

Testimony of the
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Written Testimony for the Hearing Record on
“Faith-Based Initiatives: Recommendations of the President’s
Advisory Council on Faith-Based and Community Partnerships and
Other Current Issues”

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Mr. Chairman, Ranking Member Sensenbrenner, and Members of the Subcommittee, thank you for this opportunity to present testimony on behalf of Americans United for Separation of Church and State (Americans United) on the current status of the Faith-Based Initiative. Americans United is a religious liberty organization based in Washington, D.C., with more than 120,000 members and supporters across the country. Founded in 1947, the organization educates Americans about the importance of church-state separation in safeguarding true religious liberty.

In addition to its own efforts to protect religious liberty, Americans United has served as the Chair of the Coalition Against Religious Discrimination (CARD) since CARD's formation in the mid-1990s. CARD is a broad and diverse group of leading religious, civil rights, educational, labor, health, and women's organizations that came together specifically to oppose insertion of the legislative proposal commonly known as "charitable choice" into authorizing legislation for federal social service programs. Since then, CARD has continued to oppose efforts that further entrench and expand related policies in federal programs.

Religious freedom issues are of particular importance to me personally, as I am both an ordained minister in the United Church of Christ and an attorney. In addition, I served on the Reform Taskforce of the President's Advisory Council on Faith-Based and Neighborhood Partnerships, and, therefore, have an additional perspective on the Council's final recommendations.

At the outset, let me be clear that we do not need a Faith-Based Initiative at all. Religious organizations have a longstanding tradition of providing social services, including in some cases, with the use of government funds. Such participation long predates the Faith-Based Initiative.

Traditionally, religiously affiliated organizations that have accepted government funds to provide such services have played by the same rules as other non-religious providers. Despite the rhetoric surrounding the "faith-based" debate, these proposals are not necessary and never were necessary for government collaboration with faith-based groups. The Faith-Based Initiative was a solution in search of a problem.

Nonetheless, President Barack Obama kept his campaign promise to continue the Faith-Based Initiative, including maintaining the White House Faith-Based Office. My hope is that the Administration will also keep the President's promise to reform the Faith-Based Initiative in significant ways. Unfortunately, nearly two years have passed since the inauguration and the White House and all federal agencies are still operating under the same harmful religious liberty standards and civil rights rules created by the previous Administration.

This inaction is deeply disappointing, but it also has real life consequences. Each day that no action is taken, applicants for federally funded jobs are subject to blatant religious discrimination and the religious liberty rights of social service beneficiaries are compromised.

Thus, I appear before you today, to express my opinion that it is past time for President Obama's Administration to fix the Faith-Based Initiative as promised. In particular, it should act promptly to (1) implement the Council's consensus recommendations released on March 9, 2010; (2) resolve church and state issues about which consensus could not be reached; and

(3) take steps to end the Bush-era policies of federally funded employment discrimination and to affirmatively protect the civil rights of workers in all federal programs.

Background

In the mid-1990s, then-Senator John Ashcroft authored specific legislative proposals known as “charitable choice.” These provisions served as the forerunner to the Faith-Based Initiative. They were inserted with little debate or scrutiny into a handful of 1990s-era social service programs, such as Temporary Assistance for Needy Families (TANF) and those created by the Substance Abuse and Mental Health Services Administration (SAMHSA) Act. Indeed, the haste with which Congress acted in authorizing charitable choice is demonstrated by the fact that the early charitable choice statutes vary in confusing ways and conflicting provisions often appear within the same statute.¹

President Bill Clinton signed these charitable choice provisions into law but issued signing statements indicating that his Administration would not “permit governmental funding of religious organizations that do not or cannot separate their religious activities from [federally funded program] activities,” because such funding would violate the Constitution.² In short, the Clinton Administration interpreted the provisions as constrained by the constitutional mandates that prohibit the direct government funding of houses of worship and government-funded employment discrimination.³

President George W. Bush’s Administration vastly expanded charitable choice through the Faith-Based Initiative. Shifting from previous government policy, the Administration made changes that would allow direct government funding of houses of worship as well as sanctioning and promoting government-funded religious discrimination. Furthermore, that Administration took steps to apply charitable choice rules to nearly every federally funded social service program.

In 2001, the Bush Administration proposed legislation (H.R. 7) to expand charitable choice by statute to nearly all federal social service programs. The measure failed in Congress, in large part because of the civil rights and religious liberty concerns that Americans United and CARD raised. The Bush Administration thereafter systematically imposed charitable choice on nearly all federal social service programs through executive orders and federal regulations, allowing religious organizations to participate in federal grant programs without the traditional safeguards that protect civil rights and religious liberty.

Some programs—such as Head Start, AmeriCorps, and those created by the Workforce Investment Act—contain specific statutory provisions barring religious discrimination that cannot be superseded by executive order. As a result, the Bush Administration attempted to repeal these statutory provisions as applied to religious organizations. Each time, Congress, at the urging of Americans United and CARD, rejected these efforts.

¹ Compare 42 U.S.C. § 290kk with 42 U.S.C. § 360xx-65.

² E.g., William J. Clinton, Statement on Signing the Consolidated Appropriations Act, FY 2001 (Dec. 21 2000).

³ See 151 Cong. Rec. H8317-18 (daily ed. Sept. 22, 2005) (statement of Rep. Emanuel) (stating that the Clinton Administration did not “support,” “introduce [language],” “promulgate[] . . . rules,” or “enforce[]” rules or policies exempting religious organizations from the ban on government-funded religious discrimination).

Failing in its attempts to repeal these laws in Congress, the Bush Administration's Department of Justice Office of Legal Counsel (OLC) issued its June 29, 2007, Memorandum⁴ making the far-fetched assertion that the Religious Freedom Restoration Act of 1993⁵ (RFRA) provides religious organizations a blanket exemption to binding anti-discrimination laws.⁶

In effect, the Bush Administration accomplished by executive fiat what it could not by enacting laws.

