, charitable choice works on the premise that the faith-based organization employs their faith in the delivery of service.

Since its inception charitable choice has raised concerns of the overall constitutionality of the provision. With the expanded efforts executed by the George W. Bush Administration, additional concerns have surfaced. Litigation has been complicated because a great deal of President Bush's expanded initiative was enacted without the legislative backing from Congress.²² When addressing the various concerns, there are three common themes:

1. Violations of the Establishment Clause
2. Employment discrimination
3. Violations of free speech

²² Bruce T. Murray, *Religious Liberty in America: The First Amendment in Historical and Contemporary Perspective* (Amherst: University of Massachusetts Press, 2008), 128.

The largest issue at question when examining the constitutionality of charitable choice and the faith based initiative is the potential violations of the establishment clause. The question remains if it is constitutional for public funds to be provided to religious organizations that have the characteristics outlined above and that in some manner make use of their faith in carrying out the publicly funded programs.

When studying the distribution of funds, there is the consideration of direct versus indirect funding. For legal precedents, scholars point to the largest area of case law: public funding of parochial schools. The Court has deemed direct aid is constitutional.²³ However, the question of indirect aid, i.e. vouchers, does not include a long record of judicial precedent and leads to some

²³ In the case, *Agostini v. Felton*, 521 U.S. 203, 223 (1997), the Court ruled that aid flowing directly to religious organizations in the form of grants or cooperative agreements must remain "secular, neutral, and nonideological..." Government has been able to provide direct support to secular programs and services sponsored or provided by religious organizations, but it has been prohibited from directly subsidizing such organizations' religious activities or proselytizing according to *Committee for Public Education and Religious Liberty v. Nyquist*, 413 U.S. 756 (1973), *supra Lemon v. Kurtzman*, 403 U.S. 602 (1971).

ambiguity as to the position of the Court.²⁴ Nonetheless, the question remains if there is a truly independent decision maker between the government and the aid that ultimately goes to the religious entity.

Numerous civil rights concerns have also been raised in the debates on charitable choice and the faith-based initiative. The primary concern revolves around religious exemption in Title VII of the Civil Rights Act of 1964, which permits employment discrimination based on religious grounds. Federal law imposes a number of civil rights obligations on the provision of services in programs and activities that receive federal assistance.²⁵ However, there is no comparable statute that is directly applicable to religious discrimination in federally funded programs and activities. Occasionally, individual programs will

²⁴ *Zelman v. Simmon-Harris* 536 U.S. 639 (2002) allowed for less constitutional constraint on indirect funding. Providing assistance that allows individuals to "exercise genuine choice among options public and private, secular and religious" is true choice and does not violate the establishment clause.

²⁵ Included among those laws are Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975.

incorporate such a prohibition,²⁶ but there is no general prohibition.

The application of Title VII has been ruled constitutional with respect to the nonprofit activities of religious organizations.²⁷ It has also been applied to permit discrimination on religious grounds in a variety of circumstances when applied to religious organizations.²⁸

When examining the issue of free speech, there are more questions rather than answers. Is religion itself the social service? If religious proselytizing is effective as claimed by supporters, then can it be funded along with other approaches; for example, when prisoners turn their lives around after "finding Jesus" and "being saved"?

²⁶ See the nondiscrimination prohibition attached to the Head Start Program.

²⁷ The Court offered no comment with respect to the constitutionality of the exemption as it might be applied to any profit making activities of religious organizations in *Corporation of the Presiding Bishop of Church of Jesus Christ of Latter-Day Saints v. Amos*, 483 U.S. 327 (1987).

²⁸ In a variety of the state and district court cases, the Court upheld the right of the religious organization to resolve employment matters as it saw fit with respect to their religious beliefs. See *Little v. Wuerl*, 929 F.2d 944 (3rd Cir. 1991), *Porth v. Roman Catholic Dioceses of Kalamazoo*, 209 Mich. App. 630, 532 N.W.2d 195 (Mich. App. 1995) and *Hall v. Baptist Memorial Health Care Corporation*, 215 F.3d 618 (6th Cir. 2000).

Several additional decisions²⁹ addressing some aspects of charitable choice in general terms have come down from the Supreme Court and lower federal courts. While none of the cases specifically address the constitutionality of any of the current federally funded programs subject to charitable choice rules, the decisions may be an indication of how the courts will address any future challenges. It is important to keep in mind that a change in the membership to the Court could foreshadow future changes in the Court's jurisprudence on this issue.

²⁹ *Locke v. Davey*, 540 U.S. 712 (2004) addressed the constitutionality of provisions placed on the restrictions to the course of study for a college scholarship. In *American Jewish Congress v. Corporation for National and Community Service*, 323 F. Supp.2d 44 (D. D.C. 2004) ruled that AmeriCorps Education Award Program violated the establishment clause by providing awards to teachers who serve in religious schools and by making grants to the religious organizations that oversee such teachers.

**CHAPTER 3:
HISTORY OF THE AFRICAN AMERICAN CHURCHES' ROLE
IN THE COMMUNITY**

Introduction to the African American Church

When discussing the African American church, the term includes any predominantly African American congregation, even if it is a smaller piece of a predominantly white denomination. For academic purposes, scholars place the focus on the denominations that were founded and are controlled exclusively by African Americans. These include African Methodists Episcopal, African Methodist Episcopal Zion, Christian Methodist Episcopal, National Baptist Convention of America and the Progressive National Baptist Convention.¹

Serving as one of the few institutions to be owned and operated by African Americans, the church has been and continues to be the center of social and political activity within African American communities. W.E.B. DuBois described the church as "the central organ of the organized life of the American Negro" in his book the

¹ Focus for this discussion will use the term, the "African American church," in the broadest context including any predominantly African American congregation. Discussion and focus will remain on those denominations deriving from Christianity.

*Souls of Black Folk: Authoritative Text, Contexts, Criticism.*² Later religious scholars, Lincoln and Mamiya refer to the African American church as the “womb” of the community,³ playing a vital role in the expansion of new institutions such as schools, banks, insurance companies and low-income housing.

The first African Americans arrived in the United States as a part of the slave trade. This fact made their encounter with religion in the New World strikingly different than those from Europe and North America who arrived with their religion in tact.⁴ With them they brought their own unique tribal religions. Christianity was first introduced to the general slave populations through those who worked in the homes, later evolving into

² W.E.B. DuBois, *The Souls of Black Folk: Authoritative Text, Contexts, Criticism*, eds. Henry Louis Gates, Jr. and Terri Hume Oliver. (New York: W.W. Norton, 1999).

³ Eric C. Lincoln and Lawrence Mamiya, *The Black Church in the African American Experience* (Durham, NC: Duke University Press, 1990).

⁴ Barbara A. McGraw and Jo Renee Formicola, eds. *Taking Religious Pluralism Seriously: Spiritual Politics on America's Sacred Ground* (Waco, TX: Baylor University Press, 2005), 156.

the "invisible institution".⁵

In slavery, they adapted the Judeo-Christian texts to help them cope with their conditions. They combined the best of their folk culture, lingering African elements and the New World Christianity.

