

Finding Common Ground: 29 Recommendations of the Working Group on Human Needs and Faith-Based and Community Initiatives



Working Group on Human Needs
and Faith-Based and Community Initiatives

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Foreword

by Harris Wofford

Since June 2001 it has been my privilege to chair the thirty-three member Working Group on Human Needs and Faith-Based and Community Initiatives that Senator Rick Santorum asked me to convene.

Senator Santorum and I may seem like an Odd Couple. He and I come from different political parties, and in 1994 we ran against each other for the U.S. Senate. While we have many differences, we share a deep concern that the doors of opportunity are not yet open for millions of Americans living in poverty or struggling with other barriers to enjoying their “inalienable right” to “life, liberty, and the pursuit of happiness.” The needs of young people, families and communities left behind cry out for urgent attention, and we both believe that expanding the efforts of faith-based and community-based organizations is one of the ways that Americans now stirred by a renewed sense of community and patriotism can take concerted action.

With Search for Common Ground, an organization with experience in conflict resolution and consensus building in many countries, we initiated this Working Group. Its purpose was to seek common ground on appropriate ways of increasing the opportunities for people in need to get help from community-based organizations, including those inspired by religious faith.

Senator Santorum and Senator Joseph Lieberman, the leading co-sponsors of current Senate legislation, have encouraged the project along the way. A number of former colleagues of mine in the Senate, from both parties, and others in the House, anticipate that the report of the Working Group will contribute to their deliberations, not only about pending legislation, but also about the longer-term development of collaboration between the government and the civic sector — in all its dimensions in mobilizing the armies of compassion.

The Working Group’s members were drawn from the leadership of diverse stakeholders in the civic sector, and have different religious, philosophical, and political viewpoints. We were excellently supported by the staff of Search for Common Ground, led by Roger Conner and Gerald Kamens, with staff assistance from Marie Williams, Brent Elrod and Anne Burson. We benefited from the skillful facilitation of Larry Spears, of the Consensus Council, Inc. We were advised on law and the Constitution by an outstanding pro-bono team from the law firm of Wilmer, Cutler & Pickering, led by Joshua Weinberg, of Josh Brady, Brant Brown, Scott Shepard, and Carter Snead. For key research assistance we had valuable help from Professor Douglas Koopman of the Paul Henry Center on Public Policy of Calvin College, and from Melissa Rogers of the Pew Forum on Religion and Society. The Washington office of the law firm of Skadden, Arps, Slate, Meaghers, & Flom provided support as the hospitable host of each of our meetings.

After seven months of study with long hard-working and straight-talking sessions, the Working Group now issues this report, *Finding Common Ground: 29 Recommendations of the Working Group on Human Needs and Faith-Based and Community Initiatives*. It shows that we did indeed find common ground. We clarified issues that have been the subject of considerable confusion. We came to agreement on many findings, proposed action steps, and specific recommendations.

The formal consensus process we followed was itself a demonstration of how people of good will can successfully find common ground on critical issues — examining and acknowledging differences but stressing commonalities, seeking clarity by facing complexity. We listened to each other

with respect and learned from each other. We followed questions where they led, and agreed to a set of ground rules that produced results. Among those procedural rules were: Everyone is equal. Principals only. No proxies. No relevant topic is excluded. No discussion is ended, but silence when agreements are proposed is agreement. No attribution of ideas outside the room. Respect opinions and respect time.

I believe our recommendations and accompanying proposed action steps are both practical and constitutional. If implemented, we believe they will increase the capacity and effectiveness of community and faith-based organizations in meeting human needs and helping to complete America's unfinished business of "liberty and justice for all."

This Report reflects the way we proceeded. Section I lays out our shared values and guiding principles, and our agreement on the urgency of the needs to be addressed. We found that the Constitution, from the great purposes of the Preamble, through the Bill of Rights with the First Amendment, was not an obstacle but was our over-arching guide. However we may disagree on the interpretation or the application of the first proposition in the Bill of Rights, a guiding principle has been that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Next, as indicated by the name of the Working Group, we looked at the human needs our society must meet in order to make America "a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." We found that those needs call for increased and more effective action, by both the private and the public sectors, and by secular and faith-based organizations. We developed our action steps in the light of concrete needs in key areas such as mentoring and tutoring for children and youth, drug and alcohol treatment, homelessness and hunger.

Before turning to the constitutional or other issues involved in government funding, we found a large area of agreement on the need for a major increase in financial support for community-based and faith-based organizations from private individuals, foundations, corporations, and other philanthropic institutions. One way to encourage such an increase in private giving is through the tax incentives that we recommend.

We agreed on a number of measures for capacity building to help smaller community-based and faith-based groups operate in compliance with policies and procedures to secure, manage, and account for funds from individuals, governments, and philanthropic institutions. Our recommendations for technical assistance call for actions by government agencies, by foundations and other institutions of the civic sector, and by the community-based organizations themselves, often in partnership with intermediary organizations. We agreed on other steps that both Congress and the Executive Branch could take to increase the participation of effective community organizations in existing and future federal programs.

Throughout, our recommendations represent a concern that programs receiving any form of assistance, by public or private sources, are in fact effective and produce good results. A number of recommendations are designed to promote greater effectiveness — which in turn can lead to greater private and public support. And we recognize the need for greater resources for programs in every American community that are effective in meeting urgent human needs.

In completing this project, I thank very warmly the staff of Search for Common Ground, who helped design the work, organize the research, conduct shuttle diplomacy between meetings, and coordinate the editing of the Report. With our facilitator, Larry Spears, a nationally recognized leader in the field, we all learned how a formal process known as policy consensus could produce

very constructive results. And I warmly thank the Annie E. Casey Foundation and the Lynde and Harry Bradley Foundation for their generous financial support of our work through grants to Search for Common Ground.

In completing this project, I thank above all my colleagues of the Working Group who gave so much of what they have least to give — their time — and gave what they have beyond measure — a readiness to work together for the common good. We each had our hopes for these efforts; none may be entirely fulfilled, but I think the results are well beyond our expectations. In their reflections in the last section, members speak for themselves.

One of my main hopes has been realized. I believe this report will serve to help return the public debate to the large purposes of meeting urgent human needs that were proposed as the framework for the new initiatives advanced by both Vice President Gore and Governor Bush in the last presidential campaign.

Our discussions did not get diverted to debate on whether or not faith-based organizations should receive a larger proportion of the existing pool of federal funds for social service. Our report focuses not on how faith-based organizations can get more, but how they and other civic organizations can be encouraged to give and do more, in an effective and accountable manner.

On September 11, as word spread of the attack on the Twin Towers and the Pentagon, and of the plane crash in Pennsylvania, members of our Group were assembling for one of our sessions, with some still en route by air or train. We were evacuated from the Skadden Arps office near the White House, and made our way a mile or so up to the office of Search for Common Ground. Those who reassembled later that morning and every member in subsequent meetings responded by continuing our search for common ground, in good faith, with even more determination and dedication. From the beginning to the end of this venture, we were not just bipartisan and non-partisan. We were fellow Americans who believe in the promise of America and want to see that promise fulfilled for all Americans. ■

Members of the Working Group on Human Needs and Faith-Based and Community Initiatives

Harris Wofford, Chairman

Aly Abuzaakouk, Executive Director, American Muslim Council

Clay Brewer, Vice President & COO, Big Brothers Big Sisters USA

David Caprara, President, The Empowerment Network, and American Family Coalition

John Castellani, Director, Teen Challenge

Luis Cortés, Jr., Director, Nueva Esperanza

Bob Edgar, General Secretary, Natl. Council of Churches

Floyd Flake, Senior Pastor, Allen African Methodist Episcopal Church

Richard Foltin, Director of Legislative Affairs, American Jewish Committee

Robert Franklin, Jr., President, Interdenominational Theological Center

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Richard Land, President, Ethics and Religious Liberty Commission

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Jim Lindsay, Executive Director, Catholic Network of Volunteer Services

Barry Lynn, Director, Americans United for Separation of Church and State

Will Marshall, Director, Progressive Policy Institute

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David Saperstein, Rabbi; Director, Religious Action Center of Reform Judaism

Hilary Shelton, Director, NAACP Washington office

Ronald J. Sider, President, Evangelicals for Social Action

Ralph Smith, Vice President, Annie E. Casey Foundation

Carole Thompson, Senior Associate, Faith and Families Agenda, Annie E. Casey Foundation

Dean Trulear, Senior Pastor, Mt. Pleasant Baptist Church

Melanne Vermeer, Chair, Vital Voice Global Partnership

Judy Vredenburg, CEO, Big Brothers Big Sisters USA

Steve Waldman, Co-Chairman and Founder, Beliefnet.com

Karen Woods, Vice-President for State Initiatives, The Empowerment Network

Robert Woodson, Sr., President, National Center for Neighborhood Enterprise

Organizational affiliations are listed for identification purposes only

II. Non-Government Funding: Increasing Private Support

1. A major increase in financial support is needed from private individuals, foundations, corporations, and other philanthropic institutions for community-based and faith-based groups working effectively to address poverty and related unmet human needs.
2. To encourage *individual* giving, non-itemizers should be allowed to deduct charitable contributions, and penalties on donations from IRAs should be eliminated. To encourage corporate giving, restrictions on in-kind contributions, such as non-deductibility of transportation and storage costs, should be eased.
3. Institutional funders should review blanket restrictions on applications from faith-based organizations that are working to address human needs in their communities.
4. Foundations, other philanthropic institutions, and corporations should create more programs that give smaller community-based and faith-based groups access to small-scale grants.
5. Additional efforts are needed to encourage contributions to community-based and faith-based organizations, and reduce transactions costs for both donors and recipient organizations.

III. Direct Government Support

6. Congress and the Executive Branch should take steps to increase the participation in federal programs of effective organizations that, because of their small size, have difficulty pursuing available funds.
7. In the design and implementation of direct funding programs, Government agencies should not set limitations or conditions that apply, in context, to the benefit or to the detriment of faith-based organizations as compared to more secular groups, unless they understand them to be constitutionally or legally required.
8. Government agencies should be fully transparent, providing plain statements on eligibility as well as any conditions, prohibitions or restrictions, including those relating to the religious nature or activities of potential applicants. (Linked with Recommendation 20)

IV. Government Indirect and In-Kind Assistance

9. Government agencies should increase technical assistance to smaller organizations and individuals working at the grassroots level and make it available to all, consistent with constitutional standards.
10. Experience demonstrates that Government can, under a variety of conditions, work with faith-based organizations, including churches, houses of worship and other faith-saturated organizations, to deliver assistance to persons in need.
11. Congress and the Executive branch should expand opportunities for service in VISTA and other AmeriCorps programs, as currently practiced, in order to supplement the staff and significantly increase the capacity of faith-based and community-based organizations to meet human needs, when government funding goes to the support of the national service participants.

V. Capacity Building

12. Private technical assistance should be increased to expand the capacity of smaller faith-based and community-based organizations providing services to those in need.
13. More and better intermediary organizations should be established to provide fiscal sponsorship and other forms of support for faith-based and community-based groups.
14. Churches, congregations, and houses of worship that operate social services programs for which they seek government funds should create separate 501(c)(3) corporations, or enter into partnerships with existing 501(c)(3) organizations.

15. Congress and the IRS should create an “EZ application form” for a 501(c)(3), waive existing filing fees, and take other steps to help smaller organizations to form separate 501(c)(3) organizations.
16. Government and the private sector should develop formal capacity to facilitate voluntary, cooperative resolution of conflicts in this area of government collaboration with faith-based and community-based organizations.