At the end of the Bush Administration, nearly every social service program was governed by the Faith-Based Initiative: The traditional safeguards that had protected religious liberty had been stripped, and civil rights protections barring the federal funding of religious discrimination had been abrogated. The Administration had even instituted a policy of allowing federally funded religious discrimination in instances where federal law specifically barred such discrimination.

Today, as a legal matter, we stand in precisely the same place.

The Obama Administration

In a July 1, 2008, speech in Zanesville, Ohio, then-candidate Obama announced a vision for a dramatically revised Faith-Based Initiative. He committed himself to changing the current program to ensure that federal funds “can only be used on secular programs.” He also committed himself to overturning the Bush-era policy of sanctioning government-funded religious discrimination: “[I]f you get a federal grant, you can't use that grant money to proselytize the people you help and you can't discriminate against them—or against the people you hire—on the basis of their religion.” And, he promised his Administration would “ensure that taxpayer dollars only go to those programs that actually work.” After eight years fighting against the harms of the Faith-Based Initiative, those of us who support civil rights and civil liberties were greatly relieved to hear these words.

On February 5, 2009, President Obama signed an executive order that created the President's Advisory Council on Faith-Based and Neighborhood Partnerships, but he did not change a single rule or policy from the previous administration. The Council—made up mostly of religious leaders—comprised both those who supported and opposed charitable choice at its inception. The President tasked the Council to make recommendations “for changes in policies, programs, and practices” of the Faith-Based Initiative but removed the issue of employment discrimination from its purview.

⁴ Memorandum for the General Counsel, Office of Justice Programs, from John P. Elwood, Deputy Assistant Attorney General, Office of Legal Counsel *Re: Application of the Religious Freedom Restoration Act to the Award of a Grant Pursuant to the Juvenile Justice and Delinquency Prevention Act* (June 29, 2007) (OLC Memo).

⁵ 42 U.S.C. §§ 2000bb-2000bb-4.

⁶ At issue in the memorandum was whether World Vision, which had been awarded a \$1.5 million grant by the Office of Justice Programs (“OJP”) pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974 (“JJJPA”) Pub. L. No. 93-415, 88 Stat. 1109 (codified as amended at 42 U.S.C. §§ 5601-5792a (2000 & Supp. III 2003)), could be exempted from the JJJPA's explicit bar on religious hiring discrimination. The memorandum concluded that World Vision did not need to adhere to the statutory requirement that program funds not be used to fund religious discrimination. OLC Memo at 1.

Americans United was deeply disappointed that the Obama Administration did not simply make the necessary changes to restore civil liberties and civil rights protections in that executive order. Americans United, along with CARD, had offered suggestions to the Administration that could readily have been inserted into an executive order to fix every one of the noted problems with the Initiative. Nonetheless, we committed to work with the Administration to try to bring about needed reform. I even joined the Council's Taskforce for the Reform of the Faith-Based Initiative to help to recommend the safeguards that are necessary for a constitutional version of social service programs.

In March 2010, the Council issued "A New Era of Partnerships: Report of Recommendations to the President." Within the Report are twelve recommendations on how to reform the Office of the Faith-Based and Neighborhood Partnerships. These recommendations offered legal changes that the Council believed the Administration should make to existing executive policy. Eight months after their submission, however, the Administration has yet to implement any of the consensus recommendations on reform.

The Administration, having removed the issue of employment discrimination from the Council's purview, has also failed to take any concrete action on its own. It has not repealed any of the executive orders or regulations permitting such discrimination. And despite our repeated requests, the Administration also has not ordered the Office of Legal Council to review its June 29, 2007, Memorandum that justifies ignoring statutory laws barring federally funded discrimination.

The slow turn-around of the Council recommendations and apparent total inaction on the employment discrimination issue has had the effect, intended or otherwise, of perpetuating a deeply harmful status quo. The Bush-era rules, which even the Council agrees are lacking in constitutional protections, have governed the distribution of billions of dollars of social service funding and will continue to do so until the Administration decides to act. Recently, several religious organizations that want to discriminate with federal funds have further entrenched discrimination policies into their programs.

The need for action, therefore, is compelling.

The Council's Consensus Recommendations on Reform

As I noted earlier, I was a member of the Reform Taskforce and so had a role in the development of the Council's reform recommendations. I would have preferred that the final Council recommendations were stronger and offered more protections. But, in the end I do support the Council's consensus recommendations and believe that the Administration should act promptly to implement them.

When considering the Council consensus recommendations, it is important to note that all the Council members, including Council members who supported charitable choice at its inception, agree that the religious liberty safeguards in charitable choice and the Faith-Based Initiative are insufficient and must be changed.

Separation Requirements

Current executive orders, regulations, and guidance prohibit federal money from being used for “inherently religious activities.”⁷ The term “inherently religious” is too narrow and incomplete: the Constitution clearly prohibits federal funding of a much broader range of religious activities. Thus, these provisions are both inaccurate and misleading. Furthermore, the guidance in this area has not been standard across federal agencies and some state and local agencies have simply promulgated incorrect and harmful rules.⁸

Indeed, in 2006, a Government Accountability Office (GAO) Report found that all of the religious social service providers it interviewed said they understood the separation requirements, yet many engaged in improper activities.⁹ One provider “said that he began each program session, which provided services to children, with a nonsectarian prayer that at times included a brief reading from the Bible.”¹⁰ In our own work, we have found groups using public funds to purchase Jesus key chains and Christian devotional booklets;¹¹ to pay for children to attend a Christian camp “designed to build hope, leadership, and self-esteem through relationships with Christ”;¹² and to pay the salaries of substance abuse counselors and a chaplain at a homeless shelter that welcomes clients with Bibles and introduces them to God.¹³

The Council, therefore, urged the President to modify this language to bar the funding of “explicitly religious activity” and suggested that the Administration adopt better guidance to ensure that federally funded programs neither include nor fund religious activities. The Council concluded that executive directives should be amended to more clearly assert that federally funded social service programs must be separated in time or space from any religious activity. It recommended that the executive branch ensure that no federally funded programs can condition service upon a beneficiary’s attendance at a religious activity or event. The Council also asked the President to adopt separation rules that would be applied uniformly to all federally funded programs, including the many programs administered by sub-grantees.