A key element carried over from their African heritage revolved around the concept that the entire universe is sacred. A second was the symbolic importance placed on the word "freedom." Throughout African American history, the term has found a deep religious importance in the lives and hopes of African Americans. The definition of the word has remained the same; freedom has meant the absence of any restraint which might compromise one's responsibility to God. When examining African American history you see the impact of this definition; particularly in the abolitionist movement, the civil rights movement and the present day debate surrounding the faith-based initiative.

⁵ The "invisible institution" included the various secret religious services held by slaves late at night outside of the plantation grounds and without their owners' knowledge.

Emergence of the Church as a Social Service Provider

Two hundred fifty years of slavery, followed by another one hundred years of Jim Crow segregation, provided the environment permitting the African American church to become the cornerstone social institution within their community. As a consequence of the church's stability and independence, it was often called upon to carry burdens beyond the spiritual, including the roles of being a voice in politics, economics, education, music and culture.⁶

The African American extended family played a crucial role in the support provided to the African American community. Aside from this family network, the first social institutions created by the African American people to assist in meeting their needs were the church and the mutual aid society. Mutual aid societies played a complimentary role in aiding to meet the community's

⁶ Eric C. Lincoln and Lawrence Mamyia, *The Black Church in the African American Experience* (Durham, NC: Duke University Press, 1990), 93.

social needs.⁷ Often affiliated with a national organization, mutual aid societies focused on financial and social support for members and those in the surrounding community. Their primary purpose was to allow members to pool their financial resources to assist each other with essentials the state was not providing for, including life insurance, funeral services and schools. It was not a rare occurrence to see mutual aid societies or fraternal organizations as a part of the church.

Fraternal organizations and mutual aid societies of the church grew into secular institutions like the National Association for the Advancement of Colored People and the Urban League. These organizations grew with the assistance and support of black church leaders. Some of the more clever and visionary leaders of the church saw these secular organizations as necessary in order to cope with the more complex and varied urban environments.⁸ By

⁷ Emmett Devon Carson, *A Hand Up: Black Philanthropy and Self-Help in America* (Washington, DC: Joint Center for Political and Economic Studies Press, 2003), 7.

⁸ Eric C. Lincoln and Lawrence Mamyia, *The Black Church in the African American Experience* (Durham, NC: Duke University Press, 1990), 9.

the end of the nineteenth century, almost every African American church in the country had one or more such societies attached to it.⁹

Just as it had with the development of mutual aid societies, the African American church stood at the forefront of the civil rights movement rousing African American from all socioeconomic classes and summoning them to action. African American churches continued to cross denominational lines on the local level to combine economic resources for philanthropic ends, such as the establishment of food programs and other basic relief services. This role expanded as the migration of African Americans from rural south to the urban north increased during the mid Twentieth Century.

Services Traditionally Provided

Secular organizations still play a role in the development and support of the African American community. However, their roles have changed from one of material

⁹ Emmett Devon Carson, *A Hand Up: Black Philanthropy and Self-Help in America* (Washington, DC: Joint Center for Political and Economic Studies Press, 2003), 7-16.

support to political. As a result, the church has reemerged as a provider of material support.

As noted before, fifty-seven percent of congregations engage in some form of social service, community development or neighborhood organizing projects.¹⁰ The intensity of this involvement varies greatly. Some churches seek out collaborators on various long-term economic development projects, while others function independently.

Generally, however, the church-based Community Development Corporation is the rare church.¹¹ The Community Development Corporation first emerged during the Great Society's War on Poverty as a tax-exempt organization aided by government resources to improve disadvantaged neighborhoods' environments and economies.

This is more favorable within the African American church community. About three percent of churches provide

¹⁰ Andrew Walsh, ed., Can Charitable Choice Work?: Covering Religion's Impact on Urban Affairs and Social Services. Hartford, Conn. : The Pew Program on Religion and the News Media, Leonard E. Greenberg Center for the Study of Religion in Public Life, Trinity College, 2001, 124.

¹¹ See the discussion of the Greater Exodus Baptist Church and People for People, Inc. in Chapter 5, "Who's Corrupting Whom," for a detailed review of a Community Development Corporation.

for economic stimulus and development via a Community Development Corporation. Of that three percent, twenty-two percent of those churches are African American churches.¹²

As expected, the size of the congregation is an important factor in determining the delivery of social programs. Larger churches tend to have more resources, larger facilities, a more highly educated leadership, and more people available to assist with the programs. The activism of the church can be best measured by looking at activity on the local level. Churches act independently and provide for the economic development in three broad areas including, business ventures and job development, housing, and education.¹³

When examining the role of Charitable Choice, churches that applied were most likely to offer specific services, including clothing banks, prison ministries,

¹² Andrew Walsh, ed., *Can Charitable Choice Work?: Covering Religion's Impact on Urban Affairs and Social Services* (Hartford, Conn.: The Pew Program on Religion and the News Media, Leonard E. Greenberg Center for the Study of Religion in Public Life, Trinity College, 2001), 16.

¹³ Anthony B. Pinn, *The Black Church in the Post-Civil Rights Era* (Maryknoll, NY: Orbis Books, 2002), 77.

healthcare programs, after-school programs, drug abuse counseling and education programs, and shelter for the homeless. According to the Joint Center for Political and Economic Studies, African American churches provide the following services:¹⁴

Programs	Churches Offering the Program
Youth programs	79%
Food bank	71%
Clothing bank	66%
Prison ministry	58%
Healthcare promotion/treatment	49%
Seniors' programs	46%
After school program/mentoring	46%
Drug abuse counseling/education	46%
Neighborhood revitalization	39%
Childcare	36%
Housing for homeless	30%
Housing for elderly	18%

As indicated from the chart above, churches are overwhelming concerned with meeting the immediate needs of the community.

¹⁴ David A. Boitis, *Black Churches and the Faith-Based Initiative: Findings from a National Survey* (Washington, DC: Joint Center for Political and Economic Studies, 2006).

Role of African American Churches in their Communities Today

Today, African American churches are still the most active organizations in their community. Their activities can be divided into three general categories.¹⁵ First, the congregants assist in raising funds for other organizations. In this category, the church simply provides financial support and does not participate in the delivery of services. Secondly, the church actively provides services through church donations and volunteers. Lastly, the church provides services supported by funds received from government and foundations.

There are two reasons to explain why African American congregations are more likely to seek collaborators, including the government. African American churches have a lower wall, both culturally and institutionally, between church and state than any other religious community in the United States.¹⁶ Secondly, clergy within the African

¹⁵ Emmett Devon Carson, *A Hand Up: Black Philanthropy and Self-Help in America* (Washington, DC: Joint Center for Political and Economic Studies Press, 2003), 38.

¹⁶ African Americans have a long and deep history with religion. When surveyed, this group shows stronger support for including a role

American church enjoy greater power to initiate and implement congregational programs of their choosing. While barriers to partnering with the government are lower and ministerial freedom to initiate involvement is higher, the acceptance of government as a partner has nevertheless created tension within the black religious community.

The tension lies between the belief that African American churches should expand community outreach efforts and the belief that the churches should devote more time on personal salvation. This point of contention may influence the success of public funding for faith-based programs.

of religion in government than any other race. History shows examples when you look at the abolitionist and civil rights movements.