VI. Employment Practices

17. Privately funded faith-based organizations should continue to enjoy the freedom to pursue their religious mission — including continued enjoyment of statutory authority to use religious preferences in employment.
18. When Government requires staff for publicly supported social services programs or activities to be selected without regard to religious beliefs or practices, it is appropriate that such restrictions apply to those publicly supported programs or activities and not to other programs or activities within the same organization. This recommendation does not address the desirability or constitutionality of such conditions on the acceptance of government support.
19. No racially discriminatory employment policy should be permitted, even if that policy is ostensibly based on religious beliefs.
20. Any organization that intends to use religious preferences in employment decisions concerning government-funded programs should be required to report such policies in applications for government funding. (Linked with Recommendation 8)

VII. The Need for Results: Achieving Effective Outcomes

21. Public and non-government funders should insist on effective performance and outcomes on the part of all providers of services.
22. All organizations that operate with public and private money should operate with high levels of accountability regarding money, and have the ability to comply with rules and regulations intended to safeguard consumers and tax dollars.
23. All organizations that operate with public and private money should foster empowerment of individuals and communities as an integral component of sustainable change.
24. Tools to measure and assess outcomes and effectiveness should be continually reevaluated, improved, and incorporated into all stages of program development, funding, and evaluation.
25. Government and philanthropic organizations should support empirical and peer-reviewed evaluation research to test the relative effectiveness and costs of all providers, including faith-based, in areas such as drug treatment, tutoring and mentoring.
26. In fields of service where certification is required, accreditation agencies should work to incorporate outcomes into standards uniformly applicable to all providers of services, whether faith-based or secular.
27. Research and evaluation should pay attention to the issues that arise from the different types of faith-based and community organizations in the provision of service, and from the inclusion of a greater number and variety of faith-based and community organizations in service provision.

VIII. Next Steps to Improving Public Dialogue and Expanding Areas of Agreement

28. Individual leaders and organizations should use the recommendations in this report as springboards for action, and a starting point to build new agreements at the national, state, and local level.
29. Americans need a better understanding of the variety of faith-based and other non-profit organizations, and participants in public discussions and debates need to be attentive to the reality that the current vocabulary of public discussion can serve to confuse and divide. ■

All recommendations should be read with the qualifications and assumptions stated in the accompanying text.

I: The Urgency of Now

Shared Values and Guiding Principles

In 1963, in front of the Lincoln Memorial, Martin Luther King called for action for long-sought civil rights and for greater social and economic opportunity for all:

We have also come to this hallowed spot to remind America of the fierce urgency of now. Now is the time to open the doors of opportunity to all of God's children.

That call still rings out to us today. The doors of opportunity are not yet open for many children and their families in America. Over twelve million children live below the poverty line. Massive numbers of youth are falling behind and dropping out of school. Millions struggle, far into their adult years, with the consequences of child abuse, addiction, untreated mental illness, poor education, the lack of employment skills and work experience, and more. After five years of welfare reform, as President George W. Bush recently warned:

The hardest problems remain — people with far fewer skills and greater barriers to work.... We do not yet know what will happen to these men and women, or to their children. But we cannot sit and watch, leaving them to their own struggles and their own fate.

Renewed efforts are also required for neighborhoods where poverty, weak schools, high crime, family instability, substance abuse, lack of economic development, and racial and ethnic discrimination are concentrated. We cannot and must not abandon these communities, but instead must make a renewed commitment as a nation to stand with those who struggle, helping them find the strength they need from within, and the help they need from without, to change and improve their lives. In that spirit, the efforts of this Working Group are intended to help galvanize the nation to seek solutions that are both effective and constitutional.

Who We Are

The Working Group on Human Needs and Faith-Based and Community Initiatives is a group of individuals from many diverse stakeholder groups in this country, who first assembled in the summer of 2001 to:

- ▶ Clarify the *status quo* and the issues raised by current legislative proposals, so that public debates around government support of faith-based organizations could be more fact-based, and centered on the real differences;
- ▶ To assess issues in the light of concrete needs in key areas, including children and youth (mentoring, tutoring, after-school programs), drug and alcohol treatment, homelessness, and hunger; and
- ▶ To identify potential areas of agreement, especially where people are separated by misunderstanding rather than value conflicts requiring resolution by the courts.

We used a consensus-based process to examine the dimensions of the public controversy, identify areas for discussion, examine the breadth of perspectives present in the group, and seek solutions. To operate through consensus meant that:

- ▶ Each step we took, including our ground rules, development of recommendations, and the Report text itself, was put before the Working Group for agreement;
- ▶ Each participant had the opportunity to express his/her perspective on the matters at hand;
- ▶ Each member's opinion was considered carefully in making final decisions; and

- ▮ All members supported, or at least did not oppose, each recommendation.

Through this process, we have been able to find common ground and reach consensus on the recommendations that follow. We did bring ideas and proposals to the table on which we could not reach agreement, positions that we will continue to advance in the public square. We believe we have in many instances narrowed our differences, and have come to gain a better perspective on differing perspectives on some very controversial issues.

Our deliberations and recommendations are built on three convictions that we believe are widely shared among the American people:

- ▮ Government, faith communities, civic and community groups, businesses, and philanthropic organizations — working collaboratively and independently — can and must play vital roles today in meeting the urgent needs of many Americans.
- ▮ These efforts can and must be carried out in ways that are effective and that strengthen our democracy while upholding our commitment to religious liberty as guaranteed by the First Amendment to the U.S. Constitution.
- ▮ Now is the time for all Americans — from across this country’s political and religious spectrum — to find innovative ways for government *and* civil society, including faith-based and community-based organizations, to tackle the pressing social problems facing communities throughout the nation, and to address the human needs of those many children, families, and all others left behind in this country’s recent economic growth, who are even more at risk in these times of economic uncertainty.

Lastly, we are impelled to review our effort through the prism of the September 11 tragedy. Just as Americans are responding with determination to the challenge of terrorism, it is more important than ever for Americans to respond with renewed will to the challenges of the home front, where grave needs in our communities cry out for urgent attention and more effective action. When the cause is just, or the crisis severe, Americans of all faiths and belief systems can join together around a common mission.

Religion, Civil Society, and the American Experiment

America is a republic in which ideas, values, and dreams bind all Americans together into a national community — a moral and political web of interdependence. Through the progress, the problems, the contradictions, and the tragedies of our past, we have learned important lessons. One lesson is that the historic expressions of the American spirit ring true today: “We hold these truths to be self-evident” — from our Declaration of Independence — “that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.” And from our Constitution: “We the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity....”

America is a dynamic work in progress that permits and encourages each successive generation to reflect anew her founding principles and traditions. This is one way in which we attempt to create “a more perfect union.”

In that vein, we respectfully suggest that the American spirit in our time embraces such concepts as responsible citizenship, the rational pursuit of self-interest within community, active compassion for the least advantaged members of the society, equality of opportunity, a sense of

our global interdependence, respect for the environment, respect for the dignity of individuals, groups, and cultures with which we may share seemingly little in common, and a shared public sense of justice and goodness. Americans are motivated to practice and promote these “public virtues” by many sources and causes.

Religion has been the foundation for much that is good and noble in our national life. We see the potential for religion to undergird and strengthen civil society, advancing citizenship, community, and civility, justice, order, compassion, inclusiveness, and interdependence. We also recognize that both those who do, and those who do not, profess religious faith frequently exhibit these qualities. For many, religious faith provides an important foundation for those qualities to prosper. We also acknowledge that, at various times and places throughout the world, religion has been used to divide and harm the human family. Today, nevertheless, there is vast common ground for both nonreligious and religious Americans to work side by side to alleviate poverty and promote human betterment.

Another dynamic and significant force in American society is our common ethic of volunteering and civic engagement. The French observer Alexis de Tocqueville commented over a century and a half ago on the American habit of stopping to help the stranger by the side of the road, of volunteering, of forming voluntary associations; he saw these characteristics as uniquely American.

Citizen involvement in forming and supporting voluntary faith-based and community-based organizations to improve the community and help people in need is a core element of our culture. The provision of community education and social welfare services by faith-based and community-based organizations is a tangible manifestation of the American ethic of civic engagement expressed in voluntary service organizations, and is fundamental to the American way of building and sustaining community.

Social Justice and Renewal as Shared Responsibilities

Long before there was significant government sponsorship of programs and services to meet this country’s human needs, faith-based organizations, other voluntary community associations, individuals, and families played a large role in meeting some of these needs. Indeed, many governmental and other secular social welfare institutions in communities across the nation have their origins in faith-based and community-based organizations established as long as 100 or 150 years ago.

Even as government at all levels has assumed greater responsibility for policies and programs to address human needs, the American tradition of faith-based and other community organizations providing social welfare and educational programs has continued. They play a unique role today. They have access to motivated staff and similarly motivated volunteers. They often enjoy trust within their communities. There are many reports that the spiritual dimension of faith-based organizations provides a powerful ingredient for needed change for people otherwise unreachable, including some with multiple barriers.

Thus the human service delivery system in the U.S. is an amalgam of resources and programs of the public sector and the private sector, the latter including both faith-based and secular service organizations. Fully half of all government-funded social services are in partnership with private non-profit organizations.¹

The Civic Framework

Although we sometimes differ over their interpretation, we agree that the religious liberty clauses of the First Amendment and other constitutional principles provide the civic framework within which we are able to debate our differences, to understand one another, and to forge public policies that serve the common good.

The first premise of our dialogue is a shared affirmation that religious liberty is an inalienable right that is based on the inviolable dignity of the person. This right is protected by the first sixteen words of the Bill of Rights:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...”

We also agree that our deliberations must be informed by our commitment to other constitutional principles, including the “equal protection of the laws” guaranteed by the Fourteenth Amendment.

Our commitment to uphold constitutional principles is accompanied by the recognition of our civic responsibility to guard the rights of all — including those with whom we deeply disagree. Moreover, we have a civic duty to treat one another with civility and respect, even when our differences are important and abiding.

Re-affirming the rights and responsibilities that flow from the U.S. Constitution with its Bill of Rights is the starting point for seeking common ground across our differences. These are civic principles that bind us together as a people, enabling us to live with our deepest differences as American citizens. To borrow from John Courtney Murray, these democratic first principles are not our “articles of faith” — they are our “articles of peace.”

Upholding the First Amendment

In order to sustain the arrangement in religious liberty made possible by the First Amendment, cooperation or collaboration between government and faith-based programs in providing social services must be carried out in ways that:

- ▮ Protect individual conscience in matters of faith and practice;
- ▮ Preserve the essential integrity and autonomy of faith communities;
- ▮ Treat all faith communities equally; and
- ▮ Agree at the least that government funds not be provided directly to recipient organizations for the purposes of religious worship, instruction, or proselytization, on the one hand, or for denigration of religion on the other.

Articulating these points of agreement is not an attempt to minimize important differences that must be addressed — including what type of safeguards or restrictions are required or permitted — but rather a starting point for deliberation among citizens committed to the common good.

Safeguarding religious liberty and other constitutional principles must not be an afterthought in the work of meeting human needs; it must be at the heart of our efforts. Constitutional ground rules are not barriers that must be overcome; they are the guiding principles that have made religious diversity and vitality possible in American life. As we engage in the urgent task of addressing our nation’s social problems, we must simultaneously uphold and expand the boldest and most successful experiment in religious liberty in human history.

Beyond Mere Civility: Openness

A commitment to effectively addressing the needs of those people most in need must include a commitment to a national dialogue fully open to all voices, including grassroots organizations, people of all faiths and value commitments, social scientists, political and community leaders, public servants, and practitioners. It is well to remember that today's conventional wisdom often began as yesterday's heresy, and many of the established organizations represented in the Working Group began as a handful of committed individuals challenging the established groups of their own day.

Serious and compassionate people, we included, disagree on many issues relating to expanding the scope and capacity of faith-based and community-based organizations to address human needs. Notwithstanding these honest differences, this report itself demonstrates how people across the political spectrum can meet, listen to each other with open hearts and minds, work to understand their differences, and then find common ground in many areas on action to achieve our common goals. Using this consensus-seeking process, in which the opinions and perspectives of all members were carefully considered, these are our findings and recommendations.

Thus do we respect the urgency of now. ■

II: Non-Government Funding: Increasing Private Support

- 1. A major increase in financial support is needed from private individuals, foundations, corporations, and other philanthropic institutions for community-based and faith-based groups working effectively to address poverty and related unmet human needs.**

Faith-based and community-based organizations are making very substantial investments of human and financial resources to address unmet human needs. A significant expansion in their work will require more support from individuals and philanthropic institutions. Of course, private donors may support all faith-based organizations, including houses of worship and faith-saturated programs. Foundations, corporations, and other philanthropic institutions can also take more risks and be more flexible than government in supporting innovative social entrepreneurs and emerging grassroots leaders.