Political Influence & Religious Bias

David Kuo, a former staff member in President Bush’s White House Faith-Based Office alleged, in his book *Tempting Faith*, that the Faith-Based Initiative was essentially used as a political

⁷ Exec. Order No. 13,279, 67 Fed. Reg. 77,141 (Dec. 16, 2002). *See, e.g.*, 45 C.F.R. Part 87.2(c).

⁸ Government Accountability Office, GAO-06-616 *Faith-Based and Community Initiative: Improvements in Monitoring Grantees and Measuring Performance Could Enhance Accountability* 34 (June 2006) (GAO Report 06-616); President’s Advisory Council on Faith-Based and Neighborhood Partnerships *A New Era of Partnerships: Report of Recommendations to the President* 132 (Mar. 2010) (Council Report).

⁹ GAO Report 06-616 at 34.

¹⁰ *Id.* at 35.

¹¹ *Ams. United for Separation of Church & State v. Prison Fellowship Ministries, Inc.*, 432 F. Supp. 2d 862, 890 (S.D. Iowa 2006), *aff’d* 509 F.3d 406 (7th Cir. 2007).

¹² U.S. Dep’t of Justice Weed and Seed grant to West Palm Beach Police Department, application and status reports, 2001-2006 (excerpt: FY 2001-2002 Competitive Solicitation) (obtained through a Freedom of Information Act request).

¹³ U.S. Dep’t of Housing & Urban Dev. Continuum of Care grant to Riverside Christian Ministries, Inc., application, 2005 (obtained through a Freedom of Information Act request); pages from Riverside Christian Ministries’ website (archived from 2005).

tool. He asserted that the Initiative was established because “it had the potential to successfully evangelize more voters than any other.”¹⁴ According to Kuo, the Bush White House Faith-Based Office held events jointly with the Republican Party or with vulnerable Republican candidates in key election states.¹⁵

The Washington Post concluded that “Republicans are using the prospect of federal grants from the Bush administration’s ‘faith-based initiative’ to boost support for GOP candidates, especially among black voters in states and districts with tight congressional races” in 2002.¹⁶ *The New York Times* recognized this politicization, noting that a 2001 White House Faith-Based Office conference was really “a bid to woo African-American clergy members, and possibly their parishioners—to their party.”¹⁷

The first head of the White House Faith-Based Office during the Bush Administration, John DiIulio, admitted that there is no evidence that faith groups do a better job at performing social services than do their secular counterparts.¹⁸ Kuo revealed, however, that grant reviewers were giving religious organizations an advantage over secular organizations competing for funding. One reviewer even admitted that “when I saw one of the non-Christian groups in the set I was reviewing; I just stopped looking at them and gave them a zero.”¹⁹

The Council, recognizing the danger of politicization and religious bias, has suggested amending Executive Order 13279 to affirmatively bar “political interference or even the appearance, thereof.” Also it has suggested that the federal government instruct grant reviewers and others in the grant-making process “to refrain from taking religious affiliations or lack thereof into account.”

I believe that it will be difficult to truly ward off the temptation to use the Faith-Based Office for political gains or to ensure there will be no religious bias, when the entire existence of the Office indicates a bias towards religion. Nonetheless, the Council recommendations are an important step in curbing both practices.

Beneficiary Protections

Beneficiaries of government services are often in vulnerable situations and cannot be assumed to know their religious liberty rights or how to enforce them. The Council, therefore, also unanimously urged the President to strengthen protections for social service beneficiaries and clients. The recommendations state that beneficiaries who attend publicly funded programs operated by faith-based organizations must have a right to an alternative religious *or* secular provider and must be informed of this right when they first enter the program. The Council also urged that staff and volunteers who interact with beneficiaries and clients be educated about

¹⁴ David Kuo, *Tempting Faith: An Inside Story of Political Seduction* 170 (2006).

¹⁵ *Tempting Faith* at 201, 206-07.

¹⁶ Thomas B. Edsall & Alan Cooperman, “GOP using the Faith Initiative to Woo Voters,” *Washington Post*, Sept. 25, 2002.

¹⁷ Elizabeth Becker, “Republicans Hold Forum with Blacks in Clergy,” *New York Times*, Apr. 26, 2001.

¹⁸ Noah Feldman, “Take it on Faith,” *New York Times*, Dec. 16, 2007, reviewing John J. DiIulio, Jr., *Godly Republic: A Centrist Blueprint for America’s Faith-Based Future* (2007).

¹⁹ *Tempting Faith* at 215-16.

these rights so that they can help them navigate the system. Thankfully, the Council agreed that the need to ensure the religious freedom of beneficiaries far outweighs any potential complications associated with implementing such protections.

Transparency and Monitoring

As noted above, the 2006 GAO investigation into the government's provision of social services through the Faith-Based Initiative found clear constitutional violations.²⁰ Yet "few program offices" in the GAO review included references to compliance with church-state separation safeguards in their monitoring guidelines for social service grantees.²¹ Accordingly, the GAO recommended that the government improve the monitoring of grantees.

The Council, in turn, urged the President to increase monitoring of all social service providers, including faith-based organizations, that receive government funds. Acknowledging that the government has a "constitutional obligation to monitor and enforce church-state standards" in federally funded programs, the Council recommended that the President amend Executive Order 13279 to describe that obligation, the Administration ensure the obligation is included in monitoring tools, and the appropriate monitoring and enforcement are also applied to sub-grantees.²²

Another common problem with the Faith-Based Initiative is the inability to access documents and information. Americans United has struggled throughout the years to obtain grant information and other documents through open-records requests—often receiving files that appeared incomplete. We and others literally could not even determine basic information to learn which organizations received government funds and to whom these funds may have been passed through sub-grants. The Council admitted that "it has not been easy for us to locate and access information" and documents.²³ Imagine, then, how difficult it would be for an average citizen to find grant applications or documents. Thus, the Council requested that government agencies be required to post information, including the identification of grantees and sub-grantees, on the internet. The public has the right to know which organizations the government is choosing to fund to carry out its critical services.