**CHAPTER 4:
THE DICHOTOMY WITHIN
THE AFRICAN AMERICAN RELIGIOUS COMMUNITY**

Where the division lies?

As explained earlier, African American churches are typically located in poverty stricken urban neighborhoods have a lower barrier to involvement with government and have clergy that enjoy greater leeway in initiating and implementing congregational programs of their choosing.¹ This would lead to conclusions that African American churches are applying for and receiving funds to deliver the social services necessary in their community.

The reality is quite different. The support by the African American church for faith-based initiatives is much more complicated. Consensus among African American churches and clergy regarding the wisdom of pursuing these initiatives is not clear cut. Should the community empowerment and services be derived from resources they can control or should they seek and accept government

¹ Andrew Walsh, ed., *Can Charitable Choice Work?: Covering Religion's Impact on Urban Affairs and Social Services* (Hartford, Conn.: The Pew Program on Religion and the News Media, Leonard E. Greenberg Center for the Study of Religion in Public Life, Trinity College, 2001), 130.

assistance that comes with political attachments and statutory and constitutional strings? Welfare reform and charitable choice has only enlarged the long-standing differences within the African American community regarding the appropriate roles of government.

The division is quite evident when examining the issue of charitable choice and the larger faith-based initiative. The policy has created tensions within African American churches as leaders argue as to the best approach for bringing resources to their communities. The lines have been drawn between liberal and conservative African American clergy over the merits of charitable choice. Liberal "civil rights" congregations and African American political leadership tend to oppose the bill. While, conservative "community development" leaders are outspoken in their support for welfare reform, including charitable choice.²

² R. Drew Smith, *New Day Begun: African American Churches and Civic Culture in Post-Civil Rights America* (Durham, NC: Duke University Press, 2003), 257.

Civil rights minded clergy's opinions

Liberal "civil rights" minded clergy lean toward opposing charitable choice in a desire to protect religious freedom. Clergy have laid out their case against charitable choice in various forums, including religious publications, forum discussions and newspaper articles. The arguments range from constitutional concerns to government redirecting their responsibility to the church to the infringement on the church's prophetic voice.³

The constitutionality of charitable choice and the faith-based initiative is a commonly reoccurring argument from those in opposition. There are two central issues revolving around the constitutionality - the threat to the separation of church and state and the issue of religious discrimination in employment.

As discussed earlier, the government will require accountability with the disbursement of government funds.

³ "An Open Letter to President Bush and Congress from America's Clergy, May 16, 2001" found in testimony of H.R. 7, The "community Solutions Act of 2001." Hearing before the Subcommittee on Human Resources and Subcommittee on Select Revenue Measures of the Committee on Ways and Means, House of Representatives, 2001, <http://waysandmeans.house.gov/legacy/humres/107cong/6-14-01/107-34final.htm> (accessed February 22, 2009).

The accountability often comes in the form of regulations and restrictions. The civil rights minded clergy argue the accountability will lead to excessive entanglement, which leads to a violation of the Court's stance of neutrality.⁴

While it is one thing for a church to provide voluntary human services as an extension of their religious ministry; it is, however, quite another issue for them to provide those same services under contract to a government agency or department. As Peter Dobkin Hall explains, "Working within a ministry a religious group is accountable only to God; working under contract inevitably subjects faith communities to oversight and monitoring that may compromise not only their beliefs, but their constitutional freedoms."⁵

Rather than providing relief with additional funds, the church will face new burdens in order to comply. In

⁴ See the section, "Legal Constitutional Issues" within Chapter 2, *The Rise of Charitable Choice*, for a comprehensive discussion covering the Court's precedent concerning neutrality.

⁵ Andrew Walsh, ed., *Can Charitable Choice Work?: Covering Religion's Impact on Urban Affairs and Social Services* (Hartford, Conn.: The Pew Program on Religion and the News Media, Leonard E. Greenberg Center for the Study of Religion in Public Life, Trinity College, 2001), 112.

addition to the conciliations that may need to occur in order to secure the government funding for the delivery of services, the church is further reminded of negative experiences that have occurred previously. Numerous churches and their leaders have been penalized due to the inability to monitor and report on funds. This was most notable in the 1970s with the enactment of the Comprehensive Employment and Training Act, in which several African American churches cooperated with the government.

Religious discrimination in hiring has been raised as another constitutional issue of concern. Under Title VII of the Civil Rights Act of 1964, churches and other religious organizations are permitted an exception, allowing them to discriminate on the basis of religious grounds in their hiring and firing practices. This exemption is necessary when it applies to privately-funded organizations such as the church; for it protects the church's autonomy, ability to practice its beliefs and fulfill its mission.

J. Brent Walker, executive director of the Baptist Joint Committee on Public Affairs, summed up the concerns best within his testimony at a hearing before the Subcommittee on the Constitution of the Committee on the Judiciary, House of Representatives, when he stated as follows:

'Charitable choice' explicitly allows religious organizations to retain their Title VII exemption, even in a program substantially funded by government money. Allowing religious organizations to discriminate in the private sector is a welcomed accommodation of religion; but to subsidize religious discrimination with tax dollars is an unconscionable advancement of religion that simultaneously turns back the clock on civil rights in this country.⁶

Other than the concerns encompassing the constitutionality of charitable choice, civil rights minded clergy have based their most significant arguments opposing charitable choice on the threat to the church's prophetic voice. African American clergy have been preaching a political gospel for as long as African Americans have had the right to vote, and their leading role in the 1960s civil rights revolution greatly enhanced

⁶ Hearing before the Subcommittee on the Constitution of the Committee on the Judiciary, House of Representatives, "State & Local Implementation of Existing Charitable Choice Programs." 2001, http://commdocs.house.gov/committees/judiciary/hju72145.000/hju72145_0f.htm (accessed February 20, 2009)

their prestige and political influence. Taking this into consideration, civil rights minded clergy fear the African American church and clergy will lose their moral credibility and historical tradition of speaking out against injustice and suffering whenever they see it by accepting charitable choice funds.

Often citing the words of Dr. Martin Luther King, Jr., some repeat his words.

The church must be reminded that it is not the master or the servant of the state, but rather the conscience of the state. It must be the guide and the critic of the state, and never its tool. If the church does not recapture its prophetic zeal, it will become an irrelevant social club without moral or spiritual authority.⁷

Recently, Timothy McDonald, pastor of Dexter Avenue Baptist Church in Atlanta, posed a compelling question:

Would Dr. King or Ralph Abernathy have been able to stand up and criticize the government if, from that same government, their churches had received tens of thousands of dollars for a computer training project or a housing initiative? Would there have ever been a Montgomery bus boycott if their hands had been in 'Pharoah's kitty'?⁸

⁷ Martin Luther King, Jr., *Strength to Love*, 1963.

⁸ Ethan Vesely-Flad, "Reorganizing the Choir of Religious Progressives," *The Witness*, May 1, 2001, <http://www.thewitness.org/article.php?id=704> (accessed February 20, 2009).

McDonald argues persuasively that it is not possible to take money in one hand and use the other to point in criticism at one's financial benefactor.

Along with the concerns of stifling their prophetic voices, civil rights minded clergy have raised concerns of government abandoning its responsibility of aiding the poor to the church. Many ministers are concerned that the faith-based initiative is a means by which the government can shift its responsibility and then reduce its own social spending.

There is also fear among the civil rights clergy that Charitable Choice will lead to unhealthy rivalry and competition among churches. The process for awarding grants or contracts is, by definition, competitive and in times of reduced spending the drive to maintain or increase services is heightened.

Lastly, clergy have described the faith-based initiative, especially the expansion under President Bush's Administration, as nothing more than political manipulation. His share of the African American vote went from eight percent to eleven percent between 2000 and

2004, according to exit polls. Despite the small increase, accusations of political manipulation still persisted with news of meetings with African American religious leaders.

In a July 2003 *USA Today* story, the newly elected chair of the Republican National Committee, Ed Gillespie, explained to reporters that President Bush had the opportunity to pull a larger segment of the African American vote by emphasizing his policies in education, home ownership and faith-based initiatives. He was quoted as saying, "I don't expect a massive wave of party switching among African Americans from Democrat to Republican, but I think there is a drift there."⁹

Former, White House staffer, David Kuo, has charged that the George W. Bush Administration's commitment to the faith-based initiative was minimal. It was intended more so to score political points than to assist the poor.¹⁰

⁹ Richard Benedetto, 2003. GOP Chairman Sees 'Drift' in Black Votes. *USA Today*. July 30.

¹⁰ Unknown, "Bush Pushes 'Faith-Based' Initiative During Meeting with Black Pastors" *Church & State* (March 2005): 16.

Community development minded clergy's opinions

As the liberal "civil rights" minded clergy have laid out their case against charitable choice in various forums, including religious publications, forum discussions and newspaper articles, so has the conservative "community development" clergy. Their focus lies on developing their communities - both their congregations and the neighborhoods encompassing their church. Opinions expressing support for the faith-based initiative and charitable choice vary from the need for revitalization outweighing constitutional issues to concerns of more problems than resources to solve them to a desire to effectively implement the "pull yourself up by the bootstraps" mentality.

Working to revitalize intercity neighborhoods through church-based activism far outweighs any constitutional concerns in the opinions of the community development clergy. There has been an established history of government working closely with religious groups to deliver the necessary services to a community. "From our perspective in the trenches, faith-based is a good thing

to advance our ability to meet needs," says Bishop Charles E. Blake, presiding bishop at the West Angeles Church of God in Christ. The government, he adds, is finally recognizing that churches have been providing job-training, drug addiction counseling, homeless shelters and other services for decades.¹¹

The charitable choice provisions recognizes this and works to ease the burden on the faith-based community without requiring separate nonprofit organizations and to provide additional financial resources, allowing the church to work directly with the community to address the concerns and issues. During a lecture at the Manhattan Institute, Reverend Dr. Floyd Flake, former congressman and senior pastor at the Greater Allen A. M. E. Cathedral of New York in Jamaica, Queens, explained this best.

Religious people know that there are times for a distinct separation, but that there are also times for a synergy; there are times when there is a tying-together of our commitments and our roles as both religious people and as citizens who feel a responsibility for trying to meet the needs of the

¹¹ Hamil R. Harris, "The Power of the Spirit," *The New Crisis* 2001. *The New Crisis*. (May-June 2001) http://findarticles.com/p/articles/mi_qa3812/is_200105_ai_n8930581. (accessed February 28, 2009).

people who share this nation and this planet with us.¹²

Pointing out that there are more problems than there are resources to address them, community development focused clergy do not see areas for concern by accepting funding from the government as long as there are measures in place to prevent interference by both parties. In testimony before the Senate Finance Committee, Reverend Floyd H. Flake stated:

There are many grass-roots, faith-based and community groups that have the heart, but not the hearth to perform because of limited resources. They have the potential to reverse the negative trends within their communities, but need the empowering support of government agencies.¹³

The concept of compassionate conservatism resonates within the African American religious community. It affirms the importance of individual responsibility in the larger creation of a prosperous community. The community development clergy look to charitable choice and government dollars as a way to empower their community to

¹² John J. DiIulio, Jr. with comments by Dr. Floyd H. Flake, "The State of Religion and Public Life 2001" (lecture, Manhattan Institute, New York, NY, 2001).

¹³ U.S. Congress. Senate. Finance Committee. 2001. *Charitable Tax Provisions*. 106th Cong., 1st sess., March 14, 2001.

reach self-reliance and independence. There are times when someone needs a helping hand to pull themselves up by the bootstraps and charitable choice provides that.

Newly elected President Barack Obama campaigned on a promise to reconfigure and expand the faith-based and community initiatives of the Bush Administration. On February 5, 2009, President Obama issued an Executive Order establishing the new White House Office of Faith-Based and Neighborhood Partnerships. It is not known how the civil rights minded clergy feel about this new expanded effort.¹⁴

¹⁴ This would allow for interesting research as the George W. Bush Administration was embroiled with accusations of political manipulation and favoritism. One area of consideration might involve Democratic President Obama's embrace of this initiative. Does his acceptance remove the political element of the initiative and allow for a positive acceptance?

**CHAPTER 5:
WHO'S CORRUPTING WHOM?**

The Philadelphia Experience

Having a rich Quaker influence, Pennsylvania was most opposed to slavery, with Philadelphia as an abolitionist stronghold. In 1790, the largest population of free African Americans in the United States called Philadelphia home, including Richard Allen. Along with other African Americans, Allen established the first independent African American Methodist church in America. His church served as the forerunner of the African Methodist Episcopal Church (AME).

Following the Civil War, Philadelphia experienced the first of many migrations of southern African Americans. Again, at the outbreak of both world wars, southern African Americans moved north to Philadelphia. Before WWII, the urban center's population was predominantly white with an African American minority. By 2000, there was a dramatic shift making the ratio almost one to one in

the city, while the surrounding suburban areas were overwhelmingly white.¹

According to the 2000 Census, Philadelphia was the country's fifth largest city. Philadelphia's African American population comprised forty-three percent of the city's total population; fourth largest in the country. This percentage is in stark contrast to the population distribution within the state of Pennsylvania, where eighty-six percent of the population is white and eleven percent is African American.

African American congregations represent approximately fifty-five percent of the estimated 2,000 congregations in Philadelphia. Philadelphia houses the oldest free all African American churches in the country.² Clearly, the endurance of African American congregations in Philadelphia is among the strongest in the United States and it is for that reason the focus for this chapter will rest on the city of Philadelphia. It will use the findings from Ram A. Cann's Philadelphia Census of

¹ Ram A. Cann, *The Other Philadelphia Story* (University of Philadelphia Press: Philadelphia, 2006), 141.

² Ibid.

Congregations as a source for indentifying trends in social service delivery and congregational size and construct.

Cann's findings regarding membership of African-American churches suggest that the majority of African American congregations are small in size, have mostly female members and tend to attract inner-city residents even if they have to commute. Those three findings are important because they help explain why on average, African American congregations are able to assemble fewer resources than other churches.³

Despite those findings, African American congregations are committing themselves to help urban residents at a similar, if not higher, level than non-African American congregations. Some scholars have tried to suggest that African American congregations are more committed to serving poor people or offering programs that require intensive interaction with clients. Cann suggest this is true, but his reasoning is due to more African

³ Ibid.

American congregations working to serve the areas within the community in which they are located.⁴

In order to examine a varied group of social service programs offered by faith-based entities, we will review the services of a small congregation, a mega-church and a collaboration between an established not-for-profit and the faith community. This analysis within the city of Philadelphia will provide insights as to the impact of government dollars into the community and the effects on the church. The lessons learned in Philadelphia will provide insight into the trends throughout the country.

Cookman United Methodist Church

As explained earlier, African American congregations are smaller and have few resources, but are deeply involved in the delivery of social services. While many of their programs are smaller in scope; the Philadelphia Census of Congregations found they provide a higher number of programs overall focusing on the neediest residents of the city and their neighbors.⁵ Yet, with fewer

⁴ Ibid., 145.

⁵ Ibid., 148.

resources, research has indicated that many smaller congregations still tend to avoid public funding.⁶

With fewer than five hundred members, Cookman United Methodist Church is one of the rare smaller churches that sought public funds for the delivery of their programs. Reverend Donna L. Jones understands her congregation is small, but she considers the entire neighborhood among her flock. "I probably spend as much time out there in the community as I do at the church," she says.⁷

Reverend Jones began pastoring at Cookman United Methodist Church part-time in 1992 and moving to full-time in 1997. Like so many African American churches within a poor neighborhood, Cookman offered grants through the local church to help people keep their lights on and to buy fuel. Additionally, the church provided after-school care for the children of both congregants and neighborhood residents.

⁶ Sherri L. Wallace, "Committed "Armies of Compassion," *The Review of Black Political Economy* (Spring 2003): 82.

⁷ Jeff Edwards, "Leap of Faith; Flush with New Federal Funding, Can Religious Groups Save Lives without Trying to Save Souls?," *Philadelphia Weekly*, March 2, 2005, 11.

When Reverend Jones took on full-time responsibility, the church started offering some job coaching and a few job placement activities. The job assistance was on a volunteer basis and proved difficult to administer; Reverend Jones is the only member of the church with a college degree and only a few church members have a high school diploma.

As welfare reform was implemented and began to have a direct impact on the neighborhood, Reverend Jones decided to learn more about the reform plans as well as how she could best position the congregation to receive assistance. Reverend Jones attended a conference in Harrisburg in 1998 sponsored by the Pennsylvania Department of Welfare to learn more about the concerns and fears regarding the new welfare reform. As a result, Reverend Jones and several others decided to develop a coalition to seek charitable choice funding. However, attempts to form the coalition were unsuccessful and Cookman United Methodist Church decided to seek the funds independently.

Cookman United Methodist Church was the first church-based program to receive state funding in Pennsylvania under charitable choice for their program, Transitional Journey Ministry. Transitional Journey Ministry was "a Christ-Centered Job Development Program" providing life skills training, GED instruction, computer classes, job placement and follow up services. The state contracted with Cookman United Methodist Church to provide services to thirty women on welfare per year for three years.

By the spring of 1999 and with news of the government funding, several members of the congregation expressed concern about the program and urged for the development of a non-profit arm. To ease tensions and continue with the delivery of services, Cookman United Methodist Church established the non-profit, Neighborhood Joy Ministries, to protect specific ministries of the church, including the welfare-to-work program.⁸

There were several issues relating to the boundaries of the faith component within the program and concerns

⁸ Jill Witmer Sinha, *Cookman United Methodist Church and Transitional Journey: A Case Study in Charitable Choice* (Annapolis, MD: The Center for Public Justice, 2000), 7.

surrounding the administrative nuances. These issues were due to the church's lack of experience with welfare-to-work programs and government having little prior experience contracting with a church. Despite outlining the plans to have the Bible serve as the sole reading material for participants in the program, the church discovered that public funds could not be spent for the purchase of Bibles. Additionally, the program required restructuring to allow for alternative options when the course curriculum included group Bible study or prayer.⁹

When the state monitor explained that the purchase and use of Bibles without an alternative as the sole reading material violated the participant's constitutional rights, Cookman had no choice but to revise their initial program plans. Ultimately, a private donor came forward to provide funding for the purchase of new Bibles, and alternative texts were selected for participants opposed to the use of the Bibles. Transitional Journey Ministry also began each session with a prayer group and involved a variety of faith-based components throughout the program.

⁹ Ibid., 11-18.

Again the state monitor determined that this was considered proselytizing and alternative options must be provided for those who chose not to participate. The result was that those not interested in prayer spent extra time in the computer lab or working on other skills.

Also, the staff was new to working with the government in the delivery of services. As a result Transitional Journey Ministry experienced difficulty in learning the administrative details necessary to ensure that government funds were spent appropriately. When planning for the budget, Reverend Jones and her staff did not have additional working capital. They were relying solely on the state grant. This oversight created great difficulty, since the contract was on an outcome basis and providers did not receive payment until they fulfilled the goals or delivered the expected results of the contract.¹⁰ As well as financial challenges, the new staff had to learn the intricacies of maintaining detailed case

¹⁰ Ibid., 8.

management reports. The program operated for months without detailed reports.¹¹

After the original state faith-based funding ended, the program changed significantly. Its clientele and curriculum changed, though not its religious character. Initially, Transitional Journey Ministry did not thoroughly screen its clients. This resulted in some not having basic reading and writing skills and ultimately preventing them from obtaining the full potential of the curriculum offered by Transitional Journey Ministry. Others were much more advanced than the program made available.

Since its original grant, Cookman United Methodist Church has applied for and received subsequent government grants for the delivery of social services ranging from \$50 to \$70,000.¹²

¹¹ Ibid., 14-15.

¹² U.S. Congress. House. Judiciary Committee. 2001. *State and Local Implementation of Existing Charitable Choice Programs*. 106th Cong., 1st sess., March 14, 2001. It is of note that information regarding current funding levels was not available. I do not know if Cookman United Methodist Church is still receiving government funding for the delivery of their social service programs.

Cookman United Methodist Church experienced a strong success rate far outpacing the success rates of secular agencies offering the same program. After two years of existence, Transitional Journey Ministry had trained fifty women and placed thirty in jobs.¹³ When asked, Reverend Jones was not surprised. "If someone stops coming to a typical GED class, they'll likely fall through the cracks," she says. "If that happens here, we're in a position to go to that person's home and find out why."¹⁴

After the initial difficulties, the receipt of state funding allowed Cookman United Methodist Church to expand their reach. Instead of helping one or two people a month, they could now assist twenty or thirty. It also permitted for the hiring of a professional staff. A job developer and case manager was hired because volunteers

¹³ Annette John-Hall, "Taking Advantage of Charitable Choice," *The Philadelphia Inquirer*, August 8, 1999, G7.

¹⁴ Jeff Edwards, "Leap of Faith; Flush with New Federal Funding, Can Religious Groups Save Lives Without Trying to Save Souls?," *Philadelphia Weekly*, March 2, 2005, 11.

were not available within the congregation to fulfill these roles¹⁵.

In Congressional testimony, Reverend Jones explained the following:

...that Charitable Choice has not changed our church - we still worship on Sundays, have pot-luck dinners, attend choir rehearsal, Bible study and Sunday School and go out evangelizing the community on Sundays. It has however improved our ability to provide quality help to the needy who know us, trust us and expect a bit more dignity and love from us.¹⁶

Greater Exodus Baptist Church

Located in North Philadelphia, the Greater Exodus Baptist church follows a trend within the African American religious community. They have experienced a membership growth from seventeen to more than two thousand members¹⁷ qualifying their congregation as a mega-church.¹⁸ The Greater Exodus Baptist Church is currently preparing for

¹⁵ U.S. Congress. House. Judiciary Committee. *State & Local Implementation of Existing Charitable Choice Programs*. 106th Cong., 1st sess. April 24, 2001.

¹⁶ *Ibid.*, 36.

¹⁷ Martha Simmons, "Trends in the African American Church," *The African American Pulpit* (Spring 2007): 10.

¹⁸ Churches are labeled as "mega" when the membership reaches at least two thousand.

an expansion of its sanctuary to accommodate an ever-growing membership.

The Greater Exodus Baptist Church is lead by Reverend Herbert H. Lusk, II. Reverend Lusk played professional football for the Philadelphia Eagles for three years before quitting. He simply felt called by the Lord to do more, that would attack the blight and help the people in Philadelphia. Even his own father, himself a Baptist minister, told him not to do it. After walking away from football, Reverend Lusk accepted the pastorate at the Greater Exodus Baptist Church in 1982.

Upon his arrival, he found the Greater Exodus Baptist Church was on the verge of bankruptcy. It had seventeen members and infrastructure needs totaling \$400,000 and utility bills of over \$32,000. The immediate neighborhood surrounding the church was infested with drugs and crime, and had one of the highest poverty rates in the country. Under his leadership between 1982 and 1989, the church recovered from near bankruptcy, paid all of its outstanding debts and repaired all the structural damages.

With the debt behind the congregation and a solid structure secured, focus shifted to serving the community surrounding the church. The Greater Exodus Baptist Church began providing services to the community including providing food to hundreds of families annually, overseeing substance abuse counseling, operating a mentoring program for children and in partnership with People for People, Inc. and offering a variety of additional programs to serve the community. Lusk says, "Everything we've done comes out of what we see in the neighborhood and the needs of the community. I wanted this to be a model for other urban churches."¹⁹

People for People, Inc. is a sister not-for-profit 501(c)(3) organization to the Greater Exodus Baptist Church created for the purpose of community economic development and the promotion of education and entrepreneurship in North Central Philadelphia. According to People for People, Inc.'s website, their mission is as

¹⁹ Andrew Putz, "The Democratic Party's Worst Nightmare," *Philadelphia Magazine*, October 2005.

follows:

...to break the generational cycle of poverty in the lives of local residents by providing them with the necessary tools they need to abandon gangs, drugs, welfare dependency and crime and to create new, self-sustaining lives for themselves and their families.²⁰

To fulfill their mission, People for People, Inc. has implemented a variety of programs, developed several educational opportunities and established a variety of economic development organizations.

People for People Inc. offers three programs. The first is the "What Matters Most Campaign!" a partnership with Urban Family Council to promote abstinence until marriage. To implement this program, People for People, Inc. has received federal funds from the U.S. Department of Health and Human services. The "What Matters Most Campaign!" has delivered abstinence education to 6,000 students in junior and high schools within Philadelphia.²¹

The second program involves working with the Pennsylvania Department of Public Welfare. People for

²⁰ People for People, Inc., About Us, <http://www.peopleforpeople.org/aboutus.php>, (accessed April 9, 2009).

²¹ "People for People Newsletter, February 2009." People for People, Inc. http://www.peopleforpeople.org/pdf/FEBRUARY_2009.pdf, (accessed April 5, 2009).

People, Inc. addresses the needs of welfare recipients facing barriers to employment through the EARN program - Employment Advancement Retention Network. As a partner with the Pennsylvania Department of Public Welfare, People for People, Inc. is also responsible for helping the state meet the federally mandated work requirements that are part of the welfare reform. Thus far, the partnership has provided assistance in moving over 3,500 adults from welfare to stable employment.²² The collaboration with People for People, Inc. provides additional resources beyond what the Pennsylvania Department of Public Welfare is able to offer, including access to their Career Clothes Closets to provide appropriate clothing for potential jobs as well as on-the job training at one of their auxiliary programs among other activities.

Lastly, People for People Inc. offers a mentoring program, "Mentoring Children with a Purpose." The program pairs mentors with children whose parent(s) are missing due to incarceration, divorce, abandonment, estrangement, death or lack of knowledge concerning paternity. This is

²² Ibid.

supplemented by their involvement with the Amachi program explained in further detail on the following pages.

Meeting the educational needs of those in the community surrounding People for People, Inc. and the Greater Exodus Baptist Church is important in achieving their mission. People for People, Inc. offers educational opportunities to children and adults. Since opening in September 2001, the People for People, Inc. Charter School has provided a quality education to over 3,420 children and after-school education to 480 students that have needed remedial assistance in math and reading.²³

In 2007, People for People, Inc. entered into an agreement with Eastern University to provide partners and clients of People for People, Inc. and the Greater Exodus Baptist Church with higher education degrees. The People for People Institute offers an A.A. in Liberal Arts with concentrations in business/communication or early childhood education as well as a B.A. in Organizational

²³ Ibid.

Leadership.²⁴ Since February 2009, the Institute has connected seventy-five local residents with the opportunity for higher education.²⁵

The People for People Community Development Credit Union has offered financial literacy education to almost one hundred clients and over \$450,000 in loans to low-income members.²⁶ Since August 2001, the Credit Union has worked to promote and improve the financial independence for the surrounding low-income community in North Central Philadelphia.

In a 2001 interview, Reverend Lusk stated, "It requires federal dollars to do what we do. We just can't do it with public - with private money and foundations alone. It requires a combination of the three."²⁷

²⁴ Eastern University, Welcome to the People for People Institute, <http://www.eastern.edu/academic/ccgps/pfp.html> (accessed April 9, 2009).

²⁵ "People for People Newsletter, February 2009." People for People, Inc. http://www.peopleforpeople.org/pdf/FEBRUARY_2009.pdf, (accessed April 5, 2009).

²⁶ Ibid.

²⁷ Religion & Ethics Newsweekly Transcript, Episode no. 432, aired April 6, 2001. <http://www.pbs.org/wnet/religionandethics/transcripts/432.html> (accessed April 12, 2009).

During that same interview, he was asked if he worried about issues of church-state separation and the potential danger of his church being compromised by accepting federal funds. In response, Reverend Lusk stated:

Oh no. Absolutely not. The reason why is because Jesus - the person who I follow - he had many ministries. And one of his ministries was feeding people. He fed 5,000. One of his ministries was clothing people. So he had many ministries, one mission. So what we're talking about here, and the reason why I know I'm not compromising myself nor the church, is because of the many, many ministries of Jesus Christ himself.²⁸

Reverend Lusk's feelings regarding the acceptance of federal funding does not seem to have changed. The Greater Exodus Baptist Church's sister not-for-profit, People for People, Inc. has accepted government monies to implement a variety of programs since the interview.

