

**EVALUATION
OF A
CONSENSUS-BUILDING
PROCESS**

**THE WORKING GROUP
ON
HUMAN NEEDS AND
FAITH-BASED AND
COMMUNITY
INITIATIVES**

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INTRODUCTION

On January 15, 2002, a consensus building process – which former Senator Harris Wofford (D. Pa.) chaired and convened, Search for Common Ground (“Search”), a non-governmental organization which focuses on conflict resolution worldwide, convened, hosted, co-designed, and staffed, and the Consensus Council, Inc. (“CCI”) co-designed and facilitated – culminated with a news conference at the National Press Club in Washington, DC, announcing the publication of a report, *Finding Common Ground: 29 Recommendations of the Working Group on Human Needs and Faith-Based and Community Initiatives* (“the Report”). The Report was the product of seven months of meetings and deliberation on the deeply divisive issue of whether, and if so how, to expand governmental and non-governmental support for faith-based and community organizations which perform social services in communities across the United States.

At the request of Search, PeaceBridge Communications, through its principal, Daniel Bowling, submits this evaluation of the consensus building process on which the Report was based. The evaluation was designed to address questions from the foundations which funded this consensus building process regarding the value and possible outcomes of the process and to examine the usefulness of the process as an illustration of what a future United States Consensus Council (“USCC”) might accomplish, should Search be successful in its efforts to create the USCC.

EXECUTIVE SUMMARY

A group with thirty-three participants (“the Working Group”), drawn from organizations representing views across the spectrum on the White House Faith-Based Initiative (“Initiative”), met from June through December, 2001, and issued a Report in January, 2002. Senator Ric Santorum (R Pa.) (“Santorum”) requested that Search convene the group and that Wofford chair. CCI agreed to partner with Search to design and facilitate the process. The group met from June to December 2001, considering the issues related to this Initiative. The Working Group met against the background of the House having passed HR 7 on a mostly party-line vote and the Democrats having gained control of the Senate. In order to meet the Senate’s projected timeline for acting on the Initiative, the group agreed to complete its work and issue a report in January 2002. From the beginning, staff and the participants recognized that it would be difficult to address all issues raised by the Initiative, within that time frame, particularly the issues around which the participants were more deeply divided, such as Charitable Choice, hiring practices, vouchers, and beneficiary choice. The Working Group agreed to leave these issues for a later day, perhaps a follow-up process, in order to find maximum common ground on as many related issues as possible within the time frame.

The Report detailed twenty-nine recommendations to improve the ability of faith and community-based organizations to address unmet human needs in the United States. All Working Group members endorsed the Report. There was general agreement that if implemented these recommendations would make a major difference in the delivery of social services to address the impact of poverty. Many of the recommendations appear to have influenced the Senate Bill 1924, the Charity Aid, Recovery, and Empowerment (CARE) Act of 2002. The offices of Santorum and Senator Joseph Lieberman (D Ct.) (“Lieberman”) closely followed the progress of the group.

A design team of staff from Search and CCI, along with Wofford, designed the process, preparing convening documents and a process format that the Working Group adopted, with minor modifications. The Report was a result of a Rule of Decision based on unanimous consensus, in order to distinguish this process and the Report from the more traditional report, which reflected majority and minority views. For many of the participants, this consensus approach was a new experience, and the post-process reviews from the participants were highly favorable towards the process and the outcomes.

Staff, participants in the Working Group, and Wofford as chair exhibited courage and innovative spirit by undertaking a consensus building approach to address fundamental social problems by seeking to resolve differences around issues, which have divided our nation since the days of our Founders. The result they produced is, without question, outstanding by any measure, making any evaluation challenging. There were certainly no major missteps in the process and much to commend. There are also lessons to illuminate for future processes as well as for the broader development and expansion of consensus building.

The evaluation included confidential interviews with a cross-section of participants, following a standardized questionnaire. The evaluation is further based on the evaluator's personal experience in consensus building, as well as a thorough examination of current practices in the field. It also drew from the outstanding work of Search staff members, Gerald Kamens and Charles Hauss. Kamens interviewed many participants, also following a standardized questionnaire and prepared an excellent summary of the results. Hauss prepared an excellent, clear and detailed, history and analysis of the process. In addition, Roger Connor, Director of Search-USA, and the prime architect of this process, provided a thoughtful and detailed analysis of the process, as did Larry Spears, Executive Director of CCI, who facilitated the process.

The evaluation provides background and political context for the Initiative and some background about consensus building. It also summarizes the relevant aspects of the Convening Process, including Convening Documents, Convening Participants, Process Design, and Funding. Next, it summarizes the Consensus Building Process and the Report. The Evaluation is based on sixteen criteria identified as relevant practices by which to examine the process. (Adapted from Susskind, McKernan, and Thomas-Larmer, 1999; Dukes and Firehock, 2001). This Summary will highlight the fundamental aspect of each criterion.

1) *How was the conflict assessment of the faith-based issue conducted prior to creating the Working Group?*

Search staff conducted an *ad hoc* conflict assessment, beginning with Search's involvement in the Initiative by working with groups and individuals, many of whom ultimately became participants in the Working Group, to draft a Consensus Statement on the Initiative following the 2000 election. While a formal assessment would be appropriate for future processes at this level, it appears that the *ad hoc* assessment was sufficient preparation.

2) *How did the Working Group consensus building process include representation from the relevant and significantly different interests?*

Search staff, supported by Wofford, made an exhaustive effort to engage representation from all relevant groups and points of view regarding the Initiative. This work was largely successful, and there is no doubt that the Working Group included a broad cross-section of views and perspectives and was composed of locally and nationally recognized leaders engaged in these issues. Future processes will be improved by a formal assessment to determine all potential stakeholders and create circles of representation.

3) *Was the Working Group process driven by a purpose that was practical and shared by the group?*

The purpose was founded on a fundamental shift in focus from obtaining more government funding for faith and community-based organizations to providing more services to those in need. This shift was brilliant and succeeded in giving the discussion a wide perspective, focused on how to improve the work of these organizations to address social needs, including the need for more funding.

4) *Did the convening authority demonstrate a commitment to the process and to honoring process outcomes?*

Because this process was an initial effort by Search and CCI, especially at this high level of influence on our national legislative process, it is understandable that there was not a clear convening authority. The Senate did not, for example, agree to wait for the group's Report before drafting legislation. Nonetheless, Wofford did an outstanding job in fulfilling that role, without portfolio. Together Wofford, Search, and CCI did an appropriate job in convening the Working Group, with commitment to the process and the outcomes. As appreciation for consensus building grows, the clarity of this role will improve. It is not unusual, in any public policy process, to face challenges regarding engaging participants with clear authority.

5) *To what degree was the process design self-organizing, self-generating?*

Effective consensus building processes involve a principled approach to all aspects, especially the participants' empowerment to self-organize and self-generate the process. In general, this process succeeded in encouraging strong participation from Working Group members. Future processes will be improved by having clear protocols for staff, facilitation, and chair role definitions. This clarity creates a basis for strong participant buy-in to any process.

6) *How did the process adapt and incorporate high-quality information? How was the inclusion of technical information determined, and by whom?*

Staff did an outstanding job providing information to the Working Group in monthly Briefing Books, preparing clear and timely minutes, and keeping current with drafts of the Report. A *pro bono* legal team and other volunteers ably assisted staff. The Working Group also functioned quite well by self-generating additional information and analyses. The typology will likely be seen as an exceptional contribution to the dialogue on this Initiative.

7) *How did the process follow the principles of civil discourse?*

The results on this criterion were outstanding. Everyone interviewed acknowledged Wofford's presence as making a tremendous difference in the level and tone of the dialogue. His long commitment to civil discourse set the highest context. The Report includes a section on the fundamental importance of "First Principles," which guide and inform our civic discourse.

8) *How did the process design and facilitation create an intentional conversation?*

The Working Group process had many elements of an intentional conversation, such as a shared intention, risk, courageous convening and participation, and encouragement for shared contribution and shared learning. Fundamentally, the process was appropriately focused on finding places where agreement and greater understanding were possible as set forth in the Convening Document.

9) *How did the Working Group process keep participants at the table, interested, and learning?*

The participants who attended regularly did so because of the high quality of the dialogue, the facilitation, the staff support, and the focus on practical outcomes. This feedback confirms that Search, CCI, and Wofford did everything possible to keep participation high.

10) *How did the process address the timing issue of seeking consensus only after discussions had fully explored the issues and interests and significant effort had been made to find creative responses to differences? How did it encourage participants to challenge assumptions?*

Most facilitators and mediators approach consensus building by focusing on easier issues early in the process. That approach was taken here. It appears, however, that work on the Report began too soon in the process, pushing participants to reach premature agreements. Moving to agreement is a delicate timing issue. Too early often cuts off dialogue, creative solutions, and trust building. Too late sometimes means that potential agreements are missed.

11) *How did the process encourage the members of the Working Group to consult continually with their constituencies to affirm any delegation of decision making authority, increase buy-in to the process, and insure acceptance of any agreement?*

There is no record that participants were encouraged to report to and consult with their constituencies. In future processes, building regular consultation with constituencies and reporting back to the group into the process design will increase buy-in and support for any outcomes.

12) *How did the Working Group process address the need for a high-quality agreement, with feasible proposals from political, economic, and social perspectives based on creative ideas for action?*

The Report with its twenty-nine recommendations, all of which are practical and feasible from a variety of perspectives, endorsed unanimously by the thirty-three Working Group members is the best evaluation this process could have.

13) *How did the process address stalemate?*

Convening the Working Group was a courageous step to address looming stalemate on the Initiative. Given the almost party-line vote in support of HR 7 and the Democratic control in the Senate, a different approach was necessary to avoid stalemate. The CARE Act represents a different approach, and it appears the Report had a positive impact on that legislation.

14) *How did the process encourage Working Group members to gain knowledge and understanding?*

The near unanimous feedback on the high quality dialogue of the Working Group meetings and the outstanding staff support created an atmosphere in which members reported gaining a deeper and broader awareness of the issues involved in this Initiative. They also reported gaining an increased appreciation for the integrity and thoughtfulness of individuals representing a different viewpoint.

15) *How did the process encourage new personal and working relationships and social and political capital among participants? How did it encourage second-order effects, beyond agreements or attitudes developed in the process, such as changes in behaviors and actions, spin-off partnerships, collaborative activities, new practices, or even new institutions?*

Participants reported making lasting connections with individuals representing different points of view on these issues. It is likely that these results will increase over time. At least two consensus building processes, one in Michigan and one in Pennsylvania, resulted. At least one new institution has emerged through a grant from the Pew Charitable Trusts establishing the Roundtable on Religion and Social Welfare Policy.

16) *How do the outcomes serve the common good or public interest?*

The focus on working together to find increased ways to serve people in need, rather than simply to seek additional government funding, focused the process and the Report on serving the common good.

CONSENSUS BUILDING

Consensus building is a comparatively new application of conflict resolution values, principles, and practices, although it has been in development over the last several decades. As a process to generate innovative policy options with broad support, public policy consensus-building processes continue to gain support in the United States. (Susskind, McKernan, and Thomas-Larmer, 1999). Such processes have been used extensively in various federal agencies, often pursuant to the Administrative Dispute Resolution Act of 1990. (Breslin and Rubin, 1999; Brunet and Craver, 1997; Trachte-Huber and Huber, 1996). In addition, these processes have gained wide application in many settings, ranging from community groups to corporations to non-governmental organizations to state and local governments to specific issue dialogue groups.