The Non-Consensus Council Recommendations on Reform

Separate Incorporation

To my great disappointment, the Council failed to reach consensus on two major issues. By only a one-vote margin, the Council recommended that houses of worship that seek to receive federal funds must form separately incorporated entities to use those funds. (This could include setting up a tax-exempt 501(c)(3) charity or other appropriate structure.) This is necessary to protect the autonomy and integrity of the religious institution as well as ensure that federal funds are not used for religious purposes.

²⁰ GAO Report 06-616: Highlights.

²¹ *Id.* at 36.

²² Council Report at 137.

²³ *Id.* at 135.

Before the Faith-Based Initiative, *religiously affiliated* organizations already had been among the many providers of government social services. The Faith-Based Initiative, however, permits public funds to flow directly to *houses of worship* without the establishment of separate, religiously affiliated corporations.²⁴

Direct government funding of houses of worship represents a radical erosion of First Amendment principles, endangering the autonomy of religious bodies by allowing government intrusion directly into the activities of houses of worship and increasing the threat that government funds will be used for religious activities. Although some have argued that this traditional arrangement singles out religious institutions for an additional “burden,” in reality, requiring funding to go to separately incorporated, religiously affiliated institutions serves to protect the integrity of the religious institutions and provide accountability for government funds. And, curiously, no evidence has ever been offered to show that any groups would decline federal aid if required simply to set up a secular arm.

I urge the Administration to side with the majority of Council members on this issue: Pervasively sectarian religious organizations must be required to form a separate entity in order to receive federal funds.

Iconography

Most troubling is that sixteen Council members asserted that “the Administration should neither require nor encourage the removal of religious symbols where services subsidized by Federal grant or contract funds are provided.”²⁵ The Constitution forbids the government from sending religious messages to beneficiaries participating in publicly funded programs through signs, symbols or iconography.²⁶ But, only nine Council members supported a standard mandating that such religious messages be removed, at least where “feasible.”

The reason for separating evangelism from secular services, such as serving meals and providing job training, is that rock-solid First Amendment doctrine forbids government entities from advancing religion. I can think of a no more potent promotion of any religious system, however, than having the central symbols of that faith (a Christian cross, for example, or religious statements like “Jesus said, ‘I am the Way, the Truth and the Life’”) on the walls of a soup kitchen or counseling center.

Many religious groups promote the idea that a single encounter with the core message of the faith can lead to spiritual conversion. Someone seeking shelter is unlikely to have the courage to

²⁴ Melissa Rogers, *Traditions of Church-State Separation: Some Ways They Have Protected Religion and Advanced Religious Freedom and How They are Threatened Today* 18 J.L. & POL. 277, 317 (2008).

²⁵ Council Report at 131.

²⁶ *Berry v. Dep’t of Soc. Servs.*, 447 F.3d 642, 652, 657 (9th Cir. 2006) (Policy that prohibited government social workers from displaying religious items in plain view of clients was constitutional.); *see also Cooper v. USPS*, 577 F.3d 479, 497 (2d Cir. 2009), *cert. denied*, 130 S. Ct. 1688 (2010) (Contract unit of Postal Service housed in church-related building must remove religious material from where postal customers seek services.); *cf. Spacco v. Bridgewater Sch. Dep’t*, 722 F. Supp. 834, 843 (D. Mass. 1989) (Public school could not hold classes in leased church parish center, because, even though religious symbols and messages were covered in classrooms, schoolchildren were still exposed to religious symbols in the rest of the building and grounds.).

report that this faith-saturated environment makes her or her children feel unwelcome and very uncomfortable. And, in most parts of the country, it would take so long to even locate an alternative provider that she would likely be forced to remain in that facility anyway. In reality, her real choice may be whether to face the symbols of a faith not her own or go cold and hungry.

Therefore, I hope that the Administration will reject the majority recommendation on this matter. Instead, the Administration should ensure that no government services take place in an environment permeated by religious iconography, certainly not where it is feasible for the provider to make the service available in a more neutral location. Often, this would simply be another room in the same building.

Employment Discrimination

Current Obama Administration policy allows religious organizations to take government funds and use those funds to discriminate in hiring against a qualified individual based on nothing more than his or her religious beliefs or lack thereof. This continues the last Administration's policy, which was an appalling rollback of the civil rights protections that were first put in place under the administration of President Franklin D. Roosevelt.

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in employment on the basis of race, national origin, color, religion, and sex.²⁷ Title VII grants an exemption to religious organizations, however, allowing them to adopt hiring practices that favor fellow adherents to their particular faith.²⁸ Before the passage of charitable choice, it had been generally accepted that this exemption applies only when the religious organization is using its own funds, because it had not been extended to government-funded positions. Accordingly, the religious organizations that for generations had partnered with the government did not engage in religion-based hiring for positions that were funded with taxpayer money.

In contrast, the Faith-Based Initiative allows religious organizations to take government funds *and* use those funds to discriminate in hiring a qualified individual based on his or her religious beliefs or lack thereof. Because significant, direct government funding of religious organizations is of relatively recent vintage, neither the Supreme Court nor any court of appeals has directly addressed whether the Title VII exemption can constitutionally be interpreted to permit a religious organization to discriminate on the basis of religion for jobs that are funded with government dollars.

Two federal district court decisions have directly addressed this issue.²⁹ In *Dodge v. Salvation Army*,³⁰ the U.S. District Court for the Southern District of Mississippi held that the title VII

²⁷ 42 U.S.C. § 2000e-2.

²⁸ 42 U.S.C. § 2000e-1(g).