Amachi

Amachi is a Philadelphia-based program that matches volunteer mentors with children of incarcerated parents. "Amachi" is a West African word that means "who knows but what God has brought us through this child." The program approach is a multilayer partnership that has been wildly

²⁸ Ibid.

successful and has been replicated in cities across the country. Building on its motto, "People of Faith Mentoring Children of Promise," it brings together local faith communities with area nonprofits, like Big Brothers Big Sisters, and the government.

John Dilulio developed the idea for Amachi based on research findings of the benefits of mentoring and the potential of inner-city congregations to address some of the major challenges facing their communities. He worked with W. Wilson Goode, former Philadelphia mayor, and Public/Private Ventures to carry it out. With initial funding from The Pew Charitable Trusts, Public/Private Ventures began developing a mentoring program for incarcerated and formerly incarcerated parents in Philadelphia.

The project features an effective division of labor. Volunteers are recruited from inner-city congregations to provide the one-on-one mentoring. Screening and matching the mentors with the appropriate mentees followed by training is handled by Big Brothers Big Sisters. Lastly, the nonprofit, Public/Private Ventures, oversees

the administration of the project by maintaining the finances, recruiting the congregations and children to participate and collecting and analyzing the data used to monitor and track overall progress. In November 2000, Public/Private Ventures began recruiting churches and by April 2001 the first mentors were meeting regularly with their mentees.

Amachi is a program for Big Brothers Big Sisters and a ministry for the churches. By joining the unique skill sets provided by the secular organization, Big Brothers Big Sisters, with the faith-based component, individual churches, mentors were provided with access to two different forms of support to succeed.

Focusing on volunteer recruitment within inner-city congregations where the children lived, utilized the fact that often the church is the most vital remaining institution within the community. Furthermore, the church has a history of providing support within the community and would be a source of volunteers who are forces for positive change. Taking this into consideration, the program creators believed that the congregations would see

this as an additional opportunity to extend beyond the walls of their buildings and reach into the communities they serve to assist Amachi in its vision.

Amachi's message hit close to home for pastors of Philadelphia's inner-city congregations. They were aware that their communities had many families with at least one member who was, or had been, in prison and they realized that they had often failed to see the children who suffered as a result.

Each participating church was asked to commit to recruiting ten members as volunteers and then collect and submit monthly data on how often mentors and children meet through a Church Volunteer Coordinator. While participation in the Amachi program would help the church extend and fulfill their missions, it was also important to each pastor that there was a structure provided. They did not want to propose participation in a program that could potentially create additional strains on the congregation's resources. The multilayer program and division of responsibilities provided a structure for the church to work within and resources, both financial and

administrative, that would support that structure. Each congregation was also provided an annual stipend of \$1,500 to assist in covering the financial cost of partnering with Amachi and \$5,000 to support the part-time position of the Church Volunteer Coordinator.²⁹

Typically, a parent or guardian reaches out to Big Brothers Big Sisters to request a mentor for their child. Amachi is different in that they are proactively reaching precisely those children whose parents or caregivers had such stressful lives that they were unlikely to learn or refer their children to a mentoring program. Participation in Amachi required Big Brothers Big Sisters to provide the expertise and infrastructure that are necessary if mentoring relationships are to grow and endure. The case managers for Big Brothers Big Sisters screen, match and train the mentors. Their responsibilities do not stop once the match has been made. They continue to supervise and provide support to the matches by regularly contacting the mentors, children and

²⁹ Linda Jucovy, *Amachi: Mentoring Children of Prisoners in Philadelphia* (Philadelphia, Public/Private Ventures and The Center for Research on Religion and Urban Civil Society, 2003), 8.

caregivers to assist in addressing any problems in the relationships.

Initially, Amachi was funded by the Pew Charitable Trusts and the William E. Simon Foundation. Within the first year, Wilson Goode, the ambassador for Amachi, stated federal funding "would enable us to take this to scale. If I had federal dollars, I could do 2,000 mentors in this city. We could replicate this across the country."³⁰

Today Amachi is rapidly expanding. In 2007, six years after the program's start, it had grown from nothing to nearly 300 programs in 48 states, involving over 600 churches and over 70,000 mentoring matches, some of which are utilizing federal funds.³¹ Wilson Goode's desire became a reality. As of 2007, Amachi was relying heavily on \$200 million from the Department of Health and Human Services.³²

³⁰ Francine Kiefer, "Guiding Hands for Kids with Parents Behind Bars," *Christian Science Monitor*, July 5, 2001, 1.

³¹ John J. Diluio, Jr., "Letters to the Editor: Why Charitable Choice Will Work," *Wall Street Journal*, November 10, 2007, A15.

³² Anonymous, "Standing in for Prison Dads, Moms," *Christian Science Monitor*, December 18, 2007, 8.

With the continued success Amachi has been pointed to as a model for future secular and faith-based organizations. The program's multilayer division of responsibilities took advantage of each partner's assets to fulfill the overall program goals. With their lofty motivations and human resources, churches were able to expand their reach into the community and Big Brothers Big Sisters was able to utilize its infrastructure to enlarge its reach to populations of children that would otherwise go unserved.

Lessons Learned

Are the problems associated with administration, program design, or resources concern as to who controls whom? Each group in Philadelphia experienced challenges in implementing programs and seeing their vision come to fruition. Each group faced different obstacles as each is different in size and program goals. What was a challenge for one group may have been an asset to another. Regardless lessons can be learned from every one.

Studies have found that one factor indicating a willingness to apply for public funding correlates to church revenue. In a Joint Center for Political and Economic Studies issue brief on small black churches and the faith-based initiative, only three percent of the pastors from small African American churches reported that their church had applied for funding.³³ As Cookman United Methodist Church found out, they struggled in the beginning without a steady revenue stream from the church. There were instances where staff went extended periods without a paycheck to ensure the program's success.

Does government have the upper hand in programs where the church does not have additional capital to support the program on their own? Without the established revenue, the church becomes dependent on the government to ensure their program's success. One could consider this reliance on the government for funding as shifting the balance in the relationship.

³³ David A. Bositis, *Small Black Churches and the Faith-Based Initiative* (Washington, DC: The Joint Center for Political and Economic Studies, 2007), 3.

One of the most commonly expressed problems identified in surveys and studies is the difficulty churches have determining the appropriate grant to apply for or even knowledge of the program. Recently, the government decided to compile all available federal grants in one place on the web. Churches have the ability to visit www.grants.gov to learn about available grants and the requirements for application. Not familiar with the process myself, I was overwhelmed as to which grants would be applicable to a congregation or identifying which grants would be best suited to programs typically offered by churches. After selecting a grant, there is not a simple online form that can be completed with a few mouse clicks. There are multiple layers of information that needs to be complied and formatted to the government specifications.