(Deutsch and Coleman, 2000; Mayer, 2000; Schwarz, 1994). There has been a long and consistent use of consensus building to address environmental conflict. (Dukes and Firehock, 2001). These processes have also been adapted for communities and internationally to address complex conflict, (Fisher, Kopelman, and Schneider, 1994), including such broad issues as racism, sexism, environmental destruction, and homophobia, among others, (Mindell, 1989 and 1992), as well as the prevention of war. (Ury, 1999).

Many states have public or private agencies, which are devoted to consensus building (Directory of State Dispute Resolution Programs, National Policy Consensus Center, www.policyconsensus.org). Some are state agencies (e.g., Montana Consensus Council, www.mcc.montana.state.us). Some are located at universities and focus on state issues, (e.g., Florida State University, Florida Conflict Resolution Consortium, www.consensus.fsu.edu/; University of Virginia, Institute for Environmental Negotiation, www.virginia.edu/~envneg/IEN_home.htm; and University of North Carolina at Chapel Hill, School of Government, Public Dispute Resolution Program, www.iog.unc.edu/programs/dispute). Others also focus on state issues, but are independent, (e.g., Consensus Council, Inc., www.agree.org). Still others are non-governmental organizations (e.g., CDR Associates, www.mediate.org; Consensus Building Institute, Inc., www.cbi-web.org; Resolve, Inc., www.resolv.org).

However they are structured, policy consensus bodies support groups in reaching agreements, or at least diffusing conflict, on divisive issues. They do not follow the typical policy-making process of research, draft, announce, and defend. Participants are drawn from many sides of an issue. The process is designed following various formats depending upon the nature of the issue, the complexity, and the range of participants and points of view – but always involving standard, fundamental elements. Participants meet to seek mutual gains, rather than argumentative confrontation. They team up to “attack” the problem, rather than each other. Public consensus building draws out the collective wisdom of a diverse group to support the common welfare. It assumes that people directly impacted by an issue will also be impacted by any solution, giving them valuable information to contribute to finding that solution. (Podziba, 1998). The process design almost always includes agreed upon ground rules fostering listening, patience, acceptance of the person, and respect for other views. Facilitators and staff are trained in mediation and other conflict resolution processes and methodologies.

There are numerous potential benefits from a consensus building process. If designed and run effectively, they can produce agreements in highly conflicted situations. If the issue has been framed appropriately such that the appropriate range of viewpoints is represented through the participants, agreements are often of higher quality than produced by voting because they are based on the underlying interests of all viewpoints, rather than the majority viewpoints only. From a policy perspective, it is often easier to implement a consensus-based agreement assuming any potentially unhappy viewpoints are represented adequately, because there is less likelihood of groups attempting to block implementation or file lawsuits. Because effective consensus building involves an intentional conversation regarding all aspects of an issue, there is a much higher likelihood that innovative ideas will result than there is when people, who are basically in agreement, discuss an issue. (Hansen, 1995).

In effective processes, participants deepen existing relationships and create new ones, often across the divide of conflict. Trust is built. Participants deepen their understanding about

other viewpoints, learn more about their own view, and learn how others perceive their view. When the staffing and associated expertise is well managed, participants also gain increased knowledge about the technical aspects of the issue.

These processes work within the United States ideal of democracy. A good democratic government is not only responsive to the concerns of its citizens, but also develops ways in which to act efficiently to resolve those concerns. (Putnam, 1993). For good government to sustain itself, citizens must be actively engaged in holding government responsive and effective. Citizens must have a clear and effective mechanism to present their concerns to government – our ancient right of petition. As the world becomes more complex and the human population grows, we must find new ways to involve citizens in the decision-making process that can educate citizens on the complexity of issues facing government, can educate the government on citizens' concerns, and can assist both in developing creative options to resolve the conflict by balancing the competing interests and making effective use of limited resources. Participants are required to work to satisfy their self-interest and to integrate their interests with a solution satisfying the interests of other participants – all because of a shared commitment to the common good. This shared commitment arises because the participants are, in fact, interdependent. No one can create a successful solution independently. This shared commitment is the foundation of effective democracy. Consensus building can be an important methodology to improve democracy. (Podziba, 1998).

BACKGROUND AND POLITICAL CONTEXT OF THE BUSH ADMINISTRATION'S FAITH-BASED AND COMMUNITY ORGANIZATIONS INITIATIVE

During the 2000 Presidential campaign, both George W. Bush and Al Gore supported expanding federal aid to include faith-based and community organizations that offer social services to those in need. After his inauguration, one of President Bush's early Executive Orders created the White House Office on Faith and Community-Based Initiatives. The White House also proposed legislation that would dramatically expand government support for such organizations. The legislation proved to be quite contentious. Bush proposed a broad expansion of "Charitable Choice," by which federal agencies are allowed to consider such organizations to receive federal funds. Bush stated his intention to mobilize the "armies of compassion" as a means to "enlist, equip, enable, empower, and expand the heroic works of faith-based and community groups across America." Bush saw his expansion of the smaller steps President Clinton initiated as a way to end discrimination against religious groups that deliver social services. Critics argued that "Charitable Choice" is a violation of the First Amendment separation of church and state. Bush's proposal would also allow those groups an exemption from civil rights laws regarding hiring practices. The faith-based organizations contend that hiring only employees who practice the same faith is an integral part of their right to religious expression under the First Amendment and allows them to deliver their services to clients most effectively. Again, critics argue that these hiring practices are discriminatory when government funds are used to pay such employees.

Some Democrats viewed Bush's moves, so early in his presidency and so closely following the contested election, as polarizing, designed to reward the President's more conservative supporters and to gain political ground with inner city African-American and Hispanic churches and communities, which are seen as traditional Democratic constituencies.

In the fall of 2000, while the election result was still in the courts, Search's Executive Director for its domestic common ground work, Roger Conner, attended a meeting at the National Center for Neighborhood Enterprise, in Washington, DC. This meeting ultimately resulted in an agreement that Search would take the lead in drafting and issuing "an agreement between a broad cross-section of United States leaders on a statement regarding the creation of a new White House Office on Faith-Based Initiatives in a manner that will encourage healing and the expression of a national consensus and avoid divisiveness."

Also at this same time, Search President John Marks, Roger Conner, and CCI Executive Director Larry Spears met to discuss the possible creation of a USCC modeled after the council in North Dakota and other states. They considered the issue of the expansion of the role of faith-based and community organizations as an example of the kind of issue on which such a national consensus council could work. They also discussed the possibility of a partnership between their organizations to seek common ground on the faith-based and community organization issue.

Under Conner's leadership, Search prioritized these two projects as part of its domestic agenda. After working with a cross-section of national leaders to draft a proposed Consensus Statement on the faith-based and community organization issue in early 2001, Conner sought to enlist a broad cross-section of signers to the document. The early signers intended to achieve significant bipartisan support for the statement and then to circulate the Statement to a wide audience. Their long-range goal, which began to bring the two projects together, was to form a consensus-building group to seek out common ground among national leaders of varying religious and political beliefs on how best to use the faith-based and other civil society organizations to expand the provision of social services to those in need. A key paragraph of the statement was:

"We, the undersigned, understand and affirm that the institutions of Civil Society cannot substitute for the responsibility of government to ensure civil rights and to promote equal opportunity. Needed now is a healthy discussion of how public and private sector efforts, working collaboratively and independently, can better address urgent human and community requirements, while fully respecting the diversity of our country and the First Amendment to the U.S. Constitution."

Search held several meetings of some of the signers to further these aims and ultimately distributed the Statement, with twenty-two endorsements, to the President, the White House Office on Faith-Based and Community Initiatives, and key members of Congress, including Santorum, who had defeated Wofford in a divisive campaign for the Senate in 1994. Santorum heads the Republican effort to gain Senate support for major elements of the original Bush White House initiative to expand support for faith-based and community organizations. Wofford was one of the signers of the Consensus Statement. In addition, he served on Search's USCC Task Force.

Santorum is a mainstream conservative and is Chair of the Senate Republican Conference. Wofford has impeccable liberal credentials going back to his work as a pioneer in the Civil Rights movement in the 1950's. Yet, in the years after their highly charged contest at the polls, the two men recognized that they shared a vision of the importance of revitalizing civil society to address national needs more effectively and broadly.

In one of the more unusual moves in our current highly partisan political culture, Santorum invited Wofford and Search to create a broadly bipartisan working group of nationally representative leaders, involved in all sides of this issue, to seek wide-ranging common ground agreements on the proposals to expand opportunities for people in need to receive help from faith-based and other community organizations. Showing remarkable courage, given the single vote control his former Democratic colleagues maintain in the Senate and the divisive complexity of this issue, Wofford accepted Santorum's invitation. The actions of Santorum and Wofford were significant enough to have the potential to interrupt the highly charged partisan debate on the issue. Their courage begged the question of whether others involved would be able to respond to their leadership. Santorum agreed to hold a press conference in June 2001 to announce his request to Search to convene the working group and to Wofford to chair.

The press conference was held outside the Capitol Building on June 19th. Santorum spoke about the proposed working group process and introduced Wofford, who introduced the members of the newly formed Working Group on Human Needs and Faith-Based and Community Initiatives. Following this event, the group held an initial Convening Meeting in the Dirksen Senate Office Building to review and give input to the proposed process design.

In July, the House of Representatives passed HR 7, which was quite close to the White House proposal. HR7 included an expansion of "Charitable Choice" and a broader exemption from civil rights laws for religious organization hiring practices. The vote was almost exactly on party lines, exacerbating the partisan aspects of this challenging issue. Even before the House vote, many political commentators opined that there was insufficient support to pass anything close to HR 7 in the Senate and that the White House would have to retreat, particularly on the controversial issues of expanding Charitable Choice and the exemption for religious preference in hiring, in order to gain Senate approval. Once Senator Jim Jeffords (I-VT) left the Republican Party, supporters of expanded support for these organizations knew that a different approach was required. Something that would break the partisan logjam was necessary.

THE CONVENING PROCESS

1. The Convening Document

Following the invitation from Santorum to form a working group, the Search staff began work with Wofford on a Convening Document, although it was not so identified. It was to be a statement of goals and purposes of the group that became known as the *Working Group on Human Needs and Faith-Based and Community Initiatives* ("the Working Group"). Wofford, Conner on behalf of Search, and Santorum ultimately agreed on the language of this document, which was then used to recruit participants for the Working Group so that all had a clear understanding of the proposed process and the basis of participation. This Convening Document provided:

"GOALS:

- To **identify potential areas of agreement** on ways to increase the opportunities for individuals and communities in need to change and improve their lives, and where faith-based and community-based organizations can best serve.
- To **identify practical proposals** (both legislative and non-legislative) for implementation in areas of agreement.

- To **clarify issues** with regard to proposals now before Congress relating to the relationships of government and faith-based and community-based organizations in meeting human needs.
- To **clarify the areas of disagreement** concerning these proposals.

PROCESS:

In order to reach these Goals, leaders have gathered

- *To have a forum for direct discussion to better understand their differences;*
- *To identify and discuss their shared concerns over unmet human needs and community problems where faith-based and community-based organizations can serve;*
- *To seek common ground in the form of options that advance the interests and values they share, accepting that differences will remain, to be resolved in other days and in other ways.*

PRODUCTS:

A Final Report that includes

- *A list of community problems and areas of urgent, unmet human needs where faith-based and community-based organizations can best serve.*
- *An identification and description of any issues for which there is agreement.*
- *An identification, description, and clarification of any issues for which there is not present agreement.*
- *A package of proposals regarding any agreements, including*
 - *A list of specific proposals that relate to:*
 - *Pending federal legislation.*
 - *Possible future federal legislation.*
 - *A list of specific proposals for action by federal agencies and leaders.*
 - *A list of specific proposals that relate to state legislation and state agency action.*
 - *A list of specific proposals for action by non-governmental institutions and private persons.*
- *A plan of action for jointly conveying these agreements to appropriate decision makers.”*

2. Convening Participants

Once the Convening Document was in acceptable form, Search staff and Wofford began to review the range of likely stakeholders that should be represented in the Working Group and possible candidates to represent those stakeholders. They then began contacting participants, with the aim of having most of the members present at the Santorum press conference announcing the Working Group. They also scheduled the initial Convening Meeting to follow the press conference.

Wofford briefed his Democratic colleagues in the Senate regarding Santorum’s invitation and the purpose of the Working Group. Search staff drafted an op-ed piece regarding the Working Group and the “odd couple” of Santorum and Wofford. Once approved, the piece ultimately appeared in the *Philadelphia Inquirer* on June 19th, the same day as the Santorum press conference.

Given Wofford’s stature as Chair of the proposed Working Group, Search’s reputation for excellence in conflict resolution, and the unusual alliance of Santorum and Wofford, the efforts to invite a broadly bipartisan and representative group of the leading advocates on all sides of this was largely successful, with representatives from across the organizational spectrum, including the

American Muslim Council, Teen Challenge, the NAACP, Evangelicals for Social Action, Americans United for the Separation of Church and State, the Progressive Policy Institute, Nueva Esperanza, the American Jewish Committee, the Catholic Network of Volunteer Services, People for the American Way, the ACLU, Big Brothers, Big Sisters USA, National Center for Neighborhood Enterprise, and the Becket Fund for Religious Liberty. Staff sought to convince potential participants that this process was going to happen and they needed to get on board. Almost everyone invited agreed to join the Working Group. A few declined because of time or skepticism that anything useful would result. As word got out of the composition of the group, other prominent individuals asked to be included. At its largest, the Working Group had thirty-five members, two of whom dropped out because of time demands not, they said, because of any differences with the Working Group's goals or process.

The group included liberals and conservatives, lawyers, members of the clergy, and both Washington-based advocates and lobbyists and grass roots providers, with sixteen of the thirty-three participants from the DC area and seventeen from across the United States. Most major faiths and denominations were represented. The group included participants who did not know one another, as well as participants who frequently argued this issue on political talk shows. One example was the inclusion of Robert L. Woodson, Sr., founder and president of the National Center for Neighborhood Enterprise and Barry W. Lynn, Executive Director of Americans United for Separation of Church and State, who have often found themselves on opposite sides of the debate table before Congressional committees, the media, and think tank forums.

3. Process Design

Larry Spears, the Executive Director of CCI, was the facilitator for the Working Group meetings. The process design team included Spears, Wofford, and the Search staff. The process design was for a standard public policy dialogue. It included the Convening Document, Ground Rules, a proposed Rule of Decision, and a "road map" of proposed issues for a nine meeting process, with the initial Convening Meeting to introduce the process and obtain the Working Group buy-in to the process design. The design also included the use of co-chairs for the later meetings. Co-chairs were included to gain more participation in the process and to free Wofford for greater individual participation.

Under Wofford's leadership, the design team also focused on how to frame the issue. This fundamental design question was included in the name of the group – the Working Group **on Human Needs** and Faith-Based and Community Initiatives. Inserting this language supported a broader focus for the group and encouraged a broader spectrum of participation. With this framing of the issue, the focus shifted from how faith-based and community organizations might **obtain more** government funding to how these groups might be supported to **do more** to meet human needs across America. The design team supported this framing by including in the Convening Documents a first draft of a *Preliminary List Identifying Human Needs Where Faith-Based and Community-Based Organizations Can Serve*, and a *Preliminary List of Barriers Faced by Faith-Based and Other Community-Based Organizations Seeking to Address Human Needs*. A discussion of the needs and barriers became the prime focus of the July 17th meeting, the first substantive meeting.

The Ground Rules, as the Working Group agreed on June 19th, were:

1. *It is your show.*
2. *Everyone is equal.*
3. *No relevant topic is excluded.*
4. *No discussion is ended, including process discussion and rule of decision.*
5. *Respect opinions.*
6. *Respect time.*
7. *Silence is agreement (when agreements are proposed).*
8. *Make sure I write what you meant. Keep the facilitator accurate.*
9. *Non-attribution of ideas.*
10. *No proxies.*
11. *No observers.*
12. *Delegation to Harris Wofford regarding composition of the Working Group.*
13. *No media references to the deliberations of the Working Group. Referral of media to Harris Wofford.*
14. *Rule of decision of consensus (one person veto).*
15. *Trial period with individual meeting co-chairs, suggested by Harris Wofford, with interim consultation and presiding duties."*

The Rule of Decision, as agreed on June 19th, was:

"Consensus: Agreements of the Working Group mean that all participants support or do not oppose. Where agreement is not currently possible, the Working Group will seek to make a clear and balanced statement of the clarified disagreement."

The design team prepared materials for an initial Briefing Book, including a proposed agenda, the Convening Documents, the proposed roadmap/schedule of meetings, the Ground Rules, the Rule of Decision, participant names, bios, and contact information, along with a wide variety of informative background materials on human needs, existing and proposed legislation, an assortment of press articles related to the issues, and background materials on Search. This basic outline was followed with Briefing Books for subsequent meetings as well.

The team made a crucial decision that the Search Consensus Statement on these issues should be downplayed in the material given to the Working Group, to avoid any question that the process was intended to ratify, accept, or build upon that Statement, recognizing that this broader group would include participants who likely would not agree with that Statement.

The team also recruited additional staff support. Attorneys from the Washington based law firm of Wilmer, Cutler, and Pickering agreed to provide *pro bono* legal research, and an attorney on Search's Board of Directors agreed to provide a conference room and lunches in the Washington office of Skadden, Arps, Slate, Meagher, and Flom.

There were eight members of the Working Group present at the Convening Meeting, following the Santorum press conference, to consider the Goals and Purposes, the Ground Rules, the Rule of Decision, and the preliminary roadmap for the meetings.

4. Funding

Search received funding for this process from the Annie E. Casey and the Lynde and Harry Bradley Foundations. Search staff undertook all of the pre-process and convening work without additional funding. They sought funding on the basis of enlisting participants in the Working Group, on the belief that donors are so unaccustomed to funding consensus building processes that they will not give money until the process is set. Search's funding strategy was an early sign that this process was designed, in every way possible, to bridge the left/right partisan divide. The Casey Foundation has a reputation as a liberal one, and Bradley is generally considered as conservative. Funding, in this situation, became part of the convening process, as it often is for consensus building processes.

THE CONSENSUS BUILDING PROCESS

At the first substantive meeting, a group of twenty participants reaffirmed the Convening Documents, in a donated conference room of Skadden, Arps. All meetings included lunch and snacks, which encouraged the participants to remain in the conference room and socialize during breaks.

The discussion of the Rule of Decision included some participants arguing for a majority or supermajority vote and others supporting the definition of consensus set forth above. The consensus decision was:

It was agreed that the power of this particular group is in the ability to speak with one voice from different positions; that, unless it does so, it risks being like other groups and statements; that inviting minority reports at this early stage might reduce the commitment to keep working on tough areas. It was also agreed that this matter might be brought back to the table, after the capacity of the group to find agreement becomes clearer, and that there may be a place for a "substantial majority" decision process.

The group also slightly modified other Ground Rules, the Convening Documents, and the roadmap. The focus on human needs gave the group an early basis for agreement regarding the urgency of needs not being met in America. There was also early agreement that faith-based and community organizations are a valuable part of our civil society infrastructure and should be supported and encouraged in ways that are constitutionally permissible. Two early task forces which the group created focused on devising a categorical schema of faith-based service providers to reflect the growing awareness that a more detailed framing of the distinctions would assist the group and on elucidating fundamental values and principles, "First Principles," to reflect the recognition that while the group might not find agreement on some issues, it could agree on fundamental principles.

The design team agreed that because Spears was in North Dakota, he would focus on meeting facilitation. Search staff would provide meeting support, including conducting any between meetings negotiation. The entire team, including Wofford, would share the responsibility of preparing the agenda, revising the roadmap, and the meeting summary.

Early in the process, the Working Group received a report from Wofford regarding the situation in Congress indicating that Majority Leader Tom Daschle wanted to avoid considering a bill, which would divide the Senate along party lines. Instead he preferred a bill that would attract both Democratic and Republican support, opening the legislative situation to receive a product from the group. He urged the group to stick to the roadmap as outlined in order to conclude its work before the Senate began to consider legislation.

The group discovered agreement on many of the existing applications of “Charitable Choice,” such as school lunches that go to parochial and public schools, aid to churches who have programs for the hungry and homeless, and to well-established 501(c)(3) organizations founded on religious principles, such as Habitat for Humanity and the Salvation Army. This agreement was reflected in the recommendations in the Report.

Following the tragic events of September 11, Wofford reported that those events would likely slow Congressional action on this issue, given the urgency of anti-terrorism legislation, the budget stimulus package, and numerous appropriations bills still pending. Early in the process, the group began a pattern of a classic single text negotiation – focusing on a proposed draft report and seeking to resolve the issues highlighted by the draft language. The group made a crucial decision to create an Editorial Task Force to work between meetings on the single text draft. Eleven members worked on this task force, which was a substantial number of the active participants. This task force facilitated consensus on the text and its evolving recommendations by refining the language between meetings, negotiating through conference calls and email.

Between formal Working Group meetings, various task forces worked on specific projects. Wofford and other participants continued to maintain communications with Congressional leaders and staff who were involved in aspects of this issue. In addition, Search staff continued to pursue informal negotiations among participants, in efforts to expand the range of agreements in the Report and encourage continued dialogue to find consensus.

The Working Group did not reach consensus on the major, controversial aspects of this issue, specifically any expansion of existing “Charitable Choice” legislation or hiring practices based on religious preferences, although the group did work extensively on these issues and, in many ways, increased understanding and narrowed the differences. The group made a choice to use its time instead to focus on obtaining maximum consensus on other issues. The group also agreed not to address the issue of vouchers or beneficiary choice.

While the Working Group could not reach consensus on whether houses of worship should be allowed to receive direct government aid, an issue complicated by the fact that some already do (for homeless and disaster aid programs), participants did agree that faith-based organizations should be encouraged and supported in forming separate 501(c)(3) corporations as a partial answer to the dilemma.

On the issue of employment practices, the group affirmed that faith-based organizations should continue to enjoy the existing exemption in the Civil Rights Act of 1964 allowing them to hire individuals based on religion for any work supported by private funds. The group also affirmed that racial discrimination was never appropriate and that any group using religion as a basis for hiring must be transparent about such practices.