²⁹ *Spencer v. World Vision*, --- F.3d ----, 2010 WL 3293706 (9th Cir. Aug. 23, 2010), was brought by three former administrative employees of World Vision, who were terminated on the basis of religion. The sole issue before the court was whether World Vision is a "religious corporation, association, educational institution, or society" and therefore eligible for the Title VII exemption. The case does not raise the issue of whether the World Vision would be eligible for that exemption if the plaintiffs' wages were paid in whole or in part with government funds. In fact, there is no evidence even in the record as to whether these positions were government funded. The panel, however, summarily addressed this important constitutional question. Accordingly, the plaintiffs are currently seeking *en*

exemption was unconstitutional as applied to publicly funded jobs because applying the provision in such circumstances would have a primary effect of advancing religion and would result in impermissible government entanglement with religion.³¹ The plaintiff in *Dodge* worked as a victim assistance coordinator at a Salvation Army domestic violence shelter—a position that the court determined “was funded substantially, if not entirely, by federal, state and local government”—and was fired for having Wiccan beliefs.³² The Salvation Army’s defense was that it was exempt from Title VII because it was a religious organization. The court rejected that defense, however, explaining that because “the grants constituted direct financial support in the form of a substantial subsidy . . . allow[ing] the Salvation Army to discriminate on the basis of religion . . . would violate the Establishment Clause of the First Amendment.”³³

Lown v. Salvation Army,³⁴ reached the opposite conclusion. In *Lown*, the court held that granting the Title VII exemption to religious organizations even where the government funds the positions is “a permissible accommodation of free exercise interests.”³⁵ Quite frankly, we believe the *Lown* decision was incorrectly decided.

Nonetheless, even *Lown* did not state that permitting such government-funded religious discrimination is *required*. And, even if the discrimination issue were simply a policy question rather than a constitutional question, we still strongly believe that such discrimination should be forbidden. How, on policy grounds, could one ever justify using taxpayer money to fund religious discrimination? Discrimination cannot be justified because employers are “more comfortable” working with fellow believers—this is not an appropriate civil rights principle, and just as it has not been accepted as an excuse for discriminating on the basis of race or gender, it should not be accepted as an excuse for federally funded religious discrimination.

We agree with the statement made by then-candidate Obama in his Zanesville speech: The federal government should never fund employment discrimination on the basis of religion. Indeed, the government should *never* subsidize discrimination. Unfortunately, the Administration has not taken any steps to restore the decades-old federal ban on employment discrimination in publicly funded programs.

Instead, the Administration has asserted that it will address any hiring discrimination issues on “a case-by-case basis.” Such a test is both troubling and totally unworkable. The Administration has failed to articulate the standard it will apply to determine which instances of discrimination it would allow. Nor has it supplied a justification for why federally funded religious discrimination is ever permissible, either on constitutional or on public policy grounds. The Administration has also offered no information regarding whether any organization has requested or has received approval to discriminate in hiring. In short, the “case-by-case” test has not changed executive branch law in any way or offered any protections for applicants for

banc review and Americans United has filed an *amicus* brief in the case, asking the court to explicitly reserve the constitutional issue for another day.

³⁰ No. S88-0353, 1989 WL 53857 (S.D. Miss. Jan. 9, 1989).

³¹ *Id.* at *3.

³² *Id.* at *1-3.

³³ *Id.* at *4.

³⁴ 393 F. Supp. 2d 223 (S.D.N.Y. 2005).

³⁵ *Id.* at 250-51.

federally funded jobs. To be frank, this “case-by-case” test makes no sense and there is no evidence it has been implemented.

We are gravely concerned that the continued failure to act on the employment discrimination issue will lead to even more religious organizations entrenching discrimination policies into their federally funded social service projects. For example, World Relief, which receives about two-thirds of its funding from state and federal governments, claims to have had a longstanding policy of hiring only Christians but admits that such a policy “was never put in writing or enforced until this year.”³⁶ Now, “[n]ew employees at World Relief have to prove they are Christians. They sign a statement of Christian faith and must get a letter of recommendation from their minister before being hired.”³⁷ What does this mean for equal employment opportunity for American workers?

These policies have devastating effects. For example, Saad Mohammad Ali is an Iraqi refugee who had volunteered for six months at World Relief in Seattle, Washington.³⁸ A World Relief manager suggested that he apply for a permanent position as an Arabic-speaking caseworker position in the refugee resettlement program.³⁹ But, a few days after he applied for the job, the same manager called to tell him that he was not eligible for the position because he is a Muslim and not a Christian.⁴⁰

Mohammed Zeitoun, also Muslim, worked for World Relief as an employment counselor, but is now looking for a new job because he refused to affirm the Christian mission of the organization.⁴¹

World Vision offers other recent examples of discrimination. According to GlobalPost, World Vision is “one of the largest recipients of development grants from the U.S. Agency for International Development, the federal government’s foreign aid arm.”⁴² Government grants “amount[] to about a quarter of the organization’s total U.S. budget.”⁴³ Nonetheless, “World Vision hire[s] only candidates who agree with World Vision’s Statement of Faith and/or the Apostle’s Creed.”⁴⁴

Thus, even in Mali, a predominantly Muslim country, World Vision hires non-Christians only when they cannot find a Christian for the position.⁴⁵ Bara Kassambara, a non-Christian, therefore, was only eligible for a temporary job. And, Lossi Djarra applied for a job as a driver, but a Protestant man was hired. Djarra said World Vision policy of preferring Christians makes the locals “angry” because “if you’re not in their church on Sunday, you won’t get the job.

³⁶ Bob Smietana, “Charity Defends Christian Only Hiring,” *Tennessean*, Mar. 31, 2010.

³⁷ *Id.*

³⁸ Lornet Turnbull, “World Relief Rejects Job Applicant Over His Faith,” *Seattle Times*, Mar. 10, 2010.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Manya A. Brachear, “Charity’s Christian-Only Hiring Policy Draws Fire,” *Chicago Tribune*, Apr. 2, 2010.

⁴² Krista J. Kapralos, “Non-Christians Need Not Apply,” *GlobalPost*, Jan. 11, 2010.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

People don't have a chance." It is particularly frustrating to locals because "positions with foreign aid agencies are often the most lucrative gigs available."⁴⁶

Fabiano Franz, World Vision's national director for Mali, defended the policy, explaining: "We're very clear from the beginning about hiring Christians. It's not a surprise, so it's not discrimination."⁴⁷ But, having a policy of discrimination does not negate its discriminatory effects.

Of course, there are other, earlier examples of religious discrimination with government funds that were likely also spurred on by the atmosphere created by the Faith-Based Initiative's promotion of federally funded religious discrimination. Alan Yorker, for example, was denied a government-funded job because the social service agency to which he applied would not hire a Jewish psychologist, even though he was "one of the top candidates for the position."⁴⁸ He was told: "We don't hire people of your faith."⁴⁹ And, Alicia Pedreira who, despite receiving excellent job performance reviews, was fired from a government-funded job because her sexual orientation was deemed incompatible with the religious mission of the religious employer.⁵⁰

We would hope that stories like this would prompt action from the Administration. So far, they seem to have fallen on deaf ears. The Administration needs to take action to protect the civil rights of job applicants and workers.

First, the Administration should repeal the executive orders and the myriad federal regulations that affirmatively sanction federally funded employment discrimination in nearly every federal social service program. And, as he promised in his Zanesville speech, the President should sign an executive order and implement regulations that affirmatively bar federally funded religious discrimination.

Second, the Administration should restore Executive Order 11246. This executive order, signed by President Lyndon B. Johnson in 1965, barred employment discrimination in all government contracts. The Bush Administration, however, carved out an exemption from this executive order that permits discrimination in government contracts with religious organizations. The Obama Administration should reinstate the full force of the original Johnson executive order. It was never controversial in the first place.

Finally, the Administration should order a review of the June 29, 2007, Office of Legal Counsel Memorandum that—under the guise of the Religious Freedom Restoration Act—permits religious providers to engage in religious discrimination even where the statute authorizing the funding explicitly prohibits such discrimination. The OLC Memorandum's interpretation that RFRA provides for a broad override of statutory religious nondiscrimination provisions is erroneous and threatens core civil rights and religious freedom protections. Last September, 58 leading religious, education, civil rights, labor, and health organizations wrote to Attorney

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ Adam Liptak, "A Right to Bias is Put to the Test," *New York Times*, Oct. 11, 2002.

⁴⁹ *Id.*

⁵⁰ Eyal Press, "Faith-Based Furor," *New York Times*, Apr. 1, 2001.

General Eric H. Holder, Jr., asserting that the guidance in the Memorandum “is not justified under applicable legal standards and threatens to tilt policy toward an unwarranted end that would damage civil rights and religious liberty.” Indeed, Robert Tuttle, a professor at The George Washington University Law School who specializes in religious liberty issues, asserted: “I think that the OLC opinion was perhaps the most unpersuasive OLC opinion I’ve read. And that includes the famous John Yoo opinion, by the way”⁵¹ The OLC Memorandum must be withdrawn, as should all federal policy guidance that relies on the opinion.

Barring federally funded religious discrimination is not a novel issue. Nor is it a requirement that would shut down federal social service programs. Indeed, as we explained earlier, before the implementation of charitable choice and the Faith-Based Initiative, it was generally accepted that religious organizations could not discriminate in hiring for federally funded positions. Indeed, back then, the government effectively partnered with religious organizations to provide social services. And, it can continue to do so.

As the President’s Advisory Council explained when discussing the need to “strengthen constitutional and legal footing of partnerships”: “Fidelity to constitutional principles is an objective that is as important as the goal of distributing Federal financial assistance in the most effective and efficient manner possible.”⁵² Taxpayers, employees, and beneficiaries of services should not be forced to choose between one or the other. Government can both partner with religious organizations and bar federally funded religious discrimination and has done so.

Conclusion

After years of battling the misguided Faith-Based Initiative from 2001 to 2008, I was hopeful when President Obama committed to reforming the Faith-Based Initiative and barring federal employment discrimination. That is why it has been so disappointing that the Administration has done nothing thus far to implement these much needed reforms. Each day that the Administration fails to act, federal funds continue to flow without constitutionally required safeguards for religious freedom, thus violating the Constitution and its core religious freedom and conscience principles. And, each day that the Administration fails to act, applicants remain subject to blatant religious discrimination in jobs that are funded by American taxpayers. The urgency of implementing these reforms, therefore, could not be more evident.

⁵¹ Robert Tuttle, Remarks at the Brookings Institution’s “Faith-Based and Neighborhood Partnerships in the Obama Era: Assessing the First Year and Looking Ahead,” 140, Feb. 18, 2010 (transcript available at http://www.brookings.edu/~media/Files/events/2010/0218_faith_based/20100218_faith_based.pdf).

⁵² Council Report at 127.

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of the Boustany amendment. There has been a lot of talk about how it would appear these faith-based organizations are bigoted and maybe even arrogant for wanting to express their views. I think it is the opposite. The government here, absent the Boustany amendment, is being arrogant and bigoted.

It could be, if the government wants to take advantage of the location, let us say, of a Hebrew school in downtown New York, that it is the best possible route of caring for people in need in that area. Why would the government think that it is our position, our prerogative, to insist that the Hebrew school hire somebody outside their faith tradition? It is the ultimate of arrogance on the part of the Federal Government.

And to those who are concerned about the constitutional issues, may I remind my colleagues the Supreme Court actually ruled on this matter. In a 1987 case, *Corporation of the Presiding Bishop v. Amos*, the Court supported this kind of approach.

Ms. WOOLSEY. Mr. Chairman, I yield 15 seconds to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I just want to make clear the Supreme Court cases made it clear that you could discriminate with your personal church money, but not with Federal money. All of the cases are consistent. In fact, if my colleagues read the cases, they point out that if you are using Federal money, you cannot discriminate.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

I want to read two paragraphs from a letter from Barbara Pickney, who is head of the St. Landry Parish Head Start program and is State president of the Louisiana Head Start Association.