- 2. To encourage *individual* giving, non-itemizers should be allowed to deduct charitable contributions, and penalties on donations from IRAs should be eliminated. To encourage *corporate* giving, restrictions on in-kind contributions, such as non-deductibility of transportation and storage costs, should be eased.**

Action steps:

- ▶ Charitable tax deductions should be permitted to non-itemizers. Allowing deductions to non-itemizers will affirm the generosity of all those who give, and encourage others to do so. Congress should consider and adopt provisions comparable to the original proposal by President Bush in early 2001, which allowed deductibility from the first dollar contributed up to a ceiling equal to the standard deduction. The first dollar given by one who cleans the office building by night should receive the same treatment as that of the executive who runs the building by day.
- ▶ Limitations on charitable contributions from IRAs and other similar accounts should be eased. For many years, the tax code has given favorable treatment to taxpayers who contribute appreciated securities to qualified non-profit organizations. Taxpayers whose primary appreciated assets are contained in IRAs or other retirement accounts, however, cannot make comparable gifts without incurring significant tax liabilities. We urge Congress to remove penalties on these generous Americans, providing them tax treatment at least as favorable as those allowed to high-income donors of capital gain assets.
- ▶ Procedures with which non-profit organizations must comply to assure deductibility of in-kind gifts should be altered or clarified in ways that will assure accountability for donors and minimize paperwork requirements for community-based groups. The typical local organizations that distribute food and clothing are almost entirely volunteer-based, with limited capacity for financial reporting. The value of in-kind contributions can be very large in comparison to their budgets. Existing rules have the effect, in the interpretation of some non-profits, of requiring financial audits and other costly accounting procedures, which would impose a substantial fundraising requirement on groups without such capacity.
- ▶ The IRS and Congress should change existing rulings so that the transportation and storage of in-kind contributions are fully deductible. In some instances, needed supplies and materials are destroyed rather than being reused because of limitations on the deductibility of costs related to storage and transportation.

3. Institutional funders should review blanket restrictions on applications from faith-based organizations that are working to address human needs in their communities.

Many foundations, corporations, and other philanthropic institutions have policies that preclude some or all faith-based organizations from applying for grants, regardless of the program contents or the people served. We expect that most foundations and corporations will find some faith-based groups fit their program goals, so that fine-tuning or modification of current blanket restrictions on faith-based applicants would produce a “win-win” outcome. We urge these institutions to engage in dialogue with peers who have experience funding faith-based groups, with faith-based organizations themselves, and with other stakeholder groups, such as those represented in our Working Group.

Action steps:

- ▶ Leading foundations, other philanthropic institutions, and corporations should come together with secular and faith-based organizations and other stakeholders to examine the current restrictions, their history, and the concerns that have led institutions to adopt them.
- ▶ The development of a common language to characterize different types of faith-based and community-based organizations, and an agreed-on set of guidelines and principles could allow institutional funders to expand their options to include effective faith-based and community-based organizations, and do so in a way that respects the diversity of their own stakeholders and history.
- ▶ Assuming that such principles and guidelines are adopted, a concise phrase could be added to modify existing language in foundation guidelines regarding eligibility of applicants within the funders’ areas of interest.

4. Foundations, other philanthropic institutions, and corporations should create more programs that give smaller community-based and faith-based groups access to small-scale grants.

For smaller faith-based and community-based groups, especially those in low-income areas, small grants can be leveraged to produce very significant results. Yet the formal grant applications and reporting requirements are out of scale with the modest amounts of money needed. Some philanthropic institutions have addressed this problem by creating small grant funds with simplified paperwork requirements. Several national foundations make grants to national non-profit organizations, that have developed networks and protocols to quickly assess small grant requests from groups committed to empowerment strategies. Local government can also create small grant funds for neighborhood groups, although these must operate with constitutional and legal restrictions in mind in relationship to faith-based groups.

5. Additional efforts are needed to encourage contributions to community-based and faith-based organizations, and reduce transactions costs for both donors and recipient organizations.

Action steps:

- ▶ Existing or new organizations should create new vehicles to allow individual donors to pool contributions to support the work of community-based and faith-based organizations. Faith-based and community-based organizations without large fundraising capacity cannot reach potential donors; potential donors find it difficult to identify effective small-scale organizations. The creation of multi-donor funds is one way to address the needs of both groups. In many communities, inter-faith alliances, private donor-directed depositories, or existing institutions could play this role.

- ▶ Private sector funders should create new national funds to support faith-based and community organizations. By pooling resources from individuals, foundations, and other institutions, a critical mass of resources could be generated to make long-term investments in capacity building, evaluation, and innovation, as well as sustained dialogues among differing groups. Such a fund could also provide a vehicle for foundations and corporations that may not wish to make grants to any individual faith-based or community-based organizations. ■

III: Direct Government Support

Among the issues currently being debated is whether the federal government should take active steps to expand the participation of faith-based and community-based organizations in government-funded service delivery. In the Introduction, we set forth shared values and principles that provide a framework, and in this section we present consensus recommendations, both substantive and procedural, on practical steps government can take to apply these principles in practice when it considers direct funding to faith-based and community-based organizations.

6. Congress and the Executive Branch should take steps to increase the participation in federal programs of effective organizations that, because of their small size, have difficulty pursuing available funds.

Large, established organizations have economies of scale and other attributes that are beneficial for large government programs. The relative difficulties faced by small and newer groups is not a new problem, and experience demonstrates that increasing their opportunities to participate and add their unique contributions in federal programs will require sustained attention. One existing tool to reinforce this message to all federal agencies is the Government Performance and Results Act (GPRA), that requires agencies to develop annual strategic plans and accountability measures, and to prepare annual performance plans and reports. It provides a good framework for addressing concerns about increasing the access of smaller organizations to federal social service programs and bringing them into the federal network.

Action steps:

- ▮ Federal agencies should evaluate their existing programs to identify barriers to participation by smaller, effective organizations, and develop concrete strategies to lower these barriers.
- ▮ Congress and the Executive should require that federal agencies include a description of their efforts to increase participation of smaller groups as a part of their annual strategic plans under the Government Performance and Results Act.

7. In the design and implementation of direct funding programs, Government agencies should not set limitations or conditions that, in context, apply to the benefit or to the detriment of faith-based organizations as compared to more secular groups, unless they understand them to be constitutionally or legally required.

Public agencies should not give different treatment to faith-based groups or secular groups on the basis of biases that a particular administration or official may hold; different treatment should not occur except as required by the Constitution and applicable law. This recommendation is not meant to imply the adequacy or inadequacy of the current law nor to discourage or encourage future action to change current law, only that scrupulous attention to the reality and the perception of fairness is important to prevent unnecessary conflict and maintain public trust.

In order for this recommendation to be more effective, we suggest in Recommendation 16 that government “develop formal capacity to facilitate voluntary, cooperative resolution of conflicts in this area...” So long as alternative dispute resolution procedures are optional for the parties, we agree that they hold significant promise for reducing the financial and human costs of litigation and other more adversarial approaches.

8. Government agencies should be fully transparent, providing plain statements on eligibility as well as any conditions, prohibitions or restrictions, including those relating to the religious nature or activities of potential applicants. (Linked with Recommendation 20)

(Note: This recommendation is linked to Recommendation 20; without both, we would not be in agreement.) Federal agencies routinely provide information in requests for proposals, program announcements, Office of Management and Budget Circulars, and related publications and rules concerning the requirements for eligibility. To the extent that faith-based organizations may face restrictions on eligibility or conditions because of their religious nature, agencies should so state, in plain language, in the same public documents that describe other program conditions. For example, if churches or houses of worship are determined by an agency to be ineligible for direct grants, this exclusion should be explicitly included in requests for proposals or other such documents.

Transparency and full disclosure are particularly important because the law in this area is in a state of flux. Constitutional scholars and federal judges, as well as practitioners are in disagreement about the requirements of current law. The public does not have a common understanding of what to expect from public agencies. Without a conscious effort at full disclosure, suspicion and misunderstanding are likely, and stakeholders may not have a fair opportunity to challenge policies with which they disagree.

While faith-based organizations come in many varieties, the law does not yet have a vocabulary for making fine distinctions along a spectrum that runs from churches and faith-saturated groups on one end, to faith-background groups on the other.

The line that divides those programs and projects that can receive direct aid from those that cannot is the subject of much dispute among legal scholars, judges, and stakeholder groups.

Pending and future cases before the U.S. Supreme Court could clarify the situation, or add to the current confusion. At the same time, the variety in the potential relationships between government and faith-based organizations continues to grow, as entrepreneurial Americans and their organizations adapt to changing circumstances.

Without transparency, misunderstanding and unwarranted conflicts are much more likely to occur.

Action steps:

- ▶ The federal government should take the lead in developing standardized language that can be used by government agencies at all levels to provide guidance for faith-based and community-based organizations that wish to apply for public funds.
- ▶ The recommendations for transparency made in this Report can and should be implemented by Executive Order as well as legislation.
- ▶ The Federal Government should create a resource on the World Wide Web, concerning all related proposed and final policies and changes. ■

IV: Government Indirect and In-Kind Assistance

- 9.** Government agencies should increase technical assistance to smaller organizations and individuals working at the grassroots level and make it available to all, consistent with constitutional standards.

Federal agencies now provide extensive technical assistance to encourage and assist individuals, associations, and organizations that work in related fields. Increasing technical assistance, for those who work with smaller organizations and unincorporated associations is good public policy. (*For more on technical assistance, see Section V, Capacity Building.*)

- 10.** Experience demonstrates that Government can, under a variety of conditions, work with faith-based organizations, including churches, houses of worship and other faith-saturated organizations to deliver assistance to persons in need.

Although the Supreme Court has not established a bright-line rule to determine which forms of in-kind and indirect assistance are permissible and which are not, government has considerable flexibility in working with faith-based and community-based groups to deliver assistance to persons in need when it does so using in-kind and indirect assistance, for example:

- ▮ In order to deliver food to hungry children, the federal government has long provided reimbursements to pay at least a part of the cost for free or subsidized meals in private parochial schools as well as public schools.
- ▮ The Federal Emergency Management Administration (FEMA) has used federal funds for communications, advance planning, and extensive training and certification of staff and volunteers from churches, houses of worship, and religious associations. When tragedy strikes, these federal investments pay off for victims, as faith-based groups provide money, staff, and a virtual army of volunteers. FEMA may reimburse these groups for the costs of blankets, food, tents, and other such goods, but most of the expenses incurred by faith-based groups assisting in emergencies come from their own members.
- ▮ Churches and houses of worship have long provided food and emergency shelter for the homeless. To reach the growing numbers of homeless persons with emergency food, and shelter, Congress has funded the Emergency Food and Shelter Program, operated by the Federal Emergency Management Administration (FEMA). The program has enabled faith-based as well as secular organizations to reach more of the homeless by providing partial reimbursement for the indirect costs of food, meals, and short-term shelter.
- ▮ Government has provided space in public buildings and facilities to faith-based groups on the same basis as any other organization or group of citizens.

- 11.** Congress and the Executive branch should expand opportunities for service in VISTA and other AmeriCorps programs, as currently practiced, in order to supplement the staff and significantly increase the capacity of faith-based and community-based organizations to meet human needs, when government funding goes to the support of the national service participants.

AmeriCorps and VISTA (Volunteers in Service to America) now engage more than 50,000 Americans in public service each year, and many of them serve in faith-based and community-based organizations. These and other volunteer programs operated by the Corporation for National and Community Service supplement the staff for thousands of non-profit organizations. Experience has demonstrated that this in-kind contribution of full-time and part-time workers addresses

one of the most urgent needs of faith-based and community-based groups — the recruitment and coordination of volunteers. The average AmeriCorps member is estimated to generate twelve new community volunteers.

VISTA's 35-year record of service with faith-based and community organizations has enjoyed broad acceptance, and has not been challenged on constitutional or legal grounds. The Corporation for National and Community Service in its new AmeriCorps programs is continuing that tradition.² Any individual may apply to serve through these programs, and religious beliefs or practices may not be considered in the selection or placement of the volunteers. While serving, they may not be assigned to participate in worship, religious instruction, or proselytization. Any non-profit organization working to meet national needs within the Corporation's priorities³ may apply to participate. By design, the programs provide little or no cash grants for administrative costs.⁴ Some organizations receive modest administrative grants for partial support of staff positions; our agreement does not extend to such grants.

Many, though not all, faith-based organizations have found that they can fulfill their mission consistent with these policies, utilizing VISTA volunteers and AmeriCorps members to significantly expand their work to address human needs. ■

V. Capacity Building

There is a need to increase the capacity of smaller community-based organizations and faith-based groups to serve those in need and to secure, manage, and account for funds from individuals, governments, and philanthropic institutions. Such community-based organizations have special roles to play in addressing unmet human needs, especially in places where poverty and racial or ethnic differences have persisted for many years.

Our recommendations to address these barriers include actions that can be taken by the non-government sector, including community-based and faith-based groups themselves, by government action,⁵ or in a few instances jointly. These recommendations amplify those in earlier sections, but are presented separately because of the importance of capacity building.

12. Private technical assistance should be increased to expand the capacity of smaller faith-based and community-based organizations providing services to those in need.

Community-based groups that have mastered extraordinarily complex tasks — such as feeding 150 homeless people per night on a shoestring budget, or brokering a truce between warring gangs — often lack the skills and knowledge to manage relationships with government agencies and large foundations. If successful grassroots social entrepreneurs are to expand their size, reach and effectiveness, they need to connect with the experience and knowledge of others working in the same fields, to establish or collaborate with tax-exempt corporations, and to acquire skills in program management, financial accounting, and compliance with the myriad rules and regulations needed to protect participants and organizers.

Action steps:

- ▮ Bar associations and other associations of professionals should create new pro bono programs to assist grassroots organizations to achieve their substantive goals and also to assist with internal governance and reporting required to receive outside support.
- ▮ Private sector organizations that provide training and technical assistance to faith-based and community-based organizations should create formal networks to share knowledge and develop best practices, create or publicize regional support centers to strengthen this work, and link social entrepreneurs in peer-to-peer mentoring relationships with more established groups for support, and leadership development training.
- ▮ Foundations, other philanthropic institutions, corporations, and academic institutions that provide funding for community-based organizations should provide fellowships, scholarships, or otherwise encourage groups which they fund to include investments in leadership development in their approved budgets.
- ▮ Existing organizations in good standing among faith-based and community-based groups, and private corporations that provide computer software and consulting in organizational development, should develop model application forms and web-based information sources for faith-based and community-based groups seeking to establish their own 501(c)(3) entities. The former organizations should also develop computer software that could be used to generate applications for 501(c)(3) entities and the annual financial report required by the Internal Revenue Service (Form 990 or form 990-EZ).

13. More and better intermediary organizations should be established to provide fiscal sponsorship and other forms of support for faith-based and community-based groups.

The formation and operation of a non-profit corporation that can meet IRS requirements to receive tax-deductible contributions, complete with applications for 501(c)(3) designation and annual financial reports, is complex. The addition of employees and consultants triggers a daunting array of accounting and legal demands.

A faith-based or community-based group may not wish to go through all of these steps. The project may be too small or too short-term to justify the effort and expense, or may need to organize quickly to take advantage of available funding. Key leaders may lack necessary skills and knowledge.

For these reasons, communities need to establish and maintain the capacity to quickly provide fiscal sponsorship. Some foundations have created separate entities to receive tax deductible contributions and grants. Such entities may provide payroll services, file a joint IRS form 990 that covers all of the groups each year, and offer other financial support services for a modest administrative fee. Community-based groups can address human capital needs by forming partnerships with larger groups for financial control, program oversight, and fundraising, or by forming cooperative ventures among themselves

Action steps:

- ▮ Community foundations and other local philanthropic institutions should search for existing intermediary organizations, to serve as fiscal sponsors for community-based groups that currently lack the capacity or the size to manage grants and contracts, or to help faith-based groups maintain appropriate separation between their internal finances and outside agencies' oversight of their community service work. These philanthropic institutions should also, if necessary, encourage the establishment of new intermediary organizations for this purpose. These intermediary roles involve complex human, political, and legal relationships, and cost.⁶ While there are many examples of such partnerships created on an ad hoc basis, few communities have recognized the need for such capacity on a sustained basis.
 - ▮ A variety of models should be created, including cooperative alliances that allow faith-based and community-based groups to retain leadership and control. One approach that could build needed social capital while providing community-based groups with technical and organizational support would be to create organizations formed and governed by the relevant community of interest; capable of providing help to locate and apply for grants, contracts, and other support; providing financial and organization services to its members on a contract basis, including assistance to comply with government regulations and donor requirements.
- 14. Churches, congregations, and houses of worship that operate social services programs for which they seek government funds should create separate 501(c)(3) corporations, or enter into partnerships with existing 501(c)(3) organizations.**

Without attempting to resolve the question of whether it is constitutionally required, we believe it is wise for a church or house of worship that seeks government funding to form a separate 501(c)(3), or enter into a partnership with a 501(c)(3) that would receive and administer any such grant. We do not suggest that a separate tax-exempt entity solves all issues related to public funding, but it does allow, at a minimum, segregation of government funds and activities for purposes of accountability. Such 501(c)(3) corporations can strengthen the capacity for legal and financial accountability without permitting government to examine a church's work and finances.

15. Congress and the IRS should create an “EZ application form” for a 501(c)(3), waive existing filing fees, and take other steps to help smaller organizations to form separate 501(c)(3) organizations.

The federal and state governments can and should take a variety of actions to reduce the transactions costs and procedures for smaller organizations to incorporate, secure their 501(c)(3) designation, and satisfy all constitutional, statutory, and agency policies.

Action steps:

- ▶ The federal government should act to simplify the process for community-based and faith-based organizations to form 501(c)(3) organizations, and waive application fees (now \$500) for any non-profit organization whose mission is limited to serving the needs of low-income persons in its own geographic area.
- ▶ In consultation with diverse stakeholder groups, IRS should complete the process, begun in 1994 with a draft publication but not yet completed, to develop a guidebook for faith-based and community-based 501(c)(3) organizations.
- ▶ IRS should clarify procedures that such non-profit organizations must fulfill to assure deductibility of gifts in a way that will minimize paperwork requirements for these community-based groups. Regulatory provisions relating to in-kind contributions need particular attention. The typical local organizations that distribute food and clothing are largely volunteer-based, with limited capacity for financial reporting. The value of the in-kind contributions they receive for distribution may be very large, giving them “revenues” that lend an appearance of a very large organization, when the actual revenue available for accounting, reporting, and administration may be quite small. There is confusion regarding the fiduciary and reporting obligations such groups must assume in order to continue their role as intermediaries between corporate donors and persons in need.
- ▶ Congress and/or IRS should act to make transportation of an in-kind contribution a deductible expense. Also, in many instances, goods available to be contributed are located at considerable distances from the organizations distributing them to needy persons. However, corporations cannot secure a deduction for the costs of delivering the goods.

16. Government and the private sector should develop formal capacity to facilitate voluntary, cooperative resolution of conflicts in this area of government collaboration with faith-based and community-based organizations.

Misunderstandings and disagreements between public agencies, faith-based providers, and other stakeholder groups can escalate into costly and divisive public disputes. The ambiguous and disputed terrain of religion and state is ripe for new disputes between faith-based groups, civil libertarians, First Amendment advocacy groups, and government funders. Often the only formal tools for resolution are lawsuits. The costs — in resources and lingering resentments — can be very high.

Alternative Dispute Resolution processes, such as the policy consensus process we have used, mediation, or facilitated problem-solving sessions can help defuse conflicts and generate win-win outcomes. “Third party neutrals” could come from private practitioners or non-profit groups such as community mediation centers. Increasing numbers of states have Consensus Councils, some operating within government, others as separate non-profit organizations. Some states have created special offices of faith-based and community-based initiatives, which could encourage appropriate

agencies to provide greater access to conflict prevention and early dispute resolution processes; the Federal Mediation Service and the Office of Alternative Dispute Resolution in the U.S. Department of Justice represent other resources that could be tapped.

Action steps:

- ▶ New ombudsman staff positions should be created and funded in government agencies and in non-profit organizations at the local level.
- ▶ To the extent offices of faith-based and community initiatives are established at the state level, states should also expand access to alternative dispute resolution processes for conflicts in this area.
- ▶ Federal agencies should examine ways to institute alternative dispute resolution procedures to resolve policy disagreements. The Alternative Dispute Resolution Act of 1996, and Presidential Directives implementing the act direct federal agencies to expand access to ADR procedures to the extent lawful and practicable. The Interagency Task force on Alternative Dispute Resolution has developed models for institution of such processes. The issues addressed in this report offer an opportunity to fully implement this Act. ■

VI. Employment Practices

Houses of worship, as well as many other faith-based organizations, frequently prefer to employ both paid staff members and volunteers who share their defining, distinctive, and sincerely-held religious beliefs and practices. This tradition is an integral part of building the unique character of faith-based institutions and constitutes an exercise of religious liberty that is deeply rooted in the Free Exercise clause of the First Amendment.

The right to be free from discrimination by government, including in government employment, is grounded in the equal protection component of the Fifth Amendment and the Equal Protection Clause of the Fourteenth Amendment. For at least the past forty years, our society has been committed to expand these rights and to achieve equal employment opportunity in the private as well as the public sector. Title VII of the Civil Rights Act of 1964 made it illegal for most employers to hire or fire employees on the basis of their religious beliefs or practices, as well as on the basis of race, gender, and national origin. Most states and some municipalities have enacted similar legislation. Presidential Executive Orders have required federal contractors to adhere to non-discrimination policies since the early 1940s.

These values — free exercise and equal protection — are in tension when employment discrimination laws are applied to faith-based organizations, leading courts and legislatures to respond in a variety of ways. For example, the Supreme Court has held that the Free Exercise Clause of the First Amendment prevents government from regulating the choice of spiritual leaders by churches and other houses of worship. The extent to which this protection extends beyond clergy to other important employees remains unsettled. Similarly, Title VII and most state anti-discrimination laws contain an exemption that allows religious groups to prefer those who share their own beliefs and practices. By contrast, the Presidential Executive Orders that require non-discrimination policies of federal contractors contain no exemption allowing religious organizations to use religious preferences in employment.⁷

The extent to which faith-based organizations may be compelled, as a condition of receiving federal grants and contracts, to utilize employment policies that do not consider religious beliefs and practices has been a subject of litigation. The enabling legislation for many federal grant-in-aid programs is silent on the matter.

Where Congress has spoken, it has taken a variety of approaches to reconciling the need for equality in employment with the need to sustain religious liberty. In some instances, federal statutes declare that the receipt of grants does not affect any organization's Title VII exemption in any way. Others state that all employees in programs or projects that receive even partial federal funding must be hired without religious preferences. Others restrict religious preferences only for specific positions, or for specific positions for which federal funds provide a specific percentage of the cost. Others preclude religious preferences in hiring for new employees, not existing employees.

The following are our recommendations on this subject:

17. Privately funded faith-based organizations should continue to enjoy the freedom to pursue their religious mission — including continued enjoyment of statutory authority to use religious preferences in employment.

Hiring policy is a complex legal and political issue as the foregoing discussion suggests, and we are not in agreement on the interpretation of the breadth of exemptions under current law. Having staff that share a religious organization's essential religious beliefs profoundly shapes the identity of an organization in a wide range of ways, and the freedom to build such organizations with private funds is deeply rooted in the Free Exercise Clause of the Constitution.

18. When Government requires staff for publicly supported social services programs or activities to be selected without regard to religious beliefs or practices, it is appropriate that such restrictions apply to those publicly supported programs or activities and not to other programs or activities within the same organization. This recommendation does not address the desirability or constitutionality of such conditions on the acceptance of government support.

A faith-based organization that qualifies to provide services to those in need with public funds should be able to make the choice to accept public funding with restrictions on its right to use religious preferences in employment related to those services without being required to forfeit existing statutory rights with regard to other programs and activities.

19. No racially discriminatory employment policy should be permitted, even if that policy is ostensibly based on religious beliefs.⁸

Our joint commitment to a society where all enjoy the equal protection of the laws dictates that it is a grave offense for any person or group to use a claim of religious freedom in an effort to conceal wrongful discrimination. In particular, the nation has a compelling interest in preventing racial discrimination, to the extent that no racially discriminatory employment practices should be permitted on the pretext of religious beliefs.

20. Any organization that intends to use religious preferences in employment decisions concerning government-funded programs should be required to report such policies in applications for government funding. (Linked with Recommendation 8).