Towards the end of the process, the group reviewed its Decision Rule and affirmed the original consensus definition, modified by an agreement to resolve the issue of how to handle any potential dissenting views by only including agreements on which it reached consensus, as defined. The group also discussed whether members would sign the final report as individuals or as representatives of their organizations, agreeing that each would sign only as individuals with organizational affiliation listed only for identification. The group also considered what to do about potential vetoes from members of the group who had been absent from all or most meetings, reaching consensus that an absent participant may assent to the report or drop out of the Working Group, but may not exercise a veto of the final product.

All thirty-three members of the Working Group, including members who had not attended a significant number of meetings, endorsed the Report. The Report was presented at a press conference held in the National Press Club on January 15, 2002, attended by twenty members of the Group. Each of those members spoke briefly on the consensus process, followed by a question and answer session. The Report included twenty-nine consensus recommendations, along with two detailed typologies of faith characteristics of organizations and programs and a table outlining organizational competencies of organizations. The Report received generally favorable treatment and wide coverage in the press. By the next day, Search staff had distributed nearly all of the 1,000 copies of the Report's first printing, including copies sent to every member of the Senate under a Santorum "Dear Colleague" letter.

At the request of one of the funders, the Annie E. Casey Foundation, Search staff extracted the typologies from the Report and created a separate booklet entitled, "Improving Public Dialogue: Faith Characteristics of Social Service and Educational Organizations and of their Programs and Projects." The Casey Foundation intends to distribute these booklets to other funders, technical assistance providers, and faith-based organizations.

On February 5th, Senators Santorum and Joseph Lieberman (D-CT) introduced Senate Bill 1924, known as the CARE Act, incorporating many of the recommendations from the Report. The White House has endorsed this legislation, rather than continuing to support HR 7. The CARE Act does not include an expansion of Charitable Choice or any religious preference hiring exemption or any provision regarding vouchers or beneficiary choice, again tracking the recommendations in the Report. Working Group members and Search staff continue to work to see that the recommendations are implemented.

On February 20, 2002, the Pew Charitable Trusts announced an award of a \$6.3 million grant to the Rockefeller Institute of Government to establish the Roundtable on Religion and Social Welfare Policy. This Roundtable will produce research on the capacity and effectiveness of faith-based social services and on the important legal and constitutional issues surrounding government support of such activities. This grant to the Rockefeller Institute responds to several recommendations in the Report. Utilizing another Pew grant, Search will play a key role in the initiative's major convening activities.

THE REPORT

After seven months of meetings, the Working Group agreed on twenty-nine recommendations, which fall into seven main categories:

- A) Increasing private, nongovernmental funding for faith-based and community organizations:
 - 1) A major increase in individual, foundation, corporate, and other donations to faith-based and community organizations is needed to address unmet human needs.
 - 2) Encourage individual giving by allowing non-itemizers to deduct charitable contributions and corporate giving by easing restrictions on in-kind contributions.
 - 3) Encourage foundations to review blanket restrictions against applications from faith-based organizations seeking to address human needs.
 - 4) Encourage foundations and other institutions to create more programs that give smaller groups access to small-scale grants.
 - 5) Create more ways to encourage contributions to faith-based and community organizations and reduce transaction costs for donors and recipient organizations.

- B) Setting forth principles and values that provide a framework for government to follow when considering direct funding to faith-based and community organizations, which are:
 - 6) Congress and the Executive Branch should increase the participation in federal programs of effective organizations that, because of their small size, have difficulty pursuing available funds.
 - 7) Government agencies should not set limitations or conditions on direct funding programs that might benefit or deter faith-based organizations compared with more secular groups, unless the agency understands those conditions to be constitutionally or legally required.
 - 8) Government agencies should be fully transparent, providing plain statements on eligibility and any conditions that relate to the religious aspects of potential applicants. (Linked with Recommendation 20).

- C) Encouraging government indirect and in-kind assistance to these organizations:
 - 9) Government agencies should increase technical assistance at the grassroots level and make it available to all, consistent with the Constitution.
 - 10) Experience demonstrates that government can work with faith-based organizations to deliver assistance to persons in need.
 - 11) Congress and the Executive Branch should expand VISTA and other AmeriCorps programs to supplement the staff and capacity of faith-based and community organizations to meet human needs.

- D) Building greater capacity for these organizations:
 - 12) Increase private technical assistance to expand the capacity of smaller faith-based and community organizations serving those in need.
 - 13) Establish more and better intermediary organizations to provide fiscal sponsorship and other support to faith-based and community 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 partner with existing 501(c)(3) organizations.
 - 15) Congress and the IRS should create an “EZ application form” for a 501(c)(3), waive filing fees, and take other steps to assist smaller organizations.
 - 16) Government and the private sector should develop formal capacity to facilitate conflict resolution in the area of government collaboration with faith-based and community organizations.
- E) Addressing the difficult employment practices issue:
- 17) Privately funded faith-based organizations should remain free to pursue their religious mission, including enjoying the statutory authority to follow religious preferences in employment.
 - 18) When government requires staff for publicly supported social services programs to be selected without regard to religion, applying such restrictions only to publicly supported activities. This recommendation does not address the desirability or constitutionality of such legislation in order to receive government support.
 - 19) Prohibit any racially discriminatory employment practice, even if based ostensibly on religion.
 - 20) Any organization using religious preferences in employment for government-funded programs should be required to report such policies whenever applying for funding. (Linked with Recommendation 8).
- F) Encouraging effective results and outcomes from the work of these organizations:
- 21) Public and non-government funders should insist on effective performance and results by all providers of services.
 - 22) All organizations, operating with public and private funding, should maintain high levels of accountability regarding money and the ability to comply with regulations to safeguard financial support.
 - 23) All organizations, operating with public and private funding, should foster empowerment 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 all programs to meet human needs.
 - 25) Government and philanthropic organizations should support empirical and peer-reviewed evaluation research to test the effectiveness and costs of all providers, including faith-based, in areas such as drug treatment, tutoring and mentoring.
 - 26) Where certification is required, accreditation agencies should work to incorporate outcomes into uniform standards for all providers.
 - 27) Research and evaluation should pay attention to issues arising from different types of faith-based and community organizations in the provision of service and from the inclusion of more of these organizations.
- G) Setting forth steps to improve public dialogue on this issue and further expand areas of agreement:
- 28) Leaders and organizations, on all levels, should use this report as a springboard for action and building new agreements.

- 29) Citizens need a better understanding of the variety of faith-based and other non-profit organizations, which clearer distinctions in our vocabulary can provide.

Recommendation twenty-nine included the two typologies of the faith characteristics of service organizations and programs which a Working Group task force developed to generate more accurate and subtle distinctions to augment existing vocabulary around the issue, such as the term “faith-based.” This typology listed six distinctions:

- **Secular.** These organizations have no religious component, although individual employees and volunteers may have deep religious beliefs and refer to shared values.
- **Faith-Secular Partnership.** These partnerships do include religious organizations. Staff members of the secular partner are expected to have respect for its religious partner’s beliefs, but need not practice that faith.
- **Faith Background.** These organizations typically began as religious organizations. Over time, the explicitly religious characteristics have diminished such that explicit references to faith no longer appear in their work.
- **Faith-Related.** Typically, these organizations have explicit statements of faith in their missions. There may be an expectation that senior managers and board members share that faith. Staff members who perform the social service need not share the same beliefs. Most do not make explicit faith references in programs.
- **Faith-Centered.** These organizations are explicitly religious and serve a religious purpose. Practicing this faith is a prerequisite for senior managers and most staff members share the faith. The programs contain a mix of secular and religious principles, but service recipients may “opt out” of the religious aspects. Most refuse funds from sources that might undermine the religious aspects and work to create spiritual change in recipients, believing that such change will contribute to recipients’ success in the program.
- **Faith-Saturated.** The social services of these organizations are an expression of the founders’ and supporters’ faith. All staff is expected to share this faith and be motivated by it. Service recipients are not required to affirm any religious belief, but these organizations expect that recipients *need* to experience religious change in order to have success in the program. Recipients are expected to participate in religious activities. References to faith permeate the program. Almost all money comes from donors who share the faith.

EVALUATION

There are three general types of evaluations of consensus building processes: 1) those which are conducted while the process is underway in order to assess progress and make design improvements; 2) those which are conducted soon after the process is completed to assess participant satisfaction and initial outcomes; and 3) those which are conducted some time afterwards to identify the stability and/or implementation of the agreement, the duration of relationships born from the process, long-term outcomes, and/or to compare the process with

other decision-making methodologies. (Susskind, McKernan, and Thomas-Larmer, 1999). This evaluation fits the second category.

Any evaluation is fraught with difficulty for the evaluator, especially if, as in this case, the evaluator was not an observer of the process. From an overall perspective, there is no doubt that Wofford and the other members of the Working Group, Search staff, CCI staff, and the volunteers together produced a remarkable result. Working without portfolio, during the months after the divisive Presidential election, Search staff slowly built support for a consensus process on this difficult issue. They produced sufficient interest on behalf of a key Senator, Santorum, such that he called for the formation of the Working Group. They enlisted Wofford and influential Washington decision makers to participate, and along with CCI and Wofford, guided a process, which produced outstanding, even surprising results, with wide-ranging secondary impact. Fundamentally and profoundly, their work speaks for and evaluates itself.

The purpose of this evaluation, therefore, is not just to critique this outstanding work, rather it is to offer information and insights regarding the literature and practices in the field of conflict resolution to support the future work of Search and CCI and to elucidate some lessons and reflections from this process, which may inform the development of the field and encourage foundations to further that development with generous financial and institutional support. The evaluation is offered with deep respect for the accomplishments of this particular process, encouragement for Search's effort to build the USCC, and belief in the tremendous good that Search and the USCC will accomplish towards renewing democracy here and around the world.

Current public policy consensus building is based on decades of experience. There is extensive literature regarding current and best practices. Yet, there is no unanimity regarding many of those practices. In spite of the unique connection this process had with the national legislative process, the issues raised in this evaluation are not unique. Future processes will gain by increased application of the current knowledge in the field.

Consensus building has yet to achieve the public recognition or acceptance of our existing and familiar institutions. Many people continue to equate consensus building with compromise, or giving up one's views, or agreeing with the "other side." The concepts of a mutual gain negotiation process, problem-solving, or integrative negotiation are not widely understood. (Mnookin, Peppet, and Tulumello, 2000). Public officials can be resistant, if they: 1) believe they know more than the citizens; 2) are afraid that they will lose power, rather than gain effective governing power; 3) do not see consensus as an effective way to satisfy the competing interest groups that pull on them; 4) do not see the need for an outside facilitator or mediator or a process designed by professionals in conflict resolution; and/or 5) do not have any actual experience in consensus building. The general public also can be resistant, through lack of understanding of the process or knowledge of what can be accomplished through a well-designed and effective process. Evaluations of consensus building processes can inform, create greater understanding, and build trust in the process. (Dukes and Firehock, 2001).

Care must be taken in evaluating consensus building processes. The process is not the typical decision-making process; therefore, solely focusing on whether an agreement was reached and what is contained in that agreement is an insufficient basis for evaluation. Such an approach might be appropriate for a typical decision-making process. It fails, however, to capture the full range of unique values and outcomes from effective consensus building. We must spin a wider

web than conventional thinking to evaluate a dynamic and unconventional process. This broader approach to evaluation will be troubling to some, especially to policy makers or foundation officers who are new to consensus building. Simply put, it is quite dangerous to the process to rely solely on “did they reach agreement?” as a basis for evaluation. That criterion would work well in this situation because not only were agreements reached, but also nuanced and sophisticated agreements were reached. However, there are participants who believe that the most important and fundamental issues were not resolved. That position exemplifies the conundrum.