Paragraph number 1: "I have become aware that an amendment has been offered by Representative Boustany, a Republican from Louisiana, to the Head Start bill on the House floor today that would give faith-based organizations providing Head Start services the right to discriminate with Federal funds against employees who are of different faiths. As the State President of the Louisiana Head Start Association, I strongly oppose such an amendment."

Then she goes on to say, "I am greatly concerned that the provision to remove civil rights protections for employees could have a negative impact on the children and families who participate in these programs. Tens of thousands of at-risk 3- and 4-year-old children currently in Head Start could lose their teachers, who often are the most important adults to whom they have bonded, other than their parents; not because those teachers are doing a bad job, but because they are the wrong religion."

That was Barbara Pickney, St. Landry Parish Head Start program,

State president of the Louisiana Head Start Association.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, you can use whatever rhetoric you want, but at the end of the day, this amendment not only legalizes religious discrimination in America, it pays for that discrimination using American taxpayer dollars.

It is disappointing to me, and I think to the vast majority of Americans, that on the same day we are pleading with Iraqis to provide religious freedom to their citizens, the Republican leadership and this House, with this amendment, is saying it is okay to force an American citizen to choose between his or her faith and his or her job. They are saying it is okay for American citizens to have to pass someone else's private religious test to qualify for a publicly funded job.

I do not think most Americans are going to think that is okay. I think they are going to be offended by it. I think people of faith are going to be offended by the fact that some in this House think that groups have got to be able to discriminate based on religion in order to make their programs work.

The fact is, this amendment supports and allows and subsidizes racial discrimination in job hiring, and no amount of rhetoric can deny that.

I do not know how the majority can stand up and say it is okay to put up a sign, paid for by tax dollars, saying no Jews nor Catholics need apply here for a federally funded job, even though they might have a Ph.D. in education and 20 years of experience helping children get a head start in life; they can still put up that sign. I wonder what the majority is going to say and people think they are going to say the first time a Christian is denied a job by a Muslim group that has received \$1 million in Federal funding to run a Head Start program and say, no Christians need apply here for a job.

Mr. Chairman, our country has more religious tolerance than any other Nation in the world and more religious freedom than any other Nation in the world because we have not allowed this kind of discrimination in America.

This is taking America down the wrong path. Defeat this amendment.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, since 1965, Head Start has provided 22 million children, American children, with the education and health and social services to lead productive lives. It is the most successful school readiness program in the Nation. It has always received bipartisan support. I want to commend the chairman and the committee for producing a very good bill that reauthorizes Head Start so America's children get the same type of investment that we have been providing Iraqi children.

I find myself puzzled why you would take such good legislation and play politics with it when we can make progress. The rest of the country is looking at us and asking us to please put politics aside and put progress first. Do not divide Americans along religious lines. That is not the America they want; they want an America that comes together, recognizes our differences, and makes progress rather than politics.

Mr. Chairman, it is amendments like this that remind me why 29 percent of the American people think the Congress is doing a good job, but well over 75 percent of the American people think this Congress is failing to meet the obligations and the challenges that America has. You today can get a bill passed in a bipartisan vote, unanimously, with everybody understanding because we are investing in America's children, and you chose to take that progress and play politics in the most ugly way, by pinning American against American based on their religion. This does not represent America's values, it does not represent your values, and you chose to put politics over progress. It reminds me when I look at today's data why the American people hold this Congress in the lowest esteem it has in over 15 years.

Invest in America's future. Choose these children. Give them the best start they can for productive lives where they can come and be contributors to this country. No, we do not take the progress. The chairman of the committee did a good job in the committee, producing a good bill that builds on the progress of the last 40 years and continues to invest in America's children, and you chose to put an amendment on this floor, unprecedented, that chose to divide America, not unite it, to choose politics over progress, and to continue the same policies that has taken this Congress to the lowest esteem ever in the American people's history.

Mr. BOEHNER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the previous speaker talked about how we brought this bill out of our committee and brought it to the House, with a unanimous vote out of the committee, 48 to nothing. One of the reasons that this language was not included in the original bill was to try to create a spirit of bipartisanship in moving the process along.

But the American people elected us to come here and make decisions on their behalf. We are having a free and open debate about this issue. No one should denigrate the majority because we want to have a debate and want to have a vote. We have had this debate many times in this House. It has passed every time on a bipartisan basis, and I expect it will pass on a bipartisan basis again today.

The issue here is a simple one. In the 1964 Civil Rights Act, and amendments to it in 1974, religious organizations were granted an exception in their hiring practices so they could hire people

of their own faith. I think most people would understand that. Over the years, religious organizations have been involved in doing all types of good works, including providing programs in their communities. But, for far too long, these organizations have been denied the use of Federal dollars in order to preserve their religious heritage.

Over the years, a number of programs passed by this Congress have been signed into law that have allowed religious organizations to maintain the rights given to them under the 1964 Civil Rights Act and provide services with Federal funds. As a matter of fact, Bill Clinton, Bill Clinton, during 8 years in office, signed 4 laws into law that had the same identical language as being offered to this bill today.

Mr. EMANUEL. Mr. Chairman, will the gentleman yield?

Mr. BOEHNER. I yield to the gentleman from Illinois.

Mr. EMANUEL. Mr. Chairman, as somebody who worked for President Clinton as his senior advisor, President Clinton did not support, nor did he introduce in his welfare bill, anything that you are saying, and I will say he never promulgated those rules or enforced that. Mr. Chairman, as the gentleman knows, that is not correct.

Mr. BOEHNER. Mr. Chairman, reclaiming my time, the point is, President Bill Clinton signed these laws into law, knowing that the language that we are offering today was included.

What we have been trying to do in the Work Force Investment Act, the Community Services Block Grant Act, today in the Head Start Act, is bring some consistency to the Federal rules and regulations in terms of allowing faith-based providers to offer services without having to give up their protections under the Civil Rights Act.

□ 1515

Now, if you want to change the 1964 Civil Rights Act and say to religious organizations, you can have your exemption on hiring, unless you take a Federal dollar, fine. Go have that debate in the Judiciary Committee, bring it out here, and we will vote on it. But this is not the forum to deny those organizations their own rights.

Ms. WOOLSEY. Mr. Chairman, I yield 10 seconds to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, in the original welfare reform bill by President Clinton, this provision was never in it. Second, it was unconstitutional, and it was never promulgated by President Clinton in the rulemaking. He does not support that provision. If you want to support something that President Clinton believed in, then try fiscal responsibility and start balancing the budget. This is not what he believes, and the gentleman from Ohio knows that, Mr. Chairman.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. I thank the gentleman for yielding me this time.

Mr. Chairman, again, no group is barred from participation. If this amendment is adopted or not adopted, any organization that could sponsor a program with this amendment could sponsor it without the amendment if you would agree not to discriminate. Now what we are doing, you can try to dress it up a little bit, but we are talking about a policy where someone wants to refuse to hire Catholics, Jews, and Muslims just because they are prejudiced. If that offends you, then I do not have to explain to you what is wrong with this amendment.

If it does not offend you, then I am going to have trouble explaining to you what is wrong with this amendment. The 1964 Civil Rights Act has been cited. Let us remember the vote on that amendment was not unanimous. Obviously a lot of people back then, virtually every Representative from my home State of Virginia, voted against the Civil Rights Act. But let us remember what it said in the religious exemption. It said you could discriminate if your work is connected with carrying on the church activities.

Now, obviously it is okay with church money, but a contract to administer a Head Start program is a contract for government services. It is not a gift to the church to advance religious missions. It is a contract to administer a federally funded program.

Now, since 1965, it has been illegal to discriminate in Head Start for all sponsors. It is okay to discriminate with the church money, just not with the Federal money. Let us remember also that when you talk about discrimination based on religion, you are talking about discrimination based on race, because some religious groups are, to the nearest percentage, 100 percent black; others, to the nearest percentage, 100 percent white. So your Head Start staff can start looking like your church.

This is a bad amendment. It is ugly. We should not turn the clock back on civil rights. If there is a problem in employment, where the employer does not like to hire people of different races or religion, traditionally it has been a problem of that employer. We need to support the victim, as we have for the last 40 years. This is a bad amendment, and it needs to be defeated.

Ms. WOOLSEY. Mr. Chairman, I yield myself the balance of my time.

This is an amendment that allows Federal funding to support discrimination. It is paid for by Federal tax dollars. It will strip civil rights protections by allowing religious organizations to discriminate in hiring on the basis of religion for Head Start positions, and I repeat, using Federal taxpayers' money.

Under the amendment, a religious organization could tell a potential Head Start teacher, of all of the applicants we have seen, you would be the best one to teach our kids, but we are not going to hire you, because you are not the right religion.

As I said earlier, Head Start kids are at risk as it is, without their teachers being chosen because of their religion instead of whether they are the best qualified.

Mr. Chairman, I ask the members of this body, think before you vote yes on this. Think before you set a precedent that has Federal funding paying for discrimination based on religion.

Mr. BOEHNER. Mr. Chairman, I yield myself 30 seconds.

What we are trying to do here is preserve the rights given to religious organizations under the 1964 Civil Rights Act. And for the Members who have been paying some attention to this, we know that Members on different sides of the aisle, and frankly it is on a bipartisan basis, have deeply held convictions about this. Clearly, we are not in real agreement.

But this is an issue that the House really should decide and the House should vote on. I am glad that we are having this debate once again, because the longer we have the debate, clearly, the evidence is coming down that the winning side continues to prevail.

Mr. Chairman, I yield the balance of my time to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I do not know how much clearer this can be made. We keep having this circular debate on so many issues. I will just go back to the law one more time. We have mentioned over and over, title VII, Civil Rights Act, 1964, states specifically, and this is the verbiage, "This subchapter shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities."

There is no way we can change this. This is the verbiage. This is the language.

What we are saying here is that a faith-based organization cannot be expected to sustain their religious mission if we do not uphold this statute. It is very plain.

If a choir director or a youth director also serves as a Head Start employee, you certainly should not have to hire somebody that does not sustain the mission of the church.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today to show my opposition to the Boustany Amendment.

Head Start has been one of the most successful education programs in our Nation's history.

It is successful because it brings public, private and faith based organizations together to provide a common good.

Head Start helps disadvantaged youth get a firm foundation on which they can build a strong education.

Mr. BOUSTANY's amendment would allow faith based organizations to circumvent civil

City of West Palm Beach Weed and Seed FY 2001-2002 Competitive Solicitation

STRATEGY SUMMARY

LAW ENFORCEMENT - The MALEU is dedicated to targeting offenders in the Weed and Seed site utilizing both proactive and reactive measures, through the use of initiating operations to target dealers/buyers or reacting to an on-going investigation to locate and apprehend a suspect.

COMMUNITY POLICING - The Community Pride Revitalization Program is placing officers in the Weed and Seed Site on bicycles providing additional visibility and increased contacts with the residents and business owners.

PREVENTION/INTERVENTION/TREATMENT – Programs and resource coordination offered by and through the Safe Haven, Community Court, Pleasant City Multi-Cultural Community Center and the Salvation Army provide the comprehensive services this neighborhood so richly deserves.

NEIGHBORHOOD RESTORATION - The unique problem-solving partnership forged between the police department and the code enforcement unit has proven to be extremely effective as a non-traditional means of addressing narcotics and other crime issues. Federal and State grant funding has provided our Agency and the City with funding to revitalize our site and provide hope for the future.

SITE SUMMARY

WEST PALM BEACH, FLORIDA

BACKGROUND

The Weed and Seed neighborhood has expanded to encompass the Northwood area of the City of West Palm Beach. This site is relatively large geographically, encompassing approximately 7 perimeter miles. