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## Debunking Charitable Choice The Evidence Doesn't Support the Political Left or Right

By Mark Chaves

Stanford Social Innovation Review  
Summer 2003

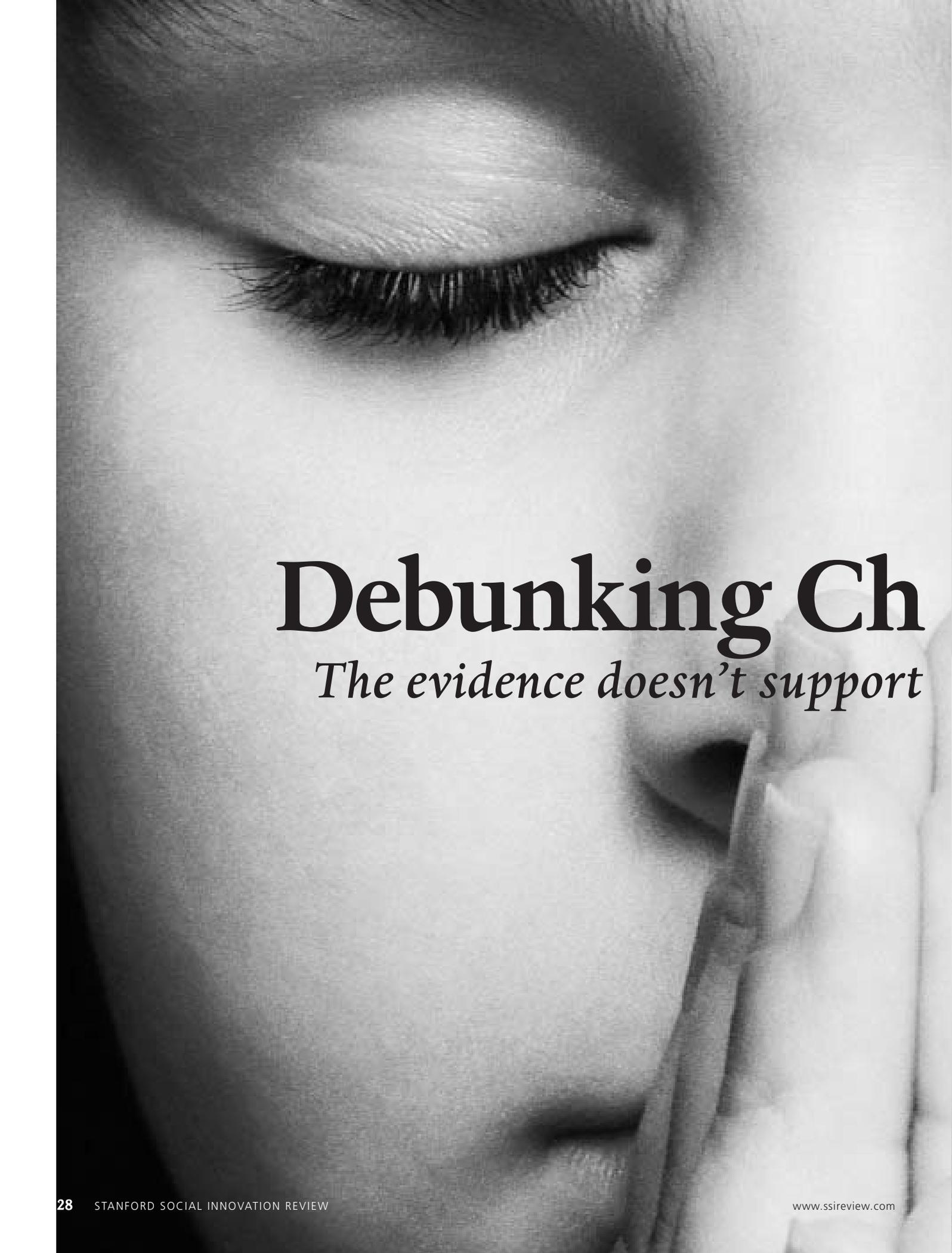
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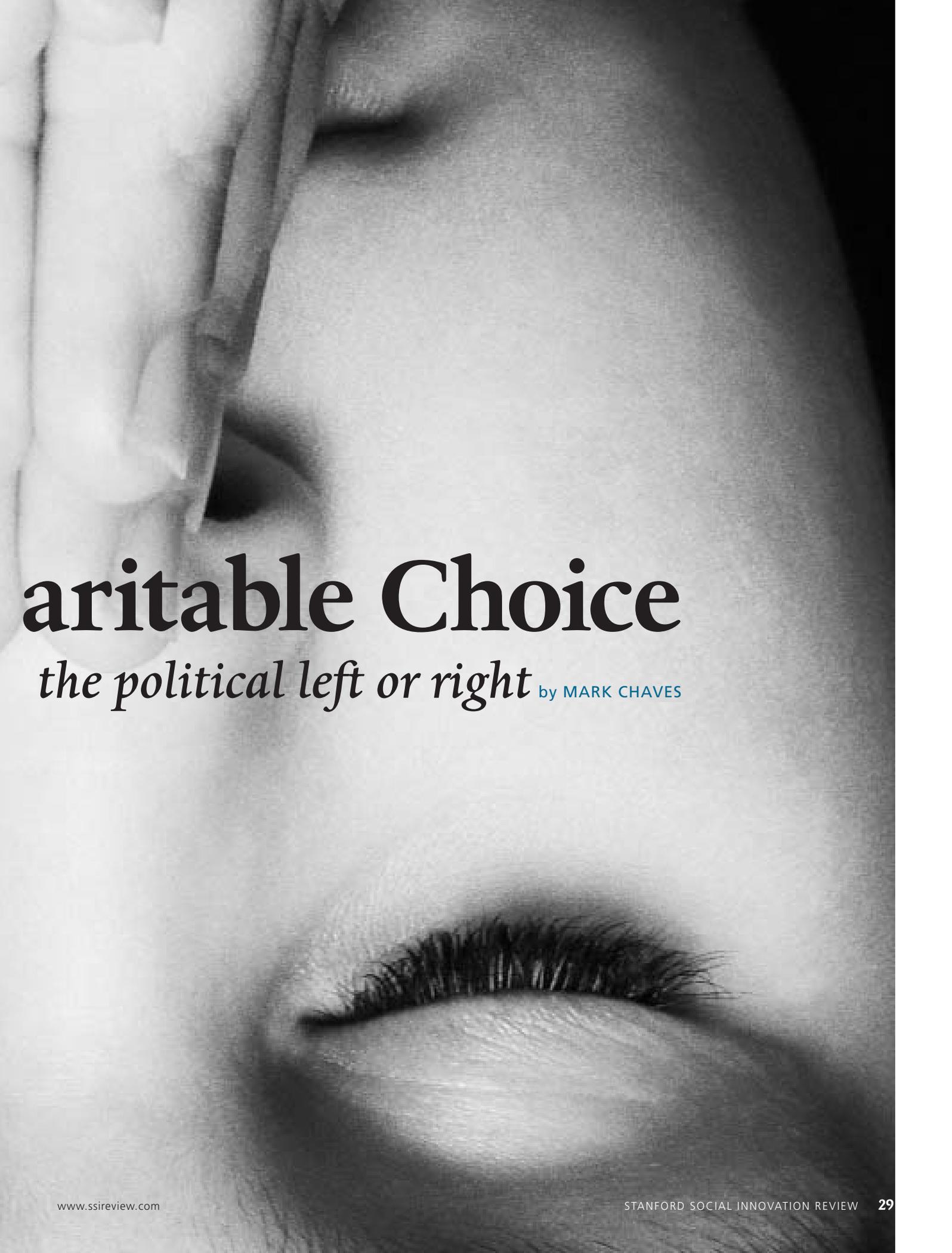
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# Debunking Ch

*The evidence doesn't support*



# aritable Choice

*the political left or right* by MARK CHAVES

When it comes to domestic policy, few issues are more divisive these days than “charitable choice,” the vast array of legislative, administrative, and outreach efforts designed to increase the flow of public funds to religious organizations – including churches, temples, and mosques.

Proponents of these programs, also known as “faith-based initiatives,” see them as a salve for today’s social ills. They argue that houses of worship and religious nonprofits are intensely involved in helping the needy – and that these religious organizations do it more effectively than government programs – yet they face discrimination in the competition for public funds. Opening funding streams to these groups, proponents say, will “level the playing field,” helping religious groups run everything from homeless shelters to job training sessions.

“I welcome faith to help solve the nation’s deepest problems,” said President George W. Bush in February, at the National Religious Broadcasters conference in Nashville, Tenn., adding that “governments can and should support effective social services provided by religious people. ... And when government gives that support, it is equally important that faith-based institutions should not be forced to change [their] character or compromise their prophetic role.”<sup>1</sup>

Opponents, however, including the American Civil Liberties Union (ACLU), see charitable choice as an attack on the separation of church and state, and fear it will lead to publicly funded proselytizing. “We need to protect individual religious freedom, including the freedom to receive social services without feeling forced to adopt religious beliefs with which one may disagree,” the ACLU said in a March 12 statement. “Explicit protections must be put in place that prohibit religious coercion in the provision of social services. Taxpayer-funded programs must respect the private choices of all Americans to worship as they see fit.”<sup>2</sup>

Others fear that the initiatives will lead to federally funded employment discrimination. Religious groups are currently allowed to consider religious background when hiring, and Bush issued an executive order in December 2002 explicitly exempting

religious organizations from religious discrimination rules applying to other government contractors. U.S. Rep. John Conyers, Jr., a Michigan Democrat, told the *Washington Post* that the provision “violates one of the most fundamental principles of civil rights.”

Still others argue that, far from “leveling the playing field,” these efforts in fact tilt it toward religious organizations. And if religious organizations are favored in the competition for public funding, and there are no new funding streams for social services, money necessarily will be redirected away from secular nonprofit organizations. This past January, for example, the U.S. Department of Veterans Affairs cut the budget of a large, secular homeless shelter run by the United Veterans of America, while awarding grants to many religiously run shelters. Critics noted that applicants were asked to check a box if they were faith-based. According to a January 13 article in the *Boston Globe*, Veterans Affairs officials not only encouraged religious groups to apply, “but told them their religious roots would help.”

In April, the U.S. Senate passed legislation associated with Bush’s faith-based initiative on a 95-5 vote, but to win passage supporters had to remove any mention of religion. As it stands, the legislation, which *Congressional Quarterly* had called “one of the most contentious policy initiatives of the Bush presidency,” would create \$11.9 million in tax breaks over the next decade, establishing a new deduction for certain non-itemizers – allowing them to deduct up to \$250 per person for charitable donations above \$250. As of this writing, the House has not introduced its own version of the bill.

## The Rise of Charitable Choice

The charitable choice movement’s first major achievement came during the Clinton administration: The inclusion of a section in the Welfare Reform Bill of 1996 requiring states that contract with outside organizations for social service delivery to include religious organizations as eligible contractees.<sup>3</sup>

Charitable choice backers achieved their most visible success when Bush signed two executive orders in the opening days of his administration – one establishing a White House Office of Faith-Based and Community Initiatives (OFBCI) and another establishing centers for Faith-Based and Community Initiatives in five federal departments.<sup>4</sup> The White House office is charged with identifying and eliminating funding barriers faced by faith-based programs. In December 2002, Bush issued two more executive orders, one establishing faith-based centers in the U.S. Department of Agriculture and the U.S. Agency for International Development, and the other, mentioned above, exempting religious organizations from religious discrimination rules applying to other government contractors.<sup>5</sup> That order also prohibits federal agencies from discriminating against religious groups.

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#### CHARITABLE CHOICE SUPPORTERS ASSUME:

There is significant discrimination against religious organizations in competition for government grants and contracts.

Religious congregations are intensively involved in social service activity.

Religious organizations deliver services in a more personal way, focusing on deep transformation rather than short-term solutions.

#### BUT RESEARCH SHOWS:

There are isolated instances of discrimination. Much more common is extensive and effective cooperation between religious social service organizations and government.

Most congregations engage in some sort of social service, but only a tiny minority actively and intensively engage in such activity.

Churches, synagogues, and mosques do not in general integrate recipients of social services into their congregations in ways likely to produce transformed souls and religious conversions.

Perhaps the most significant consequence of these events is the activity they inspired within state and local governments and among nongovernmental groups. More than two dozen states now have “faith-based” liaisons, offices, or task forces within their social service bureaucracies charged with increasing the involvement of religious organizations in publicly funded social services.

Much state and local governmental activity goes well beyond what any federal charitable choice legislation mandates. No federal legislation, for instance, requires more than nondiscrimination against religious organizations competing for funds, and no legislation requires any proactive outreach to religious organizations by government agencies.

Several of the state-level efforts have met legal challenges, and it is not clear that any of these activities have substantially increased the number of religious organizations receiving public funding for social services. Still, these developments indicate a cultural climate in which political leaders, government bureaucrats, and others are trying to increase the role of religious organizations *qua religious organizations* in the social services arena.

The rhetoric on both sides is heated and impassioned. And yet, as policy continues to develop, both supporters and opponents overlook the facts. In the midst of heated debate, both sides start with assumptions that are unsupported by evidence, and thus reach questionable conclusions. This article will examine three misguided assumptions about charitable choice.

#### **Assumption #1: There is significant discrimination against religious organizations in competition for gov-**

#### **ernment grants and contracts.**

One of the key assumptions of charitable choice proponents is that religious organizations are discriminated against in their quest for public cash. Sen. Joseph Lieberman, a key Democratic co-sponsor of the charitable choice bill, is among those who have pointed to such discrimination to justify support for the faith-based initiative. “There’s just no good reason to disqualify an oth-

**If religious organizations are favored in the competition for public funding, and there are no new funding streams for social services, money will be redirected away from secular nonprofits.**

erwise qualified faith-based group,” Lieberman said last year, “just because they have a cross on their wall or a mezuzah on their door, or because they have a religious name in their title, or they have praise for God in their mission statement.”<sup>6</sup>

There are indeed isolated instances of such discrimination. In a few cases, overzealous bureaucrats have demanded that, as a condition of receiving public funds, Catholic hospitals remove crucifixes or the Salvation Army refrain from using the word “sal-

vation.” But these instances must be balanced against thousands, perhaps tens of thousands, of government grants and contracts received over decades both by large religious social service agencies, such as Catholic Charities or the Salvation Army, and by many smaller religious organizations. Approximately 60 percent of Catholic Charities’ budget, and approximately 20 percent of the Salvation Army’s, comes from government sources.<sup>7</sup>

A 1960s survey of hospitals, nursing homes, children’s institutions, and children’s service organizations associated with eight denominations in 20 states found that 71 percent of these organizations received government funds, a figure no different from

an explicitly religious organization, from receiving more than half of the \$20 million available in fiscal year 2000 from the U.S. Department of Housing and Urban Development’s (HUD) Self-Help Homeownership Opportunity Program. The report highlights another HUD program, which funds elderly residence projects, as an example of a program that discriminates outright against religious groups. It’s true that HUD’s specifications prohibit religious organizations from being “project owners,” allowing them to be merely “sponsors who initiate a project.” Yet this appears to be a distinction without a difference: In the 35-year history of the elderly residence program, more than two-thirds

## There is no substantial discrimination against religious organizations in public funding streams. Isolated instances of discrimination should be placed in the larger context of cooperation.

that of secular organizations.<sup>8</sup> A 1982 study of religious social service agencies in one Midwestern city found that government grants and fees accounted for approximately half of their aggregate budgets.<sup>9</sup>

Research also has shown that religious social service providers who receive government funds commonly and openly maintain religious content in their programming, with no government interference. In a 1993-94 survey, only 11 percent of religiously affiliated, government-funded child service agencies and 22 percent of similarly funded international aid agencies reported having to curtail religious activities. Moreover, most of the activities that were sanctioned, such as requiring attendance at religious services, are among those activities (worship, religious instruction, proselytizing) that still are prohibited both by the “charitable choice” provision of the 1996 welfare reform legislation and by the December 2002 executive order.<sup>10</sup>

In 2001, the White House published a report, “Barriers to Participation by Faith-Based and Community Organizations in Federal Social Service Programs,” claiming to document the need for charitable choice initiatives. What is most striking, however, is the extent to which the report’s rhetoric is undermined by its data. Indeed, despite its title, the report mainly documents just how *open* the current funding system is to religious organizations. Throughout the report, the facts are at odds with the rhetoric. The report claims that federal officials are biased against religious organizations, but that bias did not stop Habitat for Humanity,

of the funded sponsors have been religious organizations.

The White House report cites percentages of various funding streams going to religious organizations as if these numbers *by themselves* imply that religious organizations are prevented from competing fairly. In 2000, for example, 21 percent of U.S. Department of Health and Human Services abstinence education funds went to religious organizations. But it is impossible to assess whether this number indicates anti-religious discrimination without also knowing how many grant applications, and of what quality, came from religious organizations. In the one instance where such a benchmark is provided, the evidence undermines the claim that anti-religious bias is pervasive: 2 percent of the applicants for the U.S. Department of Labor’s welfare-to-work funds were from religious organizations, and religious organizations received 2 percent of the grants. The facts, if not the rhetoric, contained in this report make it clear that even six months of diligent searching for anti-religious discrimination in five federal agencies was not able to produce compelling evidence that such discrimination is even a minor problem. Far from being discriminated against, it is more accurate to say that, in the social services arena, collaboration between government and religious organizations is the norm, and has been the norm for a long time.

Available evidence suggests that there is *no* substantial discrimination against religious organizations in public funding streams. Isolated instances of discrimination should be placed in the larger context of extensive and effective cooperation. In the

will be required to establish a jurisdictionally following of great need. Only those that have a stated "faith support" will be eligible.

The applicant, from down in several other HUD will make an offer of funding to the most high-ranking application.

(C) Preference and Compliance

(d) Standard Form 27-111 and HUD Form 1000

(1) Preference, Memoranda of Understanding or Agreement, letters of commitment or other documentation that describes the proposed roles of agencies, local based-based, task forces, participating faith-based, and other community or neighborhood-based groups or organizations, local businesses, and others working with the program. For profit entities and for those that are not clearly community and document how the local-based (not based) identification, and several members will be consulted with local organizations (faith) or with of general local government to carry out local based based.

from the actions of the state

## The Faith-Based Advantage

Does charitable choice go beyond “leveling the playing field,” ultimately privileging religious organizations in the quest for public funding streams?

Consider these requests for proposals from the U.S. Department of Housing and Urban Development.

The first notice, posted in the *Federal Register* last year, announces that \$6.5 million is available to nonprofits and for-profits for eliminating lead poisoning “as a major public health threat to young children.” Under “Factors for Award Used to Evaluate and Rate Applications” the document asks candidates to “Describe how you intend to involve faith-based *and* other community-based organizations in your proposed activities.”

The italics are added for emphasis; the conjunction “and,” as opposed to “or,” would appear to give preference to proposals that include religious collaborators.

A second notice, also posted last year, announces \$80 million available to states, Indian tribes, or local governments to identify and control lead-based paint hazards in eligible privately owned housing. Again, the notice indicates that selected applicants must do the work in partnership “with faith-based and other community-based organizations.”

The notice goes on to state: “Applicants are encouraged to solicit participation of faith-based and other community-based and private sector organizations to accomplish outreach and community involvement activities and to build long-term capacity and sustain accomplishments in the target area. Applicants that partner, fund, or subcontract with faith-based and other community-based organizations will receive higher points.”

—MC

absence of significant discrimination against religious groups, it is reasonable to ask whether all of the efforts associated with charitable choice and faith-based initiatives amount to privileging religious organizations rather than removing discrimination against them.

### Assumption #2: Religious congregations are intensively involved in social service activity.

A second major assumption is that religious congregations – churches, synagogues, mosques, and the like – are intensively involved in social service activity. A 2000 study supports this con-

tention, estimating that the average Philadelphia congregation provides more than \$100,000 a year in financial and in-kind support to the city’s needy.<sup>11</sup> Writing in the report’s foreword, John DiIulio, former head of the OFBCI, noted that 91 percent of congregations sampled in the survey had at least one social service program. “The city’s community-serving ministry sector is remarkably productive,” he said, “in reaching out to the neediest of the needy.”

But profiling the most active congregations (the survey’s sample was not random) and highlighting statistics from studies that overrepresent such congregations gives a misleading impression of the typical congregation’s social services involvement. In fact, although most congregations engage in some sort of social service, only a tiny minority actively and intensively engage in such activity. Only 6 percent of congregations have a staff person devoting at least quarter time to social service projects. The median dollar amount spent by congregations directly in support of social service programs is about \$1,200, which is about 2 percent of the median congregation’s total budget. In the median congregation, only 10 individuals do volunteer work connected with congregational social services.<sup>12</sup> In 80 percent of the congregations engaged in these activities, 30 or fewer volunteers were mobilized for social service work in the past year. Time-use studies of clergy find that they spend minimal numbers of hours on community activities of any sort.

The peripheral nature of social services to most congregations also is clear from the case study literature. Very typical is the Church of God congregation in Anderson, Ind., that responded to increased economic need in its community by “establishing a Social Needs Committee and restocking the Helping Hands Cupboard more often than usual”<sup>13</sup> or the Baptist church in Leeds, Ala., that “created a local missions budget of 2 percent of all contributions available for those in need” and used that money mainly to give small cash grants to needy indi-

viduals.<sup>14</sup> Lowell Livezey, a researcher at the University of Illinois at Chicago, summarized results from case studies of 75 Chicago congregations by saying, “Most of the congregations principally serve their own members, with service to the wider community and advocacy for public causes relegated to small committees and discretionary portions of annual budgets. ... Programs of social service and social action account for but a fraction of the religious contribution to the quality of urban life.”<sup>15</sup>

Some congregations do intensively engage in social service activity and are important social service institutions in their communities, but those are the exceptions, not the rule.

**Assumption #3: Religious organizations deliver services in a more personal way, focusing on deep transformation rather than short-term solutions.**

One of the abiding beliefs of charitable choice proponents is, as Bush noted in April 2002, that “faith can move people in ways government can’t.” The president added that government “can’t put hope in people’s hearts, or a sense of purpose in people’s lives. That is done by people who have heard a call, and who act on faith and are willing to share that faith.”

The idea that government might fund those in the “soul-saving” business is also one of the chief fears of charitable choice opponents. “The provision in charitable choice guaranteeing the right to retain the religious character of the sponsor also guarantees that the program will promote religious views,” said U.S. Rep. Robert C. Scott, a Virginia Democrat, testifying on a House bill before a Ways and Means subcommittee in June 2001. He added that a “prohibition against using the federal funds for proselytization does not prevent volunteers from taking advantage of the captured audience and converting the federal program into a virtual worship service.”

The fact is that neither the hopes on one side nor the fears on the other are supported by the evidence. Recent research on religious congregations suggests that churches, synagogues, and mosques, even when they are extensively involved in social services, do not in general integrate their social service clients into their congregations in ways likely to produce transformed souls and religious conversions.



Congregations are in fact more likely to engage in activities that address the immediate, short-term needs of recipients than in programs requiring more sustained involvement to meet longer-term goals. Housing, clothing, and especially food projects are much more common than programs dealing with substance abuse, mentoring, or job training. Fewer than 5 percent of congregations have programs in any of these latter areas. By comparison, 11 percent have clothing projects, 18 percent have housing/shelter projects, and 33 percent have food-related projects. Eight percent of congregations provide services to homeless people.<sup>16</sup> And according to a 1997 study, in which researchers surveyed 300 congregations in nine communities, nearly two-thirds reported that their members had lit-

# It's black churches, not white Evangelicals, that are most likely to reap the benefits of charitable choice initiatives. Two-thirds of black congregations said they'd apply for funding.

tle to no involvement with those served by social programs.<sup>17</sup>

Consider a 2000 study by Livezey and his colleagues that looked at 12 churches within walking distance of Henry Horner Homes, a large public housing development in Chicago. Only one church, the authors wrote, “claimed participation of Henry Horner residents as members or regular attendees, although several spoke of ministries to them, including evangelization and social services.” The pattern cut across racial and denominational lines. In general, the churches found it “very difficult to include the socially isolated poor as participants as well as recipients.”<sup>18</sup>

Some programs designed to bridge the gap between parishioners and clients have fallen by the wayside. For instance, Mississippi’s “Faith and Families” program, initiated in 1994, aimed to connect needy families with mentors in religious congregations. But the program failed in part because of limited congregational interest and difficulties in making meaningful connections between those in need and participating congregations. It was shut down by 2000.<sup>19</sup>

Furthermore, an in-depth case study of a congregation’s mentoring effort in a mid-sized city found that people in the congregation experienced great difficulty connecting with and knowing how to help the poor people in the program. This congregation gave up on its mentoring efforts after only seven months, and a larger umbrella program, which initially involved seven congregations, folded after three years.<sup>20</sup>

Nor are noncongregational religious social service providers more personal in their approach than secular social service

providers. A recent survey of welfare-to-work service providers in Chicago, Dallas, Los Angeles, and Philadelphia examined the extent to which each organization provided standard job-oriented services, such as vocational training and job placement services, and it examined how they tried to influence “the behavior, attitudes, and values of welfare recipients” through activities focused on “work preparedness, life skills, and mentoring.” Religious organizations did no more of this latter type of activity than secular nonprofit, government, or for-profit providers.<sup>21</sup>

One might imagine that if it is mainly Evangelical churches that are in the soul-saving business, it would be Evangelical institutions that have the most personal approaches when interacting with the needy. But this is not the case. The Evangelical urge, when channeled through social services, is shaped and limited by the same social boundaries that shape and limit other congregations. One Evangelical congregation in Tucson, Ariz., that fed homeless people, for example, explicitly engaged in this activity primarily to save souls. However, they directed their most personal and intensive conversion efforts – engaging in long conversations, extending invitations to other events – at other middle-class volunteers, not at the homeless individuals they served.<sup>22</sup> And in the survey of welfare-to-work service providers mentioned above, even religion-based organizations that integrate explicitly religious elements into their programming were no more likely to do things with a personal touch.

Moreover, Catholic and liberal/moderate Protestant congregations are significantly more likely to apply for government funds in support of social service activities than are conservative/Evangelical congregations. Forty-one percent of congregations in liberal/moderate Protestant denominations and 40 percent of Catholic congregations said they would be willing to apply for government funds compared to only 28 percent of congregations in conservative/Evangelical denominations.<sup>23</sup> It’s black churches, not white Evangelicals, that are most likely to reap the benefits of charitable choice initiatives. Two-thirds of surveyed black congregations expressed a willingness to apply for government funds compared to only 28 percent of predominantly white congregations. When other differences (such as size and denomination) among congregations are statistically controlled, predominantly black congregations are *five times* more likely than other congregations to say they would seek public support for social service activities.<sup>24</sup>

## A Symbiotic Relationship

To the extent that charitable choice efforts amount to privileging religious organizations rather than removing discrimination against them, they should be resisted both on empirical grounds (there is no good reason to think these organizations do things

better than secular organizations) and on normative grounds (in a religiously pluralistic society, it is a bad idea to make religious differences salient in competitions for scarce resources, especially for scarce resources distributed by government). Privileging religious organizations ignores the core sociological wisdom behind the First Amendment.

Congregations do have a distinctive approach to social services, but their typical approach is not the one commonly highlighted. When they do more than donate money or collect canned goods at Thanksgiving, congregations typically provide small numbers of volunteers to carry out well-defined tasks on a periodic basis. In this light, it probably is not an accident that the highest levels of congregational involvement occur in arenas that also have organizations (such as homeless shelters and Habitat for Humanity) able to take advantage of congregations' capacity to mobilize relatively small numbers of volunteers to carry out well-defined and bounded tasks. Programs or projects able to adapt to this model are likely to be the most successful at drawing congregations into their efforts. Government agencies or nonprofit organizations looking for closer collaborations with congregations might profitably start by developing ways to use what congregations are best able to offer.

Far from providing an alternative to social services provided by government and other secular agencies, congregations' social service activity, especially activity that goes beyond short-term emergency needs, often *depends* on collaboration with government agencies and secular nonprofits. Indeed, the relationship between religiously based social services and a larger, secular and governmental social services arena seems akin to the relationship between the nonprofit sector as a whole and government. The common rhetoric portraying the voluntary sector as a substitute for, or even in conflict with, the state obfuscates an empirical reality of cooperation and mutual dependence.

Similarly, congregation-based social services and, more generally, religiously based social services, when they are pursued in a serious way, mainly are deeply embedded within, and even dependent upon, the larger world of secular nonprofits and government. Religiously based social services are not, in general, an alternative to secular or government-supported social service delivery. They are, rather, part of that world, likely to rise and fall with it.

For the vast majority of congregations, social services are peripheral activities, taking up only small amounts of their resources and involving small numbers of people. We fundamentally misunderstand congregations if we imagine that this sort of activity is now, ever was, or ever will be central to their

activities. The image of congregations deeply engaged in serving the needy has been, for many, a compelling normative vision for more than a century, but we should not let notions of what congregations ought to be influence our assessment of what they are. □

1 From Web transcript,

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<http://www.whitehouse.gov/news/releases/2001/01/20010129-2.html>

5 For text of order, see

<http://www.whitehouse.gov/news/releases/2002/12/20021212-6.html>.

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