There will also be times, perhaps many times, if Search and the USCC continue this work, when agreements are not reached. Is that process to be evaluated as a failure? If the only or primary criterion is reaching agreements, then the answer must be yes. Practitioners in other fields have reached similar conclusions. Surgeons, attorneys, psychotherapists, mediators, dentists, generals, musicians, and so on are not evaluated simply on a single criterion of “success” or “failure.” As a result of many years of experience in public policy consensus building, experts in the field have long considered this issue and concluded that the value of consensus building per se and the value of a particular process cannot appropriately be determined on a single basis, even in our “results oriented” culture. The work has broader and deeper short and long-term value, regardless of whether agreement is reached and, therefore, can only be appropriately evaluated on this broader and deeper basis. (Susskind, McKernan, and Thomas-Larmer, 1999).

In the long-term development of this work, it will be important not to promise participants, convenors, or funders that agreement will be reached and to temper any such expectations. Simply focusing on outcomes will also negatively influence process design. A balanced process design will encourage agreement and secondary outcomes, such as relationships, new partnerships, etc. A well-designed process can influence these secondary outcomes, just as it creates the potential for agreements.

Search is a unique conflict resolution organization. It approaches conflict, in the United States or abroad, with a varied toolkit that includes many different strategies, ranging from mediation to radio soap operas, sporting events, arts exhibitions, bi-lingual kindergartens, among others. This creativity and flexibility is no doubt fundamental to its long-running success and the outstanding contributions to peace it continues to make. There is also little doubt that when Search produces a radio soap opera, it applies the current and best practices in producing radio programs that are available to it. In seeking this evaluation, Search is demonstrating its commitment to making certain that its work in consensus building also incorporates best and current practices in the public policy consensus building field.

During the latter half of the 20th Century, many, if not most, institutions in the United States faced challenges to top-down, mechanistic decision-making. Perhaps the 21st Century will see the development of more flexible systems that are based on self-organizing teams, equal access to information, and quality relationship may be more effective. Consensus building appears well suited to respond to the current political and social landscape of constant change, increasing complexity, and uncertainty. If there is one certain fundamental to consensus building, it is that an effective process is self-organizing and self-generating. In other words, no matter the design, at some point, the participants begin to create the process from within the process. The best facilitators facilitate the process that emerges in the room, as opposed to the process they designed.

An effective consensus process is thus a living system. Non-mechanistic science now defines a living system according to three key criteria. Its fundamental relationships form the *pattern of organization* and determine the *structure* of a system. *Process* is the third criterion for a comprehensive description of the fundamental nature of a living system. A living system (*outcome*) results from the integration of a dynamic *process*, with an effective *pattern of organization* and *structure*. (Capra, 1996). *Structure, pattern of organization, process, and outcomes* must be included when evaluating consensus building. This evaluation reviews these four aspects of the Working Group “system,” by considering sixteen consensus process issues, as they are applicable to the Working Group. It is important to note that no process will fully meet all relevant criteria for evaluation. The fluid nature of any living system means that there are always new areas to explore. Nonetheless, these criteria are an effective measure of the effectiveness of any consensus building in the public policy arena because they are exemplary of current and best practices in the field.

- 1) How was the conflict assessment of the faith-based issue conducted prior to creating the Working Group?
- 2) How did the Working Group consensus building process include representation from the relevant and significantly different interests?
- 3) Was the Working Group process driven by a purpose that was practical and shared by the group?
- 4) Did the convening authority demonstrate a commitment to the process and to honoring process outcomes?
- 5) To what degree was the process design self-organizing, self-generating?
- 6) How did the process adapt and incorporate high-quality information? How was the inclusion of technical information determined, and by whom?
- 7) How did the process follow the principles of civil discourse?
- 8) How did the process design and facilitation create an intentional conversation?
- 9) How did the Working Group process keep participants at the table, interested, and learning?
- 10) How did the process address the timing issue of seeking consensus only after discussions had fully explored the issues and interests and significant effort had been made to find creative responses to differences? How did it encourage participants to challenge assumptions?
- 11) How did the process encourage the members of the Working Group to consult continually with their constituencies to affirm any delegation of decision making authority, increase buy-in to the process, and insure acceptance of any agreement?
- 12) How did the Working Group process address the need for a high-quality agreement, with feasible proposals from political, economic, and social perspectives based on creative ideas for action?
- 13) How did the process address stalemate?
- 14) How did the process encourage Working Group members to gain knowledge and understanding?
- 15) How did the process encourage new personal and working relationships and social and political capital among participants? How did it encourage second-order effects, beyond agreements or attitudes developed in the process, such as changes in behaviors and actions, spin-off partnerships, collaborative activities, new practices, or even new institutions?
- 16) How do the outcomes serve the common good or public interest? (Adapted from Susskind, McKernan, and Thomas-Larmer, 1999; Dukes and Firehock, 2001).

1) How was the conflict assessment of the faith-based issue conducted prior to creating the Working Group?

Conflict or issues assessments have been used in public dispute resolution since the field's inception in the early 1970's. In 1990, the Administrative Conference of the United States formally recommended that assessments be conducted for all prospective negotiated rulemakings. Sometimes the same conflict resolution practitioner or organization that ultimately convenes and even conducts the process performs the conflict assessment. Sometimes different practitioners or organizations are involved in different stages of a process. Always the focus of an assessment is to insure the best possible decisions regarding whether to convene a process and, if so, how to design it to insure the highest likelihood of success. Commentators universally agree that they are fundamental to effective long-term consensus building. They focus on producing recommendations concerning:

- Who are the appropriate stakeholders in the conflict or proposed consensus building process;
- What are the issues that are relevant and important to these stakeholders;
- Whether it is appropriate to proceed with convening a process, given any constraints that exist; and
- If it is deemed appropriate, what is necessary for the key parties to agree to participate. (Susskind, McKernan, and Thomas-Larmer, 1999).

A formal conflict or issue assessment was not conducted prior to convening the Working Group. Thus, it is impossible to know how one may have aided this process by, for example, revealing potential participants, such as service providers, building support for the process in a wider circle, or distinguishing nuanced issues or points of view that may have aided consensus building. There are, however, additional relevant factors, which combined to create an informal, or *ad hoc*, assessment. As described in the political history leading up to the convening of the Working Group, Search and Wofford were involved with various groups and leaders – many of whom participated in the Working Group – in an effort to achieve bipartisan support for a Consensus Statement on the faith-based issue. Most of the participants had been engaged in various aspects of the issue for years and were very knowledgeable of the issues. The decision of the Bush White House to submit legislation to the House, which led to a vote on HR 7, mostly along party lines, combined with the precarious balance of power in the Senate making enactment of legislation close to HR 7 unlikely, demonstrated that the issue was ripe for an alternative approach. The Convening Documents outlined clear goals, purposes, and process for the group and included an initial assessment of the human needs to be addressed and the barriers faith-based and community organizations face in seeking to address those needs. Based on the process documentation, participant interviews, and the Report, there was a sufficient understanding of the complexity of the issues involved to convene the process.

Recommendation: It appears that the lack of a formal conflict assessment prior to this process did not seriously impact the Working Group's deliberations. That will not always be the case, in the absence of a clearly focused assessment prior to deciding to go forward with convening. It is essential not to underestimate the importance of this stage. As Search engages in future processes itself or through the USCC, it is fundamental for continued success to conduct a formal conflict assessment prior to convening, either through using staff or a consultant thoroughly versed in conflict assessment. In addition, Search staff and the staff of the proposed

USCC (when it is created) should remain current with standard conflict assessment processes and best practices (ACR, 1997).

2) How did the Working Group consensus building process include representation from the relevant and significantly different interests?

It is crucial for consensus building to have proper representation. Otherwise, the conversation will not be well informed about all of the positions and perspectives involved in the issues. The process is unlikely to be viewed as fair and legitimate by those not present. Absent groups may actively seek to undermine the agreement. The learning that takes place cannot adequately be conveyed to relevant constituencies and the public. Implementation hinges on proper representation.

The initial framing of the issues is crucial to address this issue. Without clear framing, it is impossible to know whom to include and whom to exclude – where to draw the boundary line around the conversation. For example, in this process, the design team chose to exclude atheists, whose view often is that houses of worship have a negative impact on civil society. The issue before the Working Group was not whether houses of worship should be providing social services, and if the group had gotten lost in discussing that issue, no progress would have been possible. In reality, houses of worship have provided social services for centuries, regardless of whether they are good or bad for society. Excluding this issue from the overall framing appropriately led to excluding groups which are opposed to houses of worship.

The initial framing of the issue for this process was excellent. (See Evaluation Issue Number Three). Nonetheless, there are questions regarding the design team's handling of representation. Most participants interviewed questioned or criticized the balance of representation on the Working Group. Some questioned whether the group was an accurate cross-section of the views of citizens and whether those who strongly support church/state separation were over-represented. Others noted that a weakness of the group was the lack of sufficient representation from conservative, religious lawyers familiar with these issues or the lack of a sufficient number of service providers. Some participants used personal connections to join the Working Group, affecting its balance and representation.

Search staff acknowledges that the selection process was not perfect. In the absence of a formal conflict or issues assessment, staff had no clear basis on which to determine whom to include and what was the range of significantly different interests. Whom staff or convening interests know is an insufficient basis for inclusion or exclusion, in order to insure reliable and effective consensus building and that participants will have full faith in the process and support any outcome. Also, staff apparently did not consider current practices within the field regarding stakeholders. For example, these practices include the concept of “circles of stakeholders,” meaning individuals, groups, or organizations that want or ought to be included in the process, perhaps at different levels of involvement. Some are obviously essential to be on the core negotiating team. Others may just need to make certain that their interests are fully represented on the core team. Still others may be appropriately involved by observing the process from the sidelines. Sometimes, it is necessary to have a caucus of those representing a particular point of view to select the appropriate representatives for the negotiations. (Susskind, McKernan, and Thomas-Larmer, 1999).

Here, this experience from the field was not used. Staff noted that they were “making up the process as we went along since we had never done it before.” Many others have done public policy consensus building, and the literature about current and best practices is extensive.

One Ground Rule explicitly prohibited observers. There were obvious reasons for such a rule to exclude the media and others not directly involved in the relevant issues, but it appears that using observers as a way to address the group composition was not considered. The issues regarding the group’s composition may have had a dampening impact on participation. (See Evaluation Issue Number Ten).

Participants gave additional feedback regarding the composition of the Editorial Task Force, which apparently had a core of stable membership but was negatively impacted by “floating participation,” in which some members who were only interested in making a single point would join a meeting of the task force to make that point – and then leave. As a result, the work of this task force was hampered, was perhaps not entirely representative, and the vision of the whole was sometimes lost. (Policy Consensus Initiative, 2001). Overall, there is no question that the Editorial Task Force was a very positive aspect of the process, but the point here is clarity around representation issues.

Nonetheless, all participants interviewed stated that when the issue of representation was raised, staff made clear efforts to create more balance, inviting additional participants to achieve better balance – establishing the important principle of involving the participants themselves in determining appropriate representation in a consensus building process. Most importantly, all participants agreed that the overall process itself was fair and balanced. Excellent facilitation made up for inadequate representation, by insuring that the conversation itself remained as balanced as possible regarding the issues.

Recommendation: Conduct an issues or conflict assessment to determine appropriate representation. Issue invitations to all appropriate interests identified through the assessment. Friendship, connections, or pressure should not be a basis for determining who is invited. Maintaining an appropriate balance sometimes means telling individuals or groups that they cannot participate; however, exercise caution to make certain that no one is excluded whose presence might be crucial for a balanced process. Insure that sub-groups are also fully representative of the overall group composition. At the first meeting of any new process, include the issue of balanced representation on the agenda to allow participants’ involvement in representation.

3) Was the Working Group process driven by a purpose that was practical and shared by the group?

The purpose of a consensus process must be framed broadly enough that potential participants with differing viewpoints can share it, yet concrete and relevant enough that potential participants are willing to spend time working on it. (Belden Russonello & Stewart, 2001). The design team achieved this measure, even though some participants called the original purpose and goals “over-ambitious.” The shift in framing from a focus on additional funding for faith-based and community organizations to a focus on what human needs can these organizations serve was

brilliant. It allowed those opposed to any government funding to sit in the same room with those who believed fervently in the appropriateness of government funding.

In addition, the Convening Document outlined a clear statement of goals, process, and a proposed product. This Convening Document was also important in recruiting participants, giving each invitee a sharply focused awareness of relevant aspects of the consensus process. This shared purpose was also practical. Since Santorum had requested Search and Wofford to convene the group, there was at the least an implicit understanding that as the Republican leader in the Senate on this issue, he would be attuned to the group. Wofford's connections with his former Democratic colleagues, and in particular to the Democratic leader on the issue, Senator Lieberman, cemented the practicality of the group's purpose.

4) Did the convening authority demonstrate a commitment to the process and to honoring process outcomes?

The answer to this question is not clear, because there was not a clear convening authority. Santorum contributed to, but did not fulfill, this role. Participants came on invitation from Search staff and Wofford, neither having any authority regarding this issue. While there was an implicit understanding that the Group's product would receive respectful attention, neither the Senate nor the White House agreed to stop the legislative process until the Working Group had completed its work, which often happens when a state legislature requests the convening of a stakeholder group to inform the legislature regarding a public policy issue. (Policy Consensus Initiative, 2001).

In addition, the role of Wofford, as chair, was not crystal clear. Since he did not have formal convening authority regarding the faith-based issue, his function was in part to give a "blessing" to the process and to use his statesmanship to lead the process. The former role was a clear benefit, which all participants appreciated deeply. (Belden Russonello & Stewart, 2001). The later role led to role confusion with the facilitator and staff, especially given Wofford's lack of familiarity with consensus building and his strong grounding in the political approach to resolving issues. (Consensus Building Institute, 1999).

It is a fairly normal challenge in convening a consensus building process to obtain the participation of appropriate decision makers in the role of convening authority. Often an organization or agency executive will seek to send a representative rather than participate directly. A process always works best when decision makers are directly involved. As with this process, that ideal is not always practical or possible. Thus, it is important to emphasize Search's accomplishment in convening this process under challenging circumstances. Without a clear convening authority or legislative authorization, Search staff did an outstanding job in enlisting Wofford to be a convenor without portfolio along with a sterling roster of participants, obtaining funding, and guiding a process which created impactful results. As noted above, nothing said in this evaluation should be read as taking away from Search's accomplishment, rather as a "trueing-up" of this process against the settled wisdom of the conflict resolution field.

It is important to note that while public policy consensus building is far from novel both in Washington and around the country, this process was perhaps the closest the process has come to direct Congressional action. In the interests of the continued development of this field and of the institutionalization of best practices, future processes on this level must be informed by

current practices and knowledge in the field. (ACR, 1997). Likewise, it is important for practitioners involved with similar processes to remain aware that, as with any consensus building process, there are novel issues, unusual design needs, and unique constraints and that the current literature and best practices of the field are an appropriate guide on how to respond. (Susskind, McKernan, and Thomas-Larmer, 1999).

Thus, one can conclude that it is perhaps too early for a process on this level to have a clear convening authority. The efficacy of consensus building must be proven to Congressional and Executive Branch leaders, by becoming familiar with the work that happens in federal agencies in Washington continually, through negotiated rule-making, facilitated decision making, and consensus building processes. Beyond doubt, this process was an excellent beginning, even in the absence of clarity on this issue.

Recommendation: Incorporate the issue of the convening authority's role into future process design. Continue to be patient with leaders who are not familiar or comfortable with consensus building. Be careful to avoid an "inside-the-Beltway" view to insure that future consensus processes are informed and guided by current practices and knowledge. Make certain that in future processes there is clear role distinction among whomever is fulfilling the convening role, the facilitator, and staff, especially if the putative convening authority does not have clear authority, by drafting a convenor/facilitator/staff protocol. The facilitator must *always* be free to guide the process.

5) To what degree was the process design self-organizing, self-generating?

Effective consensus building design insures that participants set their own ground rules and determine their own tasks, objectives, and discussion topics – otherwise participants will not assume ownership of the process. Absent that sense of ownership, active participation decreases. Also, the process will not address key interests of participants and will not achieve optimum effectiveness.

The results on this issue appear mixed. The participants were apparently given some range by the design and facilitation, but not complete freedom. They were invited to critique the Ground Rules, the Convening Documents, the Rule of Decision, and the assessments of human needs and barriers to fulfilling those needs. They assumed significant ownership over these aspects. The design team set the meeting agendas, the decision to create a report as the product of the process, and the timing of writing the Report. The participants had input on all of these aspects and, on occasion, their input led to changes in the agenda. The participants created task forces on various topics and influenced the agenda and meeting flow.

It is relevant to note that a large percentage of Working Group members had never participated in a formal consensus building process with an outside, neutral facilitator. Thus, responses to process design and participant ownership are necessarily uninformed. Many participants noted that while they were comfortable with the process, it appeared to them that they were being asked to buy into a particular process. Some perceived that unless there were problems, the process as designed would be followed.

The Rule of Decision had clear participant input. In the beginning many were skeptical about consensus and wanted some kind of voting. Others said that the Working Group needed to “get it right,” or the Report would be another report that failed to advance the issue. These participants contended that issuing a report with dissenting views in the current Washington culture would mean nothing. The media would immediately look at the dissenting views, rather than focus on the areas of agreement. The talk shows would enlist voices on both sides of a dissenting view and create further argument and division. Even though the initial Rule of Decision called for the publication of dissenting views and even though there was initial division around the issue, over time support for unanimity of decision grew. Ultimately, the group adopted consensus as unanimity, with a one-vote veto. Certainly, this decision led to no agreement on some issues, and perhaps it encouraged agreement on others because there was a balancing effect. Since the process did not need consensus on a single issue but reached consensus on twenty-nine recommendations, it is likely that some participants did not object on one issue because they felt that their view was represented on another issue. Time will reveal whether the Rule of Decision was fully embraced by the Working Group and will give the Report greater legitimacy.

Some participants stated that there appeared to be an initial bias in favor of providing government funding to support faith-based organizations in the Convening Documents. These same participants also said that, in their view, the process itself was fair and balanced and that the group worked through this initial issue by agreeing that no particular outcome was ordained from the Convening Documents.

There appeared to be a lack of clarity around the appropriate division of responsibilities among staff, chair, and facilitator that contributed to the mixed results here. For example, the facilitator serves at the pleasure of the participants and is therefore responsible directly to them as his/her “client.” Experience shows that document preparation, such as meeting summaries, agendas, etc., is best placed in the facilitator’s domain, and the chair and staff should be given wide input instead of a “final review” function. This concept is often difficult for those who are new to consensus building and are accustomed to having a final review and editing authority in dealing with consultants. (Consensus Building Institute, 1999).

In addition, to the degree that there is a separation of roles between meeting facilitation and outside-of-meeting facilitation, as there was in this case, it is essential to maintain clear communication among the entire facilitation team and the chair or convening authority. It is not unusual in this field for a project-specific team to work on a consensus building process. Often, for example, one practitioner or organization will undertake the initial conflict or issues assessment, while another practitioner or organization will win the contract to convene and facilitate the recommended process. It is also customary for different practitioners and organizations to team together in differing formations to undertake a particular project, depending upon the specific requirements of that project – to have an appropriate mix of experience, knowledge of the subject matter, or gender, racial, ethnic balance on the team, among other factors. Clarity of role definition is essential for these floating teams to function well, especially when the practitioners have not worked together previously, as was the case here between Search and CCI.

It is not unusual in any facilitated process or meeting for there to be some tension among individuals more focused on “process” and those more focused on “substance,” which in any public policy dialogue is the underlying policy issues. This tension is classic and is a basis for

personality distinctions in the Myers-Briggs Type Indicator, for example. Whenever the “process” types control, it is difficult to accomplish a result with strong buy-in. Whenever the “substance” types control, it is difficult to reach or maintain agreements. All consensus building processes thus require an appropriate balance among these naturally competing forces.

It is also not unusual for there to be tension between the need for a flexible process, which gives room for the participants to self-organize, and the importance of a protocol with role definition between the facilitator/facilitation team, staff, and convening authority or chair. Obviously, there is never perfect foresight. When unexpected situations arise, practicing the same principles of consensus building to resolve issues among the facilitation team, as was apparently done here, is the best approach. Sometimes experienced facilitators air their disagreements in front of the entire group to model the very principles they are seeking to facilitate.

Finally, the roadmap with its ending deadline was viewed as generally helpful in keeping the process moving; however, the process was perhaps not flexible enough around this deadline, when the initial reason for the constraint – presenting a report within the Senate’s projected legislative schedule – was disrupted by September 11th. (See Evaluation Issue Number Ten). A truly self-generating process can be hampered by inflexible time constraints. The time needs should be balanced with the voice of the group and any changing external reality, as a process unfolds. This situation certainly required respect for the Senate’s legislative schedule. Otherwise, it risked irrelevancy, especially since the Working Group had no clear mandate except whatever timely result it could produce that might be valued by the Senate. As it became clearer that the Senate’s schedule was much delayed, additional flexibility around time became an option. It is unclear whether that option, and its potential benefits, was adequately considered.

Recommendation: Follow current practices to design and implement a completely open process. Empower the facilitator or facilitation team to guide fully the process in the room. Balance time constraints with flexibility. Create a written protocol detailing the division of responsibilities among staff, chair, and facilitator/facilitation team. Address unanticipated circumstances based on principles followed in the process itself.

***6) How did the process adapt and incorporate high-quality information?
How was the inclusion of technical information
determined, and by whom?***

While this issue did not involve scientific information, it did involve highly contested, technical legal information. Participants report that the staffing was uniformly excellent and that the Briefing Books were useful and informative. A review of these Briefing Books demonstrates that staff worked very hard to keep participants fully informed and to provide as much balanced, high-quality information as was available on this issue. Some participants reported that the initial legal memoranda were unbalanced in perspective on the issues. This view illustrates the difficulties staff face in presenting any technical information. To whatever degree the information is seen as supportive of one view, it will be rejected by another view. If the facilitation team, which must be viewed as neutral, is identified with the presentation of the information, distrust of the process itself will arise.