(Note: This recommendation is directly linked with Recommendation 8; without both we are not in agreement.) Congress and the Executive Branch have exercised a range of options to restrict or enable faith-based organizations to use religious preferences in making employment decisions for publicly funded projects. Regardless of the constitutionality of such policies when government funds are involved, and regardless of whether we approve or disapprove of such policies, we are in agreement that transparency on the part of all involved in securing public funds is critical to maximizing participation of faith-based groups in providing social services in a manner not merely consistent with, but enhancing constitutional values as well. ■

VII. The Need for Results: Achieving Effective Outcomes

Every organization that seeks public support, whether it is faith-based or entirely secular, should demonstrate that its programs are effective and accountable. We recognize a clear need to establish more broadly accepted measures for judging the outcomes and effectiveness, including cost-effectiveness. We also recognize the need for government and private support to invest in and provide technical assistance to the capacity building for such organizations. The urgency of this country's unmet human needs demands a commitment to such effectiveness and accountability among both funders and organizations seeking public support.

21. Public and non-government funders should insist on effective performance and outcomes on the part of all providers of services.

Effectiveness is a crucial measure of what government, consumers of tax-supported services, taxpayers, philanthropic institutions, and private contributors should expect from the services they support. Government bears a special responsibility to require effectiveness from any current or prospective provider of services it supports.

Across the United States, there are many effective organizations. Some are established, and some new. Some operate out of high-rise office buildings, some out of modest storefronts. Some are faith-saturated, some are entirely secular. Some are somewhere in-between. Among the core competencies that we recognize as fundamental to effective service delivery are:

- ▮ The organization's leaders, staff, and volunteers have a deep regard, respect, and concern for the people and communities they serve.
- ▮ Asset-Focused: The organization recognizes that low-income people and communities are rich in assets to be developed, not just burdened with deficiencies to be corrected.
- ▮ Community-Oriented: Local knowledge and grassroots governance systems are integrated into the design and the implementation of programs.
- ▮ Committed to Empowering Residents/Participants: The organization recognizes that those in need must become producers and stakeholders.
- ▮ Theory and Practice Linked. The organization has an articulated approach to delivery of services, based on research or practice and a system for measuring results.
- ▮ Participant/Outcome-Centered: The program focuses on generating outcomes that help participants and communities achieve effective functioning and self-sufficiency.
- ▮ Appropriately Trained or Experienced Personnel. The organization has employees and/or volunteers with expertise and experience in addressing the needs targeted, the population targeted, or the nature of services provided.
- ▮ Commitment to Continuous Improvement. The organization has mechanisms in place that keep personnel informed and trained on the state of knowledge and practice in relevant areas of service delivery.
- ▮ Service Linkages/Coordination. The organization has ongoing relationships with networks and other service providers to help participants get access to services provided by other organizations.
- ▮ Self-Determination. The organization demonstrates respect for the participant's right to choose a particular course of service, including the choice of service provider(s).

There may be disagreement on the relative importance of these characteristics, and the extent to which a particular organization exhibits them. The evidence of competency is effectiveness. Providers and their supporters have a responsibility to learn from failure as well as success, and to be open to the possibility that their favored programs, however well intentioned, are not meeting the needs.

22. All organizations that operate with public and private money should operate with high levels of accountability regarding money, and have the ability to comply with rules and regulations intended to safeguard consumers and tax dollars.

It is appropriate for government agencies to require formal procedures and actions to insure that funds are spent for their initial purposes. In particular, among those capacities that we deem basic for organizations that provide services with public funds are:

- ▮ **Fiscal Accountability.** The organization ensures that government dollars are deployed solely for their intended purposes and keeps up-to-date records according to accepted accounting practices.
- ▮ **Human Resources Management.** The organization has the capacity to employ, supervise, and evaluate personnel, to provide and manage their benefits and taxes, and to adhere to all applicable laws and regulations.
- ▮ **Third-Party Oversight.** The organization has third-party mechanisms in place to protect consumers and taxpayers from illegal or unethical practices. At a minimum, organizations that receive substantial grants have independent audits.
- ▮ **Program and Client Accountability.** The organization has systems in place to maintain confidential client records and to measure and report the outcomes and/or outputs of services.
- ▮ **Health and Safety.** The organization complies with laws and regulations that provide for the basic health and safety of the public.

23. All organizations that operate with public and private money should foster empowerment of individuals and communities as an integral component of sustainable change.

Sustainable change comes from within, whether it is for an individual or a community. Programs that successfully bring about personal transformation or community development recognize that the people in need must become producers and stakeholders; that local knowledge and grassroots governance systems are critical to their design and the effective implementation; and that empowerment is not just a word — it is essential to success.

This requires decentralized genuine authority that empowers individuals and communities to make decisions in a way that no longer leaves all real authority vested at the national, state and local levels. This empowering will give people a real stake in shaping their own lives.

Empowerment strategies face several difficulties that especially concern us: Too often, outside resources come with inappropriate conditions and restrictions. Rather than encouraging social entrepreneurs and innovators, outside funders often recruit them to fulfill roles in pre-determined strategies (although they may also be encouraging efficiency by spreading knowledge of best practices).

Grassroots leaders and groups may have the needed reach and trust but lack capacity and power. Typically, they have limited experience with and limited access to governmental agencies, philanthropic sources, and private financial institutions. So another challenge is to support programs that enhance the capacity of grassroots leaders and organizations while assuring accountability and compliance with shared values represented in laws and policies.

Faith-based organizations in lower-income neighborhoods, including houses of worship, are natural starting places for asset-based, capacity building strategies in low-income communities, especially where they are among the only institutions over which residents exercise leadership and control.

Making confident and empirically scientifically valid statements about the effectiveness and accountability of a service program targeted to human needs, whether that program is religious or non-religious, is often exceedingly difficult, given the current state of research and evaluation techniques. To improve this situation, we make these recommendations:

24. Tools to measure and assess outcomes and effectiveness should be continually reevaluated, improved, and incorporated into all stages of program development, funding, and evaluation.

Outcome-based evaluations should simplify, not complicate, interactions between program funders and service providers, including new and smaller providers. Funders, government, the persons for whom the programs are designed, and all providers, including faith-based and community-based organizations, should be involved in developing these tools. Critical to this effort is the need for broadly accepted standards for making such judgments that apply to all organizations, whether faith-based or secular.

Significant progress has been made in developing effectiveness measures. Such data, systematically collected, might permit better comparisons among or between faith-based, community-based, and other programs, or provide the basis for funding decisions on which organizations may generate the best outcomes.

There is not yet broad agreement on practical implementation: How to evaluate social service programs generally, how to get agreement on outcome measures to compare different programs, and how to define and measure variables related to the special contributions of faith to successful outcomes. Engaging stakeholders in the development of such outcome measures would speed their widespread utilization, and also defuse potential suspicions. Governments and other potential funders should take steps to ensure that faith-based and community organizations are themselves directly engaged in implementing some of the action steps proposed for this and other recommendations.

Action steps:

- ▮ Call on government funding agencies to work toward broad agreement on objective, empirical outcome measures in each major area of social services, and report regularly to the President and Congress on progress.
- ▮ Call on appropriate Federal agencies and non-governmental funders with interest in drug treatment to evaluate the feasibility of using consensus processes to identify outcome measures for drug and alcohol treatment that can be applied to all programs, including faith-based.
- ▮ Call on the Secretary of Education, other leaders in tutoring and mentoring efforts and potential funders in these fields to create a process to generate broad agreement on outcome measures.
- ▮ Call on the National Institutes of Health to carry out a rigorous study comparing all approaches, including the variety of faith-based, to drug and alcohol treatment.

- ▮ Ask a broad range of leaders, including different types of faith-based and other community-based providers of services in such areas as drug/alcohol treatment, tutoring, and mentoring, to assess the level of public and private financial support needed to meet national needs in these areas, and encourage new research in such areas.
- ▮ Develop new mechanisms, including objective case studies of model programs, to give the nation more effective access to lessons learned and the wealth of knowledge accumulated by this country's diverse and successful community and faith-based organizations.
- ▮ Suggest to the appropriate major foundations that they create a fellows program or some other means through which smaller providers can participate in national discussions over standards and outcomes/effectiveness measures.

25. Government and philanthropic organizations should support empirical and peer-reviewed evaluation research to test the relative effectiveness and costs of all providers, including faith-based, in areas such as drug treatment, tutoring and mentoring.

Like many other community-based programs, faith-based organizations provide needed space for social services, enjoy the trust of members of the community who identify with them, have access to motivated staff, and often enlist large numbers of similarly motivated volunteers. We recognize that the value of both faith-based and community organizations, and specific programs within them, will vary in effectiveness according to the ability of their leadership, and the quality of those delivering their services. Current discussions about “faith-based service” often do not differentiate the variety of ways in which religious faith may add value to delivery of social services.

For example, faith-based organizations can increase the total resources devoted to social services by appealing to their own members and supporters and by raising and contributing funds or making in-kind contributions. In addition, some faith-based groups believe that inner spiritual renewal is central to their programs and provides significant additional resources for overcoming problems. Others believe, however, that there is no empirical evidence of such impact.

Similarly, some more secular organizations claim they bring a variety of unique resources and approaches to their delivery of social services. These too should be distinguished and researched.

Our emphasis on drug treatment and tutoring and mentoring is not meant to limit research and evaluation only to those fields. Other areas of need, for instance faith-based services for children and the elderly, have already received extensive research. Rather drug addiction services and tutoring and mentoring represent classes of situations where the contribution of faith-based approaches could particularly benefit from clarification.

Action steps:

- ▮ Communicate this recommendation to the foundation community and urge that they support empirical and peer-reviewed “side-by-side” tests of faith-based and non-faith based providers.
- ▮ Request that appropriate Federal agencies make such research a priority.

26. In fields of service where certification is required, accreditation agencies should work to incorporate outcomes into standards uniformly applicable to all providers of services, whether faith-based or secular.

To the extent practicable, these standards should relate to the achievement of effective outcomes. And they should not operate to exclude innovative, effective providers, whether faith-based or non-faith-based, community-based or non-community-based.

Since there is not yet clear agreement on what constitutes a common set of standards for judging outcomes and effectiveness, this is a long-term goal. In the meantime, while we have Working Group agreement that we should strive to incorporate outcome-based standards, there is still no consensus on whether or not faith-based and community organizations should receive exemption from current regulations not connected to outcomes, or whether additional criteria for certification are appropriate.

27. Research and evaluation should pay attention to the issues that arise from the different types of faith-based and community organizations in the provision of service, and from the inclusion of a greater number and variety of faith-based and community organizations in service provision.

More sophisticated understandings of what it means to be faith-based and community-based needs to be developed. Significant factors include:

- ▮ The variety of faith factors that exhibit themselves across the vast array of social programs;
- ▮ The actual practices of faith-based and community-based providers in meeting social needs;
- ▮ The freedom of program participants to opt out of faith-related program components or choose non-faith-related alternatives; and
- ▮ The extent to which any pledges to separate religious and non-religious program components are honored in daily practice.

Some researchers find, but do not explain, that the presence of religious faith helps some persons in need of help in various areas (e.g., drug addiction and prisoner reentry) find the inner strength to change and improve their lives. Other researchers find that no empirical evidence exists of such impact. In any event, faith-based organizations, like secular organizations, have long been a major source of fundraising, giving, and volunteers to help meet pressing human needs. We saw this vividly after September 11 of this year. The generous response demonstrated anew the great potential of faith-based and community-based organizations and their volunteers in time of disaster, at home and abroad, in peace or war.

Action steps:

- ▮ Communicate the variety of faith-based organizations and programs, and the use of the typologies we have developed through publications, talks, and other presentations.
- ▮ Identify a roster of available researchers, experts, and other sources on a web site for philanthropic organizations and others interested in this report and related subjects.
- ▮ Encourage organizations and/or academic institutions to sponsor creation of a listserv of researchers doing research to characterize the varieties of faith-based organizations, and of a database of case studies of faith-based and community-based organizations. ■

VIII. Next Steps to Improving Public Dialogue and Expanding Areas of Agreement

In Section I of this report, we stated that our purpose is to “help galvanize the nation to seek solutions that are both effective and constitutional.” We believe that the recommendations in this Report, once implemented, would generate significant progress in that direction.

We also acknowledge that there are issues on which we continue to disagree, sometimes vigorously. Recent history suggests that these kinds of policy conflicts sometimes grow, deepen, and intensify. The discussions we have shared over the past seven months have served to remind us of the pragmatism, ingenuity, and resourcefulness of the American people. The variety in formal and informal relationships involving government and non-governmental organizations that have developed is enormous.

Such innovation is sure to continue. By focusing on unmet human needs within a framework of the shared values set forth in this report, future agreements can be built on the very terrain of disputes that seem intractable today. In this section, we suggest short term steps that can be taken to implement this report and build new areas of agreement, as well as work that is needed, over a longer time horizon, to improve public dialogue and mutual understanding.

28. Individual leaders and organizations should use the recommendations in this report as springboards for action, and a starting point to build new agreements at the national, state, and local level.

Action steps:

- ▶ Search for Common Ground should disseminate this report to relevant organizations and leaders and should support those who wish to disseminate this report through all appropriate means, including the World Wide Web.
- ▶ The staff of the Working Group should support those individual members of the Working Group willing to make public presentations and otherwise act to implement the recommendations in this report.
- ▶ Structured dialogues should be organized at the local level to bring those involved in faith-based and community-based organizations into conversations with groups and individuals outside of their immediate circles, including people and groups with whom they might expect to find disagreement.
- ▶ Local networks, forums, and organizations should engage in joint work at the local level, using this report and other resources to find and act upon common ground to address unmet human needs.

An ongoing group or institution with representation from stakeholder interests comparable to the Working Group should be established to provide analysis that clarifies areas of agreement as well as areas of disagreement on key court decisions, agency rulings, and other legal developments.

29. Americans need a better understanding of the variety of faith-based and other non-profit organizations, and participants in public discussions and debates need to be attentive to the reality that the current vocabulary of public discussion can serve to confuse and divide.

From the beginning to the present, Americans from every religious tradition have expressed their faith through service to those in need. Churches, mosques, synagogues and other houses of worship, denominational and interfaith alliances, and individuals motivated by their faith have responded to the complexities of American society and its changing needs with a profusion of voluntary associations and social services programs.

The vocabulary of the current public debate does not reflect an understanding of this variety. The term “faith-based and community-based organizations,” for example, evokes images of storefront inner city Protestant churches, Teen Challenge, or Prison Fellowship Ministries for some readers, or, for others, the local chapter of Habitat for Humanity, Catholic Social Services, or the YMCA.⁹

Not only does language currently confuse, it can also communicate messages utterly at odds with the speaker’s intent. The word “church” feels exclusive to those who attend mosques, synagogues, and other houses of worship. Many faith traditions believe all of their social service work is a “religious activity,” yet public agencies and courts often use the term to mean certain kinds of activities by those who serve the poor.

For our own purposes, we adapted a new typology for the faith-characteristics of organizations and programs: faith-saturated; faith-centered; faith-background; faith-related; faith-secular partnership; and secular.

- ▮ In “faith-saturated” organizations, for example, religious faith is very important at all levels, and most staff share the organization’s faith commitments. “Faith-saturated” programs involve explicit, extensive, and mandatory religious content integrated throughout the program.
- ▮ “Faith-centered” organizations were founded for a religious purpose, and the governing board and almost all staff are required to share the organizations faith commitments. Faith-centered programs include explicit religious messages and activities but are designed so that participants can readily opt out of these activities and still expect positive outcomes.
- ▮ “Faith-related” organizations were founded by religious people and may display religious symbols but they do not require staff to affirm any religious belief or practice, with the possible exception of executive leadership. Faith-related programs have no explicitly religious messages or activities although religious dialogue may be available to participants who seek it out.
- ▮ Faith-background” organizations tend to look and act secular, even though they may have a historical tie to a faith tradition. “Faith-background” programs have no explicit religious content or materials.
- ▮ Lastly, “faith-secular partnerships” have no explicit reference to religious content. Religious change is not necessary for outcomes, but it is expected that the faith of participants from religious partners will add value to the program.

The full typology is presented in Tables 1 and 2, pages 34-38. We do not suggest it as a definitive work, but rather as a tool to improve understanding. We also suggest that the absence of a common understanding of the variety of faith-based organizations and a common language to describe their characteristics makes it extraordinarily difficult to reach agreement on rules of general application to faith-based organizations.

Detailed case studies are needed to illustrate how existing organizations have structured their programs, reporting, and governance in projects that involve both faith-based and more secular program components involving government funds, leading eventually to publication of best practices. More detailed studies that detail the specific ways in which organizations account for funds and manage programs, especially where “faith-saturated” or “faith-centered” program elements operate side-by-side with “secular” or “faith-background” components, would be of great use to practitioners and non-specialists, and could also serve as the starting point for broadly supported best practices.

Similarly, public discussions often fail to recognize the diverse characteristics of non-profit organizations generally. Table 3, pages 40-41, provides a typology comparing social welfare and educational organizations according to their capacity and competencies. On its vertical axis, this chart reflects a number of organizational characteristics and practices that enable a nonprofit organization to receive and manage public and charitable dollars and provide services in return for such funds. The horizontal axis measures these capacities and competencies across stages of non-profit organizational development. Today’s informal, grassroots organization, for example, may be an established institution a decade or two from now.

The point of this chart is not that every organization that aspires to provide social services with tax dollars and charitable funds has to possess all the characteristics and capacities cited in the columns describing more established organizations, but that the more of those factors an organization can claim, the better equipped it is to compete for and successfully manage programs and grants. What the chart does not depict, however, is a threshold for each measure that is required or expected for the receipt and management of public monies, though it could be used to identify such thresholds. ■

Table 1:
Typology
of faith
characteristics
of social service
and educational
organizations¹⁰

	Faith-saturated	Faith-centered
Mission statement	Explicitly religious	Explicitly religious
Founding	By religious group or for religious purpose	By religious group or for religious purpose
Controlling board	Explicitly religious. May be a) self-perpetuating board with explicit religious criteria; b) board elected by a religious body	Explicitly religious. May be a) self-perpetuating board with explicit religious criteria; b) board elected by a religious body
Selection of senior management	Faith commitment an explicit prerequisite	Faith commitment understood to be a prerequisite
Selection of other staff	Religious faith is very important at all levels; and most staff share organization's faith commitments	Religious faith is very important for faith-centered projects, but is sometimes less important in other positions. Most staff share founders' faith commitments
If affiliated with an external agency, is that agency religious?	Yes	Yes
Financial support	Overwhelming majority, if not all, from private (often) religious sources	Substantially private; explicit policy of refusing funds that would undermine above policies (1.-5.)
Receives reimbursement for entitlement benefits (e.g., food stamps Medicaid/Medicare, child care)	Often, but encounters different conditions among different programs, levels of government, and administrators	Often, but not automatic; may encounter rejection or resistance based on program content
Would requiring a separate 501(c)(3) be considered problematic?	Yes for some, no for others	Usually not

Faith-related	Faith background	Faith-secular partnership	Secular
May be either explicit or implicit	Implicit (e.g. general reference to “promoting values”)	No reference to religion in mission of the partnership or the secular partner	No spiritual content, but implicit or explicit to references values often present
By religious group or for religious purpose	May or may not be founded by religious group	No reference to spiritual views of founder	No reference to spiritual views of founder
Some board members may be required or expected to have a particular faith or ecclesiastical commitment but not all	Board might have been explicitly religious at one time, but is now inter-faith; very little concern for faith commitment of board	Program controlled by secular partners, with heavy input from faith partners	No discussion of faith commitment of board members
Normally (perhaps by unwritten expectation) share the founders’ faith	Not relevant whether they share the faith commitment of founders	Required to have respect for, but not to share partners’ faith	Consideration of faith commitment considered improper
Project staff expected to have knowledge, sensitivity to faith commitment of founders; religious beliefs motivate some staff/volunteers	Almost no attention to whether any staff share a faith commitment; religious beliefs may motivate some staff/volunteers	Staff expected to understand and respect faith of partners; program relies significantly on volunteers from faith-based organizations	No consideration of faith commitment of any staff
Often	Sometimes	Sometimes	No
Funding is a mix of religious and secular sources (private and/or government)	Majority of funding is from secular sources (private and/or government)	Major funding from secular sources; in-kind contributions of space and time from faith-partners	No attention to religious commitment of donors; virtually all funding is from secular sources.
Usually	Always	Always	Always
Almost never	Almost never	Not for secular partner, yes if faith-based partners were required to do so	Never

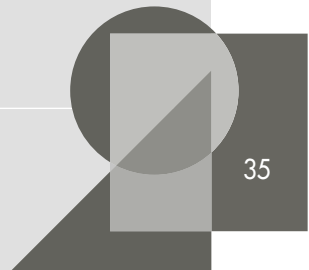
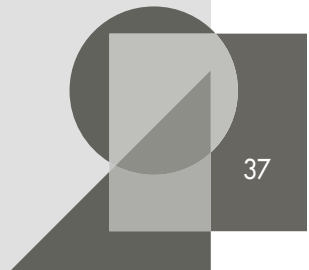


Table 2:
Typology Faith
characteristics
of programs/
projects¹¹

	Faith-saturated	Faith-centered
Religious content of program	Explicit, extensive mandatory religious content integrated throughout the program; staff and clients are expected to engage in religious activities	Explicit religious content that is usually integrated with social service provision, but not to the degree that clients cannot opt out of explicitly religious activities. May be segregated into separate components (e.g., when mandated by government funding.) Staff are explicit about their faith commitments but respect the option of non-participation
Main form of integration of religious content with other program components *See Addendum A	Integrated/mandatory	Integrated/optional, or invitational
Expected connection between religious content and outcome	Expectation of religious change and belief that such change is essential to desired outcome (e.g., drug rehab)	Strong hope for religious change and belief that such change significantly contributes to desired outcome
Religious environment (building, name, religious symbols)	Usually	Usually

Faith-related	Faith background	Faith-secular partnership	Secular
<p>Very little religious program content and entirely optional; clients may be invited to participate in religious activities outside program parameters, or hold informal conversations with staff. The religious component is seen primarily in the act of caring for the needy rather than involving participants in religious activities</p>	<p>No explicit religious content in program. Religious materials or resources may be available to clients who seek it out. The religious component is seen primarily in the act of caring for the needy rather than involving clients in religious activities</p>	<p>No explicit reference to religious content</p>	<p>No reference to religious content; exclusive use of medical and social sciences</p>
<p>Invitational or relational</p>	<p>Passive</p>	<p>Relational or passive depending on volunteers/staff</p>	<p>None</p>
<p>Little expectation that religious change or activity is necessary for desired outcome, though it may be valued for its own sake</p>	<p>No expectation that religious change is needed for desired outcome</p>	<p>Religious change is not necessary for outcomes, but it is expected that the faith of volunteers from religious partners will add value to the program</p>	<p>No expectation of religious change</p>
<p>Often</p>	<p>Sometimes</p>	<p>Sometimes program may take place in secular or religious environment</p>	<p>No</p>



Addendum
to Table 1
and Table 2

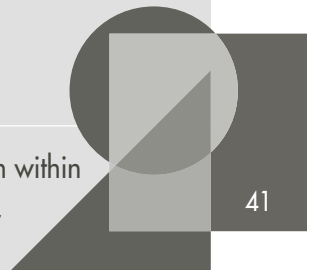
Definitions of terms for religious content in program

	Is the religious dimension of the program...			
	Appropriate term	Explicitly verbal?	Part of the formal program design?	Mandatory?
Passive		No	No	No
Invitational		No in the program; Yes in other activities to which clients are invited	No	No
Relational		No in the program; Yes in informal conversations with staff	No in the program; Yes in intentionally cultivated relationships	No
Integrated/optional		Yes, unless clients decline to participate in religious activities	Yes	No
Integrated/mandatory		Yes	Yes	Yes

Table 3:
Organizational
capacity/competencies of
social welfare
and educational
organizations¹²

	National/regional institution
Mix of professionally and experientially¹³ qualified staff	Almost all professionally trained
Reliance on volunteers in delivering services	Some use little or none; others designed to make extensive use under direct supervision
Fundraising capacity	Professional development staff, long-term relationships with institutional funders, extensive access to large individual philanthropists
Financial accounting/reporting	Annual independent audits. History of accounting for funds from multiple institutional sources, including government at all levels
Board	Diverse, independent, some with financial expertise
Experience documenting service quality, quantity, outcomes	Extensive, can meet reporting requirements of all public and private institutions
Agency/Government regulations and grant/contract requirements	Ready access to governmental relations professionals, lawyers, accountants; extensive in-house knowledge of regulations on health, safety, zoning, etc.
Links to networks and peers	Well connected to networks of national non-profits

Established local institution	Small or developing local organization	Grassroots organization
Most professionally trained, may include some experientially qualified	Extensive use of experientially qualified practitioners; beginning to add professionally trained	Typically “social entrepreneurs” with experiential qualifications
Typically extensive, under direct supervision of paid staff	Extensive reliance on volunteers, who may have significant responsibility for program services	Limited paid staff tends to provide support; extensive reliance on volunteers to initiate and deliver services
Rely on CEO and Board, with limited professionals. Have donor lists, regular fundraising events; may receive technical assistance from national affiliates	Typically relies on many small contributions and events in community. Limited capacity to access foundations, corporations, governmental agencies	Fundraising done by founder/ leader and/or volunteers. Limited access to private or public institutional support
Periodic independent audits. History of accounting for funds from multiple local sources, may or may not with national institutions or government	Some history of reporting to individual supporters. May be developing capacity to account to institutions	Skillful, operating with small, fluctuating cash flow, supplemented by in-kind support from community
Diverse, from local community; may report to affiliated national group	Primarily made up of volunteers associated with founder(s). May be seeking to add outside directors	Typically, volunteers and/or members associated with founder(s)
Some. May or may not have experience meeting requirements of state, federal institutions	Little or no history with paperwork. Typically rely on personal feedback from recipients for evaluation	Little or none
Known local scene, have extensive experience with regulations in their area of service. Typically reliant on CEO and volunteers for governmental relations and legal needs	Limited history dealing with regulations. Dependent on CEO and program staff for negotiation, compliance. In process of developing capacity.	Little or no experience
Well connected to networks of local non-profits and some national networks	Intense connections to own communities, limited number of national networks	Intense connection within own communities, local government



Member Reflections

Luis Cortés, Jr.