Small churches, in fact few if any churches acting alone, do not have staff members with the necessary expertise that are able to assist with this process. One of the pastors participating in the Joint Center's focus group convincingly expressed this concern:

My little church went knocking on the door and we were put off just by the process. We went back to our little church, and made a few calls and tried to partner with some other churches. And we went back to the door to try to acquire some monies, and all of us were put off by the process. The application itself is massive, the kind of criteria? We were not able to - bottom line is we dropped it.³⁴

In the case of Cookman United Methodist Church, the congregation attempted to build a coalition that didn't materialize. However, the pastor had established connections within the community and was able to work closely with nonprofits to gain assistance to complete the grant application process. Had they not received the beneficial assistance, Reverend Jones doubted they would have been able to submit an application.

The majority of churches do not have the complex accounting systems needed to be federal grantees or contractors. Often, churches established separate 501(c)(3) not-for-profit organizations to keep public monies separate from congregational funds. The establishment of a separate organization also protects the congregation. Both Cookman United Methodist Church and

³⁴ Ibid., 2.

the Greater Exodus Baptist Church established nonprofit organizations to administer their social service programs.

The development of charitable choice was to remove the viewed need of establishing separate nonprofit organizations affiliated with the church; it was to ease the administrative burden on churches. Looking to Cookman United Methodist Church and the Greater Exodus Baptist Church, both established separate organizations to protect the church. Taking that into consideration, one has to wonder if the initiative achieved its primary goals and if it is even necessary.

Opponents of charitable choice view the acceptance of funds as a form of political patronage. In 2000, Reverend Herbert Lusk of the Greater Exodus Baptist Church went on live television during the Republican Campaign to express support for Republican nominee George W. Bush. Again during the Supreme Court confirmations for Samuel Alito, Reverend Lusk stepped to the forefront within the religious community to express support for Bush's appointment. The sister nonprofit for Greater Exodus Baptist Church has received more than \$1 million in under

the Bush Administrations' Faith-Based Initiative. Several members of the media³⁵ viewed this grant award as a payment for his support. As President, Bush made several appearances in Philadelphia each time stopping to visit with the Greater Exodus Baptist Church pastor. People for People, Inc. has received a variety of public funds to deliver the services.

When the appearance of political patronage emerges in association with the faith-based organizations, there is the gravest concern for corruption. By accepting the funding, are you compromising your beliefs or are you simply taking advantage of the necessary resources to fulfill your beliefs? It may be an instance of utilizing the necessary resources, however, often perception becomes reality.

Churches often collaborate with other organizations to resolve any administrative obstacles. As in the example of Amachi, political leaders pointed to it as a model because of the multilayer division of

³⁵ Thomas B. Edsall, "Christian Right Mobilizes for Judge," *Washington Post*, January 9, 2006, A10. And Laurie Goodstein, "Minister, a Bush Ally, Gives Church as Site for Alito Rally," *New York Times*, January 5, 2006, A14.

responsibilities. Each partner was responsible for tasks that took advantage of their current strengths. Additionally, Greater Exodus Baptist Church partnered with Eastern University to provide higher education opportunities to their clients without building a program from the ground up.

Able to witness the strong success of Amachi and the potential for the partnership between Greater Exodus Baptist Church and Eastern University, is collaboration the answer? The collaboration between organizations with very defined tasks taking advantage of each group's strengths has proven the most successful. Should this be the model for faith-based initiatives moving forward?

The anecdotal findings from the Philadelphia experience are encouraging for the proponents of charitable choice. However, in-depth empirical analysis of the programs and the effectiveness are necessary in order to deem the programs a true success. Until then, it appears that charitable choice funding is a viable funding source for black churches seeking ways to expand their reach in the community.

CHAPTER 6: CONCLUSION

Civil rights minded clergy argue against charitable choice and the faith-based initiative. They accuse community development clergy like Reverends Lusk and Jones of simply allowing government to default on their obligations to the African American community. However, in a landscape with few options for improvement, community development leaders like Reverend Lusk and Jones view the faith-based initiatives as an opportunity waiting to be seized. It is a prospect to improve their neighborhood and allow for self-determination in the process. This continued political debate is largely irrelevant in the city of Philadelphia as leaders work to alleviate the troubles of their community by accepting public funds.

While the findings from the Philadelphia experience are encouraging to charitable choice supporters, more conclusive empirical research is needed. According to a 2002 General Accountability Office report, a review of relevant literature did not provide any information on which to assess the effectiveness of faith-based organizations as providers of social services. One of the

primary reasons for this is the difficulty in determining which organizations receive public dollars because there are challenges in defining specifically what a religious organization is. This is especially true as activities defined as religious have expanded beyond traditional "pulpit ministries".

Proponents of charitable choice and expanding faith-based initiatives claim there is a body-soul connection. For a person to cure themselves of an addiction or overcome adversity, they must heal their soul in cooperation with the healing of their body. This claim explains why churches and other faith-based organizations are best suited to provide for such services. They address both the body and the mind issues. Again, empirical research is necessary to determine if this assertion is true.

Opponents of charitable choice felt President Bush's efforts to expand the faith-based initiative were political and insincere. A national survey of 750 African American churches by the Joint Center for Political and Economic Studies found that less than three percent are

participating. Of those that do, they are located in the northeast and self-identified as progressive congregations with liberal theologies. Those findings contradict the schism found within the African American church, and disputes the claim that the Bush Administration was using this effort as a way to attract a large segment of the African American vote.

Now with a change in administrations, President Obama has already made modifications to the office - the first of which was a name change to the White House Office of Faith-based and Neighborhood Partnerships. The Office will also include a new President's Advisory Council composed of religious and secular leaders and scholars from different backgrounds. There will be twenty-five members appointed to one year terms.

During the Bush Administration, the Office's primary goal was to "level the playing field" for religious organizations. Already the Obama Administration has convened the first Council composed of members from a wide range of religious backgrounds including a mix of theological liberals, civil rights leaders, conservative

evangelicals and even a few that voiced opposition to the Democratic Party's approach to social issues to inquire about suggestions in policy matters.

Obama campaigned on a promise of transparency in his administration if elected. One of his first steps in fulfilling that promise is the development of www.recovery.gov. At this website maintained by the federal government, taxpayers can learn where the money from the American Recovery and Reinvestment Act is going. Federal agencies will start distributing funds, and the taxpayer will be able to see which states, Congressional districts and even Federal contractors are receiving them. There are future plans to allow for this visually with maps, charts and graphics.

Currently, this does not apply to funds distributed under the charitable choice umbrella. However, this may be a predictor of what is to come. Will churches receiving government funding be open to such transparency? Does this additional reporting effort lead to excessive entanglement with religion by the government and ultimately deem this effort unconstitutional? Will the

administration change and a new approach lead to fewer dollars available or a change in the application and award process? It is too early to tell. But this could be an interesting area of research at the conclusion of the Obama administration.

Public funds are an enticing source of financial support for churches seeking to expand their social service programs. The decision to avail themselves to government funds is a difficult one for churches. Participation in such programs can be viewed as condoning the poverty politics supported by the program sponsors. On the other hand, not leveraging public funding can leave their congregation and neighborhood looking for other ways to do more. It remains to be seen if black churches are able to reconcile their differences.

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