Here, the *pro bono* legal team and the staff responded beautifully. Flexibility in the face of unexpected challenge is essential in any process. They encouraged the group itself to address this aspect of the process. The group responded by producing relevant information from among themselves individually and through creating task forces. The *pro bono* legal team worked hard with all participants to address these concerns. In particular, participants generated sophisticated typologies regarding faith characteristics of faith-based organizations and programs to inform their deliberations and to improve the level of civic discourse around the issue. Some participants assert that these typologies may well prove to be, over time, the most important outcome of the process. In addition, Wofford and others kept the group informed of, and connected to, the legislative process.

7) How did the process follow the principles of civil discourse?

This process involved fact-to-face discussions in which all participants were respected and listened to. Information was equally available to all. Ground Rules that encouraged civil discourse were agreed upon and observed. Participants uniformly acknowledged the facilitator for reviewing the Ground Rules at the beginning of each meeting and for strictly adhering to those agreements. Participants reported that there was significant good will in the process, demonstrating that the group shared similar aims. Participants unanimously reported that they learned a great deal about each other and the issue. Many said that the discussion helped them to have a better understanding of what is happening even with groups in their own national coalition.

Wofford's presence clearly made a difference for the participants, especially given the outstanding caliber of the participants and their years of experience with these issues. Many noted that his presence encouraged everyone to emulate his demonstrated commitment to civil discourse. Others noted that towards the end of the process when the group was getting bogged down into editing the Report, it took strong leadership to focus the group back towards the essential goals and purposes and to remind the group that there were high stakes involved regarding addressing massive human needs. All consensus processes require effective leadership to insure civil discourse, and it must arise from within the group following the principles of self-organization. (Policy Consensus Initiative, 2001).

One of the first issues raised by participants, which was not included in the agenda or roadmap, was the desire to enunciate "First Principles," defined as those fundamental principles which guide and inform our civic discourse especially when we are in substantive disagreement. Discussing these "First Principles" early in the process allowed the group to hear the deeply held convictions of other participants. The early recognition that there were shared values around our democratic ideals allowed participants to know and appreciate one another more fully. A beautiful section on civil discourse is included in the Report. Beyond doubt, the facilitation and the process implementation created a process faithful to these principles.

8) How did the process design and facilitation create an intentional conversation?

It is not enough to evaluate consensus building based on the *pattern of organization (relationships)*, the *structure*, and the *outcomes*. The *process* itself is crucial. If an agreement, even an excellent agreement, is reached through a process that is not fair, balanced, and equitable; does not

include deep listening to the concerns and interests of all participants; and is not accountable to the points of view represented, then the agreement is illegitimate and will not last or be accepted outside the process. Consensus building turns on the quality of the process followed. It must be measured by whether it produced good *outcomes* as a result of good *process*. The quality of the dialogue is crucial to good process. Process is only as good as the conversation it produces. (Podziba, 1998).

Some dialogue processes are based on the elements of intentional conversation, which is a conversation designed around underlying themes, shaped by a fluid and flexible process, guided by a shared intention, and focused on measurable, developmental results. Intentional conversation fundamentally changes our worldview, and thus changes who we are. (Zeldin, 2000). Intentional conversation rejects blame or attack and encourages shared contribution. It recognizes the value of deep feelings and fundamental issues of identity, both individual and organizational. It also focuses on shared learning and development, rather than simply exchanging information and ideas. (Stone, Patton, and Heen, 2000).

Intentional conversation reveals the underlying themes within a conflict. Since the process of intentional conversation is lawful, these themes emerge lawfully and predictably. Intentional conversation is holistic. Its outcome is integration, not separation. Participants in an intentional conversation place their worldviews at risk, open themselves to hear deeply the worldviews of others, and co-create a new worldview, which includes all individual worldviews, integrating them into a higher level of awareness. (Wilber, 1996).

The Working Group process had many elements of an intentional conversation, such as a shared intention, risk, courageous convening and participation, and encouragement for shared contribution and shared learning. Fundamentally, the process was appropriately focused on finding places where agreement and greater understanding were possible as set forth in the Convening Document. Given the deeply divisive nature of the issue, movement towards greater understanding and incremental agreements were appropriate goals, based on the initial assessment/convening process. The conversation moved as a result of participants who were accustomed to attacking each other in the media discovering that there was profound commitment on “the other side,” that those views were grounded in well-considered beliefs and life experience. Each side came to appreciate the good faith and intentions of the other. Thus, some worldview transformation and integration occurred, as secondary outcomes. (Yankelovich, 1999).

Recommendation: Be flexible in the design of future processes and open to creating a process that will produce a deeper level of conversation designed to shift fundamental worldviews around a conflict, when the conflict assessment calls for such an effort. For those processes with a deeper focus, make certain that a facilitator skilled in guiding such a conversation is hired to design and implement such a process.

9) How did the Working Group process keep participants at the table, interested, and learning?

Those participants who attended regularly were almost unanimously appreciative of the process, the facilitation, the staff, and the role of the Chair. Most reported learning a great deal about other views around the table. They kept returning to the meetings, even though all active

participants are highly engaged in their own organizations. Some noted that the quality of the discussions and the leadership of the process kept them coming back and that those who did not attend really missed out. It is also positive that the active participants were annoyed by those who did not attend. They liked the process and wanted everyone to participate.

The average attendance was only fifteen, out of thirty-three listed participants. It is impossible, without additional evaluation, to determine the cause of this low level of participation. Fortunately, the attendance does not appear to have affected the quality of the outcomes from the process – just the scope of the impact of some outcomes. Future processes are likely to require greater participation. (Podziba, 1998).

There is no question, however, that the design team took all appropriate steps, by incorporating several creative elements to encourage participation. First, the team carefully used the stature, connections with Congress, and personal presence of Harris Wofford – all big pluses in Washington culture. Also, the comfortable conference room, high quality lunches, excellent staffing and facilitation, and thoughtfully designed Briefing Books were excellent draws for those who did participate. Participants uniformly praised the staff support, noting that the normal anxiety of what to do with all that was said during the meetings was lessened dramatically because the staff did its work at such a high level, allowing the group to keep its collective eye on the goals and purposes. In addition, staff provided absent members with ample briefings and written documentation of the Working Group’s deliberations and agreements, to enable them to remain current with the process. Having all thirty-three members endorse the final report rewarded staff efforts.

Recommendation: The novel approaches to encourage participation in this process should be continued whenever possible. Additional creative steps may also be required, such as excluding individuals who miss a certain number of meetings and/or prohibiting non-participants from endorsing the outcomes. Obviously, these penalties have negative consequences; however, they may serve as an inducement to participation. While the Ground Rule prohibiting proxies is an important element in a consensus process at this level, it may be appropriate to experiment with the rule prohibiting all observers, by allowing one senior staff observer who cannot speak and for whom no substitutes are allowed. This individual reporting back to her/his executive may encourage the executive to prioritize the process.

10) How did the process address the timing issue of seeking consensus only after discussions had fully explored the issues and interests and significant effort had been made to find creative responses to differences? How did it encourage participants to challenge assumptions?

The Working Group process failed to follow this fundamental of consensus building. The initial roadmap called for review and approval of an interim progress report at the third meeting. It called for the review of draft legislative and regulatory solutions to specific barriers faced by faith-based and community organizations seeking to address human needs in the fourth meeting. Initial drafts of portions of the Report were presented for consideration in the second meeting. Making decisions so early in the process is almost certain to halt creativity, brainstorming, challenging

assumptions, and questioning the conventional wisdom around an issue. A full exploration will be cut off if a process moves to resolution too quickly. (Yankelovich, 1999).

Based on participant interviews, these negative consequences occurred. Most participants reported that while they were generally delighted with the process and the Report, they felt either that the process failed to go as far as it could have, given the level of relationship and trust that were developed or that the Report and recommendations were not as powerful as they could have been or that the group failed to resolve the key issues of Charitable Choice, employment practices, and vouchers or beneficiary choice. Participants felt that the opportunity for potentially deeper resolution to the overall issue and greater appreciation for the Working Group and the Report was missed. Interviews also revealed that participants thought, in the beginning, that the group would not accomplish much. In evaluating any process, the content of participants' views on some issues, especially when they have never experienced a consensus building process, is often not as revealing as the fact that so many felt, from various perspectives, that more territory could have been taken.

The issue was not one involving the facilitation approach, since most participants strongly endorsed the CCI facilitation. Some explained that the facilitator almost was not present, yet he was, that he stayed out of the way but was always guiding the process, with true humility and without weakness. There can be no higher praise for facilitation. Nor does it turn so much on the original time constraints created by the Senate schedule, as discussed above. Rather, it appears to rest in the initial roadmap and agenda placing report drafting early in the process.

Listening deeply and thoroughly to the knowledge and concerns of participants – before even considering drafting the final product – is essential to the creativity and effectiveness of consensus building. Effective consensus building also encourages participants to challenge assumptions and question conventional wisdom, which in reality is not wise just conventional. Because of premature drafting, the group missed the full exploration of the issue. A crucial element of intentional conversation was also lost. Participants who find it difficult to speak in a group or who have less power or position are further hampered, which may also be an explanation for the overall lack of participation. A fundamental benefit of consensus building – the creation of new directions and unusual solutions to intractable problems – is sacrificed by moving to drafting/resolution too quickly. (Susskind, McKernan, and Thomas-Larmer, 1999).

Also, the Report does not contain any recommendations regarding remedies for either side. Currently, whenever the issue of church-state separation arises, the only remedy available to the separationists (those who support absolute separation of church and state) or the accommodationists (those who believe that there is room within the non-establishment clause of the First Amendment to accommodate some involvement between government and religious organizations) is to file a lawsuit. Often in consensus building, the creation of more efficient and easily available remedies to resolve such conflicts enables participants to take greater risks on deeper substantive conflicts, such as the unresolved issues here. The group did include a recommendation (Number Sixteen) that endorsed creating greater access to a wider range of conflict resolution alternatives.

One might think that deeper issues can be postponed for a later day, another process. Experience shows, however, that momentum and interest are inevitably lost. The failure to address fully the concerns of a large number of participants can hamper future consensus building,

especially when some participants favor no resolution of certain issues, as was the case here. Furthermore, the next process will have the same constraints. Relationship and trust will not fully carry over. (Belden Russonello & Stewart, 2001). New participants will be present.

There is a facilitation wisdom that holds, “Fast is slow, and slow is fast.” Attempting to move too fast to draft the Report slowed the overall process and the outcomes. Some participants noted that by the time the group’s task was crystallized, the group was saddled with language in the draft report that had been reviewed for weeks and was related but perhaps not really on point. The early move to drafting meant that the facilitator was not free to guide the process in the room, but was trapped by a roadmap frame that did not allow for full self-organization.

Recommendation: Maintain overall time boundaries and honor meeting beginning and ending times rigorously; however, resist the pull to move too quickly to drafting and/or resolution. Allow expanded time for brainstorming, for challenging assumptions, and generating creative options. When a Report is to be drafted, consider hiring a professional writer to save more time for the participants to focus on substantive issues.

11) How did the process encourage the members of the Working Group to consult continually with their constituencies to affirm any delegation of decision making authority, increase buy-in to the process, and insure acceptance of any agreement?

There is no record of this fundamental of effective consensus building being followed. The decision of the group to endorse the Report individually and use their organizational affiliations only for identification purposes demonstrates that this issue was not appropriately addressed. While reaching for the full endorsement of the Report by the constituencies represented in the room would have surely killed the process, nonetheless it was important to encourage members of the Working Group to consult between all meetings with their constituencies and to build into the agenda time for reporting back to the entire group.