This issue is about people who are not able to provide for themselves and a particular set of Americans who, motivated by their faith are willing to help them. Can government assist those Americans who are willing to share and assist others? The Working Group sought answers to their question but we were in danger of missing what I felt should be a central focus for the dialogue: poverty alleviation. I want to thank my Working Group colleagues who are as diverse in their opinion on this issue as I believe any group of Americans can be, for their willingness to focus the dialogue on those who are in need. I thank them for hearing and respecting particular perspective on the issues of poverty and race. I am indebted to the fine people of Search for Common Ground and our convener Mr. Harris Wofford for their commitment to this process as they insured my participation though I could not always be physically present at meetings. This search for common ground has reminded me of the American capacity to work and accomplish much together though from distinct and varying sectors. I recommend this document to anyone to begin their discourse on faith, government and the alleviation of poverty.

Richard Foltin

From 1996 through 2000, the U.S. Congress at least four times adopted social services programs that included “charitable choice” provisions, without so much as a single Congressional hearing — and with practically no floor debate — on the efficacy or constitutionality of that approach. Happily, in this respect, 2001 was different. There has a robust and important public conversation on the issue beginning with President Bush’s roll out of his faith-based initiative, with hearings in both houses of Congress, numerous forums and publications, and an intense floor debate in the House of Representatives. We are, in effect, now seeing the trial that was absent from public debate over the previous five years. The effort of this working group has been part of that quasi-judicial proceeding. And the report in which that effort now culminates is, if not a final verdict, at least, a very special verdict.

Over these last several months, we have, as a group, been party to a frank, thoughtful and cordial discussion that has tested the assumptions held by those of us on various sides of the issue. If we have not resolved all of our differences, we have certainly further clarified (building on the “In Good Faith” report issued by AJC and Temple University early in 2001) the substantial common ground that exists among those seeking ways to serve human needs that are both effective and constitutional. I am grateful to have been part of this effort.

Robert Franklin, Jr.

Law and religion can coexist peacefully and productively. This is my take away lesson from our six month conversation about the legal, theological, empirical, economic, political, and practical dimensions of the faith-based initiative. It actually felt a lot like seminars at the Harvard Divinity School I attended where there were often as many law students as theologians in class. This time, we had the benefit of a wise sage in Senator Harris Wofford, instructing us on the inner machinations of the political process and constantly pushing us to be judicious and balanced in our treatment of each topic.

It was a lot of fun to join a conversation in which participants could be seen on television the night before boldly articulating a position on the very material we would debate the next day. But, in our classroom, reasoned, cautious, even humble discourse replaced the uncompromising edge of their soundbites in the public square.

Some days, things did not go well and I despaired about the future of the conversation. The religious leaders seemed to take themselves (ourselves) too seriously, proudly aware that Aristotle had declared theology to be the “queen of the sciences.” On other days, the lawyers let us have it,

almost invoking a great jurist's observation that "all of the great questions of philosophy and theology must ultimately come to the law for resolution." Sometimes squabbles among the lawyers and among the theologians eclipsed the challenges both groups had with the other. But, again, our seminar leader with the able assistance of the Search for Common Ground staff and group facilitator, helped us to remember our mission and to reclaim the civil discourse necessary for progress.

In the end, religion and law got along just fine. And, we managed to produce a report that I hope will be read widely and seriously. It is a document that breathes and bears many fingerprints. It is a small gift from a small group with large aspirations. May our efforts be proven worthwhile through a new national commitment to transcending our differences and solving our problems together.

Charles Haynes

After years of culture wars over the role of religion in public life, the civility and respect that marked the deliberations of the Working Group are a significant reminder that how we debate, and not only what we debate is critical. At no time did we ignore or gloss over differences that are important and abiding. Instead, we agreed – as American citizens – to work together for the common good within the civic framework provided by the Constitution with its Bill of Rights. The result is a remarkable agreement on recommendations and strategies that, if implemented, will do much to address the unmet human needs in our nation.

The final report of the Working Group demonstrates that finding common ground on critical issues facing our nation does not require a compromise of our deepest convictions. It does require, however, a shared commitment to the democratic first principles that sustain our nation, and a renewed dedication to social and economic justice that must always be at the heart of the American experiment in liberty.

Irv Katz

The discussion of government funding for faith-based programs polarizes, more so as the subject has made its way into the political arena. Faith-based organizations in the community service "business" were buoyed, only to find that the focus is really more religious or congregational than faith-based per se. Civil liberties organizations wince because we have tended to wink at the accommodations government and religious organizations have made to allow the latter to receive public monies. Grassroots and congregational religious leaders bristle at those accommodations as they affect the fundamental religious character of the services they wish to provide. And government leaders recognize that religious and other nonprofit institutions have roles to play in human development, including, but not limited to, spiritual development. Thanks to Senator Santorum, Harris Wofford and Search for Common Ground, this process provided a safe place for dialogue. Participants respected one another's views and approached their work knowing that getting help to people in need required our looking beyond differences to find commonalities. My only regret about the manner in which we are addressing this issue as a nation is that we seem to be focusing more on who gets funded than on what strategies make a demonstrable difference in peoples' lives.

Elliot Minberg

Our wonderful leader Harris Wofford, the staff and consultants of Search for Common Ground, and all the members of our Working Group deserve enormous credit for their efforts on the important issue of human needs and faith-based and community initiatives. As with other "common ground" projects in which I have participated, I learned much about the views and perspectives of those with whom I have important differences on the specific question of taxpayer funding for faith-based social service programs. Those differences did not disappear, and were respected throughout the process. Many members of the Working Group believe strongly that government funding for

pervasively religious groups is bad for government and bad for religion; other members of the Working Group strongly disagree. It is clear, however, that there is much common ground on the overall issue of human needs and the role of community and faith-based programs that we set out to address. Without spending more time and resources in combat on the questions that divided our Working Group, it is clear that implementing the recommendations on which we have agreed would have an enormously positive impact on our society's ability to meet critical human needs.

Ronald J. Sider

I was honored to participate in the Working Group. I learned a great deal and found confirmation for what I have often experienced elsewhere—namely that even in the midst of intense, fundamental disagreement, significant common ground exists and can be expanded by patiently distinguishing misunderstandings and lack of knowledge from irreconcilable disagreement. I began the process skeptical that a consensus model could produce any substantial agreement. Our deliberative, well-led process demonstrated that it could. This experience also underlined the existence of widespread lack of information (e.g. of different types of faith-based organizations/ programs)—not to mention persistent stereotypes of others, especially evangelical Christians. More experiences of genuine dialogue across the full range of viewpoints represented in this process is desirable, indeed urgent.

Melanne Vermeer

The individuals who participated in the Working Group process to find common ground came from both the civil liberties community and the faith community. We held ideological biases that reflected both the right side of the spectrum, as well as the left. We were a broadly representative group. The process in which we participated was respectful of all views and sensitivities, almost painfully so. The recommendations reached were forged by consensus. The impetus to become engaged in this process for many, if not all, was motivated by a fundamental commitment to explore ways that greater resources could be made available to effective community and faith based groups who are working to address the needs of the poor in our society. And, moreover, that the recommendations reflect a broad consensus. There was a real spirit of cooperation that was devoted to this purpose, regardless of our strongly-held (in many instances) individual positions, either in support of or in opposition to federal support of faith-based groups. The process demonstrated that civil discourse and a commitment to addressing important issues are possible, even when those engaged hold strong views at odds with one another. The recommendations, if implemented, would in many ways provide greater assistance to those who are working to meet the needs of the poor through community and faith-based groups and should enjoy broad based support.

Karen Woods

My reflections on the process: As the “most distant” member, I approached the Working Group eager to interact with people of very differing positions than mine and with whom I seldom have direct contact. (My DC colleague handles that assignment.) Nevertheless, the sheer process of moving this group of opinionated, passionate, well-informed, articulate folks to a substantive conclusion seemed daunting.

We were very much aware that we were not the only ones struggling in earnest for progress on this issue. And the struggling will continue. Each of us remains committed to our own positions. But I know that I come away from our work much more enlightened about opposing positions and optimistic about the potential of the work we've done. And as long as all of us continue to keep in mind that the real issue is helping needy people, the challenging process of consensus for us and so many others committed to the principles of this great country will be well worth the political, philosophical, and personal stretch that achieving any consensus demands. This particular exercise was tough. It was worth the investment. ■

Endnotes

- ¹ Stephen Monsma, *When Sacred and Secular Mix*, p.3, and Lester M Salamon, *America's Non-profit Sector*, pp. 83-84.
- ² For a more detailed discussion of the Corporation's programs as a potential model that could be built upon for the future, see Section VIII.
- ³ Officials of the Corporation for National and Community Service informed us that, under current practice, churches, congregations, and houses of worship involved in social services activities have elected to form or partner with separate 501(c)(3) organizations as a matter of practice. This recommendation does not reach the question of whether these programs should be expanded by placing staff directly in the social services programs of churches, houses or worship, or congregations, as distinct from 501(c)(3) corporations.
- ⁴ Host organization may not reject a VISTA or AmeriCorps participant because of their religious beliefs or practices.
- ⁵ We distinguish this source of federal and state government technical assistance and changes in regulations from the recommendations contained in section III above, "Direct Government Support," which deals primarily with direct government support, as well as the constitutionality of providing government technical assistance to faith-based organizations.
- ⁶ Colvin, Greg, *Fiscal Sponsorship: Six Ways for Doing it Right*, Study Center Press, San Francisco (1993).
- ⁷ Standard application forms for federal grants require applicants to affirm that their employment policies conform to these Executive Orders. Unlike Title VII, violation of an Executive Order generally does not give individual citizens or private groups a right of action; enforcement of Executive Orders has generally been the responsibility of the executive branch. The Supreme Court has not yet considered whether, or the extent to which, a faith-based organization that signs this required statement thereby waives its Title VII exemption.
- ⁸ This recommendation is not meant to invite government review of decisions involving clergy, a matter that the U.S. Supreme Court has held to be off limits for any government regulation.
- ⁹ Founded as the Young Men's Christian Association
- ¹⁰ Typologies I and II are adapted from a typology originally developed by Ronald J. Sider and Heidi Rolland Unruh, based in part on the research of the Congregations, Communities, and Leadership Development Project, which they direct.
- ¹¹ Ibid.
- ¹² Prepared by the Typology Working Group. Draft by Irv Katz, with revisions suggested by Working Group staff and input from members of the Typology Working Group.
- ¹³ Refers to staff-such as drug treatment counselors or former prisoners-who developed their expertise primarily by dealing with the same problem faced by program participants. Often, as in the case, for example, of addiction counselors, staff have received some formal training and professional certification.

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Prior to his association with Big Brothers, Brewer was the Youth Minister at Woodruff Place Baptist Church, followed by experience with the Marion County Superior court as a Probation Officer, and Assistant Superintendent and Casework Supervisor in the Detention Center. Brewer also has been an adjunct professor at I.U.P.U.I.

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A 1959 graduate of Eastern Bible College (now Valley Forge Christian College), Rev. Castellani pastored four churches with the Assemblies of God and was appointed President of Teen Challenge International U.S.A. in 1998. He is a certified Allied Addiction Practitioner with the Pennsylvania Chemical Abuse Certification Board, a member of the National Association of Forensic Counselors, a Certified Criminal Justice Specialist (CCJS), and has received the Master Addictions Counselor Endorsement (MACE). Rev. Castellani received the American Century Award from the Washington Times Foundation in February, 2000.

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Robert Edgar is the General Secretary of the National Council of Churches of Christ and an ordained elder of The United Methodist Church. Formerly the President of Claremont School of Theology and Congressman from Pennsylvania from 1974-1987, Dr. Edgar is a member of the United Methodist University Senate and serves on the General Commission on Communications of The United Methodist Church, both based in Nashville. He also serves on the board of directors of Pacific Media Ministry, San Diego, Calif., and on the Advisory Board of the Skirball Institute for American Values, Los Angeles.

Dr. Edgar received his B.A. in history and religion from Lycoming College and the Master of Divinity degree from the Theological School of Drew University, as well as several honorary doctoral degrees. Among his many awards, he has been named National Legislator of the Year both by the American Legion and Vietnam Veterans of America, and he has received the National Taxpayers Union Award.

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Floyd Flake is the senior pastor of the 12,000 member Allen African Methodist Episcopal Church in Jamaica, Queens — one of the nation's foremost Christian churches and nonprofit corporations. He is also President of Edison Charter Schools, which operates 113 public schools nationwide. From 1986-97, Rev. Flake served as a Representative in the U.S. Congress and established a reputation for bipartisan, innovative legislative initiatives to revitalize urban commercial and residential communities.

Before assuming the pastorate of Allen Church, Rev. Flake served in various capacities at Boston University; Director of the Martin Luther King, Jr. Center, and Interim Dean of the Chapel and Dean of Students. He is a Senior Fellow at the Manhattan Institute for Social and Economic Policy, a columnist for the New York Post, a member of several boards, including the Fannie Mae Foundation Board of Directors. Rev. Flake recently authored a book, entitled *The Way of the Bootstrapper: Nine Action Steps for Achieving Your Dreams*. He earned a Doctor of Ministry Degree from the United Theological Seminary in Dayton, OH and holds a B.A. from Wilberforce University.

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Mr. Foltin serves as co-chair of the First Amendment Rights Committee of the ABA's Section on Individual Rights and Responsibilities and is a member of the National Council of Churches' Committee on Religious Liberty. Mr. Foltin speaks and lectures regularly on church-state and other issues, and has published articles on various topics. A native of New York City now residing in Montgomery County, Maryland, Mr. Foltin received his B.A. in Political Science from New York University and his J.D. from Harvard Law School.

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As President and General Counsel of The Becket Fund, Seamus Hasson has defended the religious rights of Catholics, Protestants, Muslims, Jews, Buddhists, Sikhs and Native Americans in cases throughout the country in courts at all levels. Before founding the Becket Fund in 1994, he was an attorney at Williams & Connolly in Washington D.C., where he focused on religious liberty litigation. From 1986 to 1987, he was in the Office of Legal Counsel of the Justice Department, where he advised the cabinet departments on church-state relations. He is a 1985 magna cum laude graduate of Notre Dame Law School and also holds a Master's Degree in theology from Notre Dame. Mr. Hasson has appeared in numerous public debates, both in universities and in the national media.

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Over the past twenty years, Mr. Hawkins has chaired the bipartisan U.S. Advisory Commission on Intergovernmental Relations, co-hosted the San Francisco public policy television program "That's Politics" and weekly radio show "California Political Review," and commissioned the book *Winning the Brain Race*, an ICS bestseller that helped set the agenda for education reform throughout the country. Mr. Hawkins has authored two books, including *American Federalism: A New Partnership for the Republic*, and has also written numerous articles and editorials focusing on the need for a new American politics in today's Information Age. Mr. Hawkins received his Ph.D. in political philosophy from the University of Washington.

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An educator for more than 20 years, Dr. Haynes has authored and co-authored seven books, including *Finding Common Ground: A Guide to Religious Liberty in Public Schools*, and *Religion in American Public Life: Living With Our Deepest Differences*. His bi-monthly column *Inside the First Amendment* appears in newspapers nationwide. Dr. Haynes currently serves as president-elect of the Character Education Partnership.

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Richard Land has served as president and chief executive officer of the Southern Baptist Convention's Ethics & Religious Liberty Commission since 1988. As spokesman on Capitol Hill for the largest Protestant denomination in the country, Dr. Land has represented Southern Baptists' views before Congress, before U.S. Presidents, and in the media. In 2001, Dr. Land was appointed by President Bush to the U.S. Commission on International Religious Freedom. As host of radio program *For Faith & Family*, Dr. Land speaks on the social, ethical and public policy issues facing our country. An internationally renowned scholar with a D.Phil. from Oxford University, Dr. Land has worked tirelessly for the past two decades as a pastor, theologian and public policy maker addressing our nation's social and cultural ills. Dr. Land's record as a pro-family advocate is capped by his proudest accomplishment — his 30-year marriage and personal investment in the lives of his three children and his wife, Dr. Rebekah Land, a psychotherapist in private practice.

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Eileen Williams Lindner is Deputy General Secretary for Research and Planning at the National Council of the Churches of Christ in the USA, a community of thirty-five Protestant and Orthodox communions. She is also Editor of *The Yearbook American and Canadian Churches*, the nation's oldest reference work of its kind now in its 70th year of publication. Dr. Lindner formerly served as Director of the Child Advocacy Office of the Division of Church and Society which sponsored the most extensive study ever undertaken of child care in the U.S. churches, the findings of which are contained in *When Churches Mind the Children*. Named by President Jimmy Carter to the U.S. National Commission for the International Year of the Child, Rev. Dr. Lindner is an ordained minister in the Presbyterian Church (USA) and is active in serving the Presbyterian Church of Leonia (NJ). She holds a Ph.D. in American Church History in addition to three other graduate level degrees.

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Jim Lindsay has served as Executive Director of Catholic Network of Volunteer Service (CNVS) for more than five years. He also serves as a consultant to the U.S. Conference of Catholic Bishops' Committee on World Mission and serves on several boards. Prior to his work at CNVS, Jim served for more than nine years as the Director of Christ House. A native of Philadelphia, Mr. Lindsay holds a Bachelor's degree from LaSalle University and a Master of Divinity degree from The Catholic University of America. He currently resides in Silver Spring, Maryland.

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Will Marshall is president and a founder of the Progressive Policy Institute (PPI). Marshall is editor of *Building the Bridge: 10 Big Ideas to Transform America* and co-editor of *Mandate for Change*, PPI's best-selling policy blueprint for President Clinton's first term. He has written on a wide array of political subjects, including welfare reform and urban revival, race and affirmative action, new models for governing, and defense and foreign policy. His articles have appeared in *The New York Times*, the *Wall Street Journal*, the *Los Angeles Times* and many other newspapers as well as *The American Prospect* and other policy-oriented journals.

As policy director of the Democratic Leadership Council (DLC) from that organization's inception in 1985 until 1989, Mr. Marshall worked with leading members of Congress and other elected officials around the country — including Bill Clinton, DLC chairman in 1990-1991 — to establish the DLC as the premier forum for policy and political debate within the national Democratic Party. He is Editor-at-Large of the DLC's *Blueprint Magazine*. Born in Norfolk, Virginia in 1952, Mr. Marshall is a 1975 graduate of the University of Virginia, where he received his Bachelor of Arts degree in English and history.

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David Saperstein is the Director of the Religious Action Center of Reform Judaism. Described in a recent profile in the Washington Post as the "quintessential religious lobbyist on Capitol Hill," he represents the national Reform Jewish Movement to Congress and the administration. In 1999, Rabbi Saperstein was elected as the first Chair of the U.S. Commission on International Religious Freedom created by a unanimous vote of Congress. Honored recently for his 25 year tenure as director of the Center, Rabbi Saperstein has headed several religious coalitions and currently serves on the boards of numerous national organizations including the NAACP and People For the American Way, and co-chairs the Coalition to Preserve Religious Liberty, comprised of over 60 national Catholic, Protestant, Jewish, and educational organizations opposing school prayer amendments and legislation.

Also an attorney, Rabbi Saperstein teaches seminars in both First Amendment Church-State Law and in Jewish Law at Georgetown University Law School. A prolific writer and speaker, Rabbi Saperstein has appeared on a number of television news and talk shows including *Nightline*, *Oprah*, *Lehrer News Hour* and ABC's *Sunday Morning*. His articles have appeared in the *Washington Post* and the *New York Times* and his latest book is, *Jewish Dimensions of Social Justice: Tough Moral Choices of Our Time*.

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Ralph Smith is the Vice President of the Annie E. Casey Foundation, a private philanthropy dedicated to help building better futures for disadvantaged children in the United States. Mr. Smith was a member of the Law Faculty at the University of Pennsylvania from 1975 to 1997 and is Founding Director of the National Center on Fathers and Families and the Philadelphia Children's Network. Mr. Smith joined the Annie E. Casey Foundation in 1994. He has spent the last decade working with foundations, civic organizations, public agencies, and school boards across the country on issues relating to education reform, child and family policy, and public sector systems change.

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Carole Thompson was appointed Senior Associate with the Annie E. Casey Foundation in November 1997. She manages the Foundation's portfolio of research on the role of faith-based organizations in community building and community change. She also serves at the Casey Site Team Leader for their Making Connections work in Camden, New Jersey. Prior to joining the Casey Foundation, Thompson managed development activities for the Baltimore City Public School System and served as the Special Assistant to the Superintendent of the School District of Philadelphia. Thompson began her professional career in the corporate sector with Champion International Corporation in Stamford, Connecticut, where she spent eight years in marketing and public affairs and advanced to the position of Director of Corporate Social Responsibility managing the corporation's national philanthropic activities. She continued this line of work for the CIGNA Corporation in Philadelphia where she served as the Director of Civic Affairs for seven years. Thompson graduated from Howard University with a Bachelor of Business Administration.

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Melanne Verveer was a Clinton administration White House senior staff member and Chief of Staff to the First Lady. She had primary responsibility for the First Lady's work on issues relating to families and children, including the children's health insurance program (CHIP). She also led the President's team on the White House conferences on early learning, child care, and teenagers. Ms. Verveer has more than twenty-five years of nonprofit and public service experience, including serving as executive vice president of People For The American Way. She played a key role in the passage of several legislative acts, including the Civil Rights Act of 1990.

Active on the boards of various nonprofit organizations, Ms. Verveer currently serves as the Chair of the Vital Voices Global Partnership and on the advisory board of Counterpart International. She was a founding member of the Coalition on Human Needs. She received her undergraduate and graduate degrees from Georgetown University.

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Mrs. Woods is the executive director of the Foundation for Michigan's Future, a state nonprofit that promotes civil society in Michigan. She has been affiliated with state think tanks, has served as a policy analyst for the director of Michigan's state social service agency, and is a writer, speaker, and consultant on state public policy, particularly innovative welfare reform policy and faith-based and community initiatives.

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Robert Woodson, Sr. is founder and president of the National Center for Neighborhood Enterprise, which he established in 1981 to assist and empower leaders of faith-based and community organizations. In 1995, at the request of the Speaker of the House of Representatives, Mr. Woodson brought together a panel of faith-based and community program leaders. Their report to Congress on barriers they face and public policy recommendations laid the ground for Charitable Choice and the Community Renewal Act legislation. Mr. Woodson's crusade on this issue eventually led to the establishment by Texas Governor George W. Bush of a commission on faith-based programs, and legislation to assist faith-based programs in Texas. Since the launching of the national Faith-Based and Community Initiative, Mr. Woodson has been active in leading support and disseminating information about the benefits of these important programs and the barriers they face.