This consultation would have informed a much wider audience about the remarkable impact the consensus building was having on the participants and ultimately about the Report. (Policy Consensus Initiative, 2001). The process would have been more deeply informed about a wider range of views on the issue. Participants would have been continually “trued up” in their representation and perhaps would have been encouraged to seek deeper agreements. (Dukes and Firehock, 2001). The circle of relationship and trust could have been extended. The bridge to future consensus building could have been buttressed.

Recommendation: Make certain that future process designs include this characteristic. Consider checking back with participants in the Working Group in the next several months as to whether they have presented the Report to their constituencies and, if so, what has been the reaction. If sufficient data is gathered, inform the entire Working Group of the results.

12) How did the Working Group process address the need for a high-quality agreement, with feasible proposals from political, economic, and social perspectives based on creative ideas for action?

The early agreement that faith-based and community organizations are a valuable part of our civil society infrastructure and should be supported and encouraged in ways that are constitutionally permissible must be highlighted. To have separationists and accommodationists sitting in the same room was remarkable. Some participants said that just to get leaders of this long-running conflict to agree that to make progress on our nation's social problems we need a better partnership between the government and social service organizations is a monumental contribution, especially since the stereotype is that separationists are opposed to anything that involves faith-based organizations. In the highly partisan atmosphere of Washington, DC, this fundamental agreement was, in many ways, a sufficient result, by itself, to validate the Working Group process. Its significance cannot be overstated. Thankfully, it is not the only result.

The Report has been praised by participants, favorably reported in the media, and acknowledged by key leaders. Santorum, who asked Wofford and Search to create the Working Group process, said in a press release:

I want to congratulate the entire panel for their hard work, their open minds, and their willing hearts. A lot of critics have said that people could not come to an agreement on the role of faith- and community-based groups, but Search for Common Ground broke the stereotype. This report represents an important step forward. I hope that my colleagues will review the report and return to Washington with an open mind about giving faith- and community-based charities a chance to do what they do best – help folks in need.

Wofford was quoted as saying:

Some doubted we could ever agree on anything important on this subject. We have found important common ground. We have come a lot further than even many of us expected. I hope the spirit of cooperation that enabled this constructive outcome will spread and reveal the common ground that lies beneath the partisan rancor and maneuvering that is all too prevalent in this country's public life.

White House spokesperson Ann Womack said:

The report is another voice calling for action. We're looking for the areas in which there is common ground, like the report says.

Dan Gerstein, spokesperson for Senator Lieberman, said:

This report should serve as a good starting point for the President's plan this year. This group has shown it is possible to work together and solve differences. They did not weigh in on the charitable choice debate, but we have plenty of reasons to be hopeful for passage this year.

Representative Tony Hall (D-OH), sponsor of HR 7, said:

I think this is workable, and if these people go in and speak to the senators and tell them about the whole experience it will help the senators make a decision. This should be a high priority for us all. If it doesn't pass we will have a lot of poor who are not served.

Many participants posted the Report, or information about the Report, on their organizations' websites, including words of personal endorsement. Participants overwhelmingly praised the recommendations as capable of making a major difference to the capacity of faith-based and community organizations to serve those in need, if implemented. The recommendations are practical and feasible. Since they are all based on unanimous consensus, they meet participants' fundamental needs and concerns around this issue. The recommendations can be implemented and would go far, based on all reports, to address this complex issue. All the recommendations come with specific and often creative action steps. A few participants, and others, continue to criticize the Report and the Working Group for failing to address the issues of Charitable Choice, employment practices, and vouchers or beneficiary choice; however, even these participants acknowledge that the recommendations would make a difference if implemented.

Other participants characterized the recommendations as the "least common denominator." It is important to note that common ground is rarely the "high ground" of protected and entrenched points of view. This criticism likely arises from unrealistic expectations, rather than experienced appreciation for what consensus building can accomplish.

The Working Group chose not to get stuck on issues on which it could not find agreement and spent its time instead on those where it could. The group found twenty-nine areas that are generally not going to grab any headlines and are perhaps even boring to our media-driven culture. It is definitely possible, however, that implementing these recommendations will do more to support faith-based and community organizations in serving human needs than finding common ground on Charitable Choice, employment practices, and vouchers or beneficiary choice. One participant opined that in the end the twenty-nine recommendations were thoughtful and substantive. If all were implemented, the cause of helping those most in need would be advanced a great distance, without triggering lawsuits or creating divisive political battles. Perhaps this comment is the most relevant measure of success.

It is also likely that the typologies of faith-based and secular organizations and programs included in the Report will be seen as a major contribution over time. By creating more sophisticated distinctions, aside from simply using the term "faith-based," there is greater creativity for framing solutions that will be acceptable to all. The Casey Foundation is giving wide distribution to the typologies included in the Report, making certain that this information is shared outside the group's process and in addition to the distribution of the Report.

It is still too early to evaluate the Working Group's Report conclusively. We must see whether the participants have an impact on what legislation emerges from Congress, particularly in the Senate given the similarities between the Report and Senate Bill 1924, the Charity Aid, Recovery, and Empowerment (CARE) Act of 2002, initially co-sponsored by Santorum and Lieberman. Title I of the CARE Act tracks the first five recommendations, regarding increasing private support, almost exactly. Title III is entitled "Equal Treatment for Non-Governmental Providers" and follows recommendations 6, 7, 8, 10, 13, and 20. Title IV, "501(c)(3) EZ Pass," follows recommendations 14 and 15. Title V, which establishes a "Compassion Capital Fund," follows recommendations 9 and 12. The CARE Act implicitly follows recommendations 17, 18, and 19, because it does not follow HR 7 in approving hiring practices based on religious faith when government funding is given to an organization. Recommendation 11, regarding increased VITA and other AmeriCorps service opportunities and 16, regarding conflict resolution capacity, are not addressed by the Act, and the remaining recommendations, 21-29 do not require federal

legislation for implementation. There appears to be remarkable similarity between the CARE Act and the Report.

Some observers have said that the true contribution of the Working Group will ultimately be found within the legislative process. The group gave Santorum data on what separationists would accept without fighting the bill or suing to prevent its implementation. The group also gave Lieberman information as to what accommodationists would accept and what he could support without being criticized by the separationists. Also, the Working Group's recommendations allow the Democrats to support legislation on the issue and not be forced into the destructive corner of appearing to vote against "religion." In this way, both sides were gathering data through the Working Group as to what the other side would accept from people to whom they would not normally have access.

For a first-time, Congressional level consensus building process, these outcomes are remarkable for their effectiveness and potential impact on the legislative process.

13) How did the process address stalemate?

With HR 7 winning with only the narrowest of margins and with strong Senate resistance to its employment practices and "Charitable Choice" provisions, among others, it is certainly conceivable that no legislation around this issue would pass in the near future that could help to address our desperate social ills. All of us will continue to be losers as those seemingly intractable human needs remain unaddressed in the richest nation in world history.

The Working Group reached agreement, even if that agreement is not as broad as some hoped. The group effectively addressed stalemate and gave the Senate a clear basis for enacting legislation that has broad bipartisan support. The conflict is no longer surrounded by distrust and anger. Continued efforts are important to insure Congressional action with White House approval, to resolve all issues and implement all of the Report's recommendations. Stalemate is dangerous from a systems perspective. No living system can survive, if it cannot adapt and continue to develop. (Capra, 1996).

14) How did the process encourage Working Group members to gain knowledge and understanding?

Participants unanimously affirmed that they learned much more about each other and the issue. Many said that the discussion helped them to have a better grasp of what is happening within their own national coalitions. The Briefing Books, the task force work, the documents which participants contributed all combined to create an effective learning and developing process. Over time, this learning may lead to deeper changes in attitudes and beliefs about the "other side." Almost unanimously, Working Group participants report that they gained increased knowledge and understanding as a result of their participation. Most said, *It was time well spent.*

15) How did the process encourage new personal and working relationships and social and political capital among participants? How did it encourage second-order effects, beyond agreements or attitudes

developed in the process, such as changes in behaviors and actions, spin-off partnerships, collaborative activities, new practices, or even new institutions?

An effective consensus building sets in motion a cascade of changes in the system from which the conflict arose. Perhaps some participants in the Working Group will create relationships that work together well beyond this process and produce results completely outside the Working Group's agenda. Perhaps in the future, the tone and nature of their public dialogue will shift, even in the media, evidencing deeper respect and fostering long-term relationship.

Just as with Evaluation Issue Number Twelve, it remains too early to assess the answers to these questions. All early data is excellent, however. Participants report improved relationships with participants they knew prior to the Working Group and new relationships as well. Several participants said that they would now feel comfortable calling someone on the "other side," whereas prior to the process, they would never have considered doing so. Another example of relationship is that at least two groups of members have produced joint articles on the Working Group process, including varying perspectives and points of view.

There was unanimous praise for consensus building. Almost everyone noted their initial skepticism and their general lack of familiarity with formal consensus building, especially with a process professionally facilitated. Many said that they would definitely use a facilitator in the future, were they ever involved in creating a consensus process. Others said that they were now "very high" on consensus building. (Policy Consensus Initiative, 2001).

One new institution has already emerged with clear connections to this process, including the future involvement of Search. The Pew Charitable Trusts have established the Roundtable on Religion and Social Welfare Policy at the Rockefeller Institute of Government to produce research on the capacity and effectiveness of faith-based social services and on the legal and constitutional issues involved in government support of those services. This \$6.3 million grant precisely begins the implementation of recommendations 24 and 25, as well as the overall context and spirit of the Report.

Finally, the Working Group has inspired at least two new consensus process. One involves a local health care funding dispute in Michigan. Another involves the re-entry of ex-prisoners into communities in Philadelphia.

16) How do the outcomes serve the common good or public interest?

An outcome that brings greater clarity to issues that impact everyone in our society, takes steps to bridge the understanding among numerous interests or organizations, and seeks to address the human needs of the young, aged, and sick must be said to serve the common good and public interest. Simply holding this public policy consensus building effort served these ends. That the outcomes described above, even if there are no more to report over time, serve the common good and public interest cannot be questioned. Future efforts by Search and CCI to employ consensus building should apply the lessons of this success to challenging societal issues and perhaps be seen in the future as an important contribution to improving our civic dialogue and building social and political capital.

CONCLUSION

With the Working Group process, we have an outstanding example of the promise that cooperation and collaboration present our nation, as an alternative to competition to resolve conflicts. The participants of the Working Group reached deep to create a process and a Report that speaks to the highest ideals, the First Principles on which our nation was founded. Search for Common Ground, through the leadership of John Marks, Roger Conner, and Gerald Kamens, should be congratulated by the entire field of conflict resolution for its ground-breaking efforts with this process. The Consensus Council, Inc., through the leadership and facilitation of its Executive Director, Larry Spears, must also be acknowledged for a highly professional example of the best our field has to offer, in an unusual, but not unique, situation. Finally, former Senator Harris Wofford has again demonstrated the qualities of statesmanship that have made him an icon for people who believe in the best our country has to offer itself, its citizens, and those whose lives we hold in trust. His courageous partnership with the man who defeated him, Senator Richard Santorum, is a stirring example of the kind of national leadership we so desperately need. Without a doubt, he inspired the members of the Working Group to rise above their years of division and respond to the tragedy of September 11th with nobility that resounds with deep presence and truth, with the essence of the spirit. This process has given us an outstanding example of the potential that consensus building may hold for our public policy decision-making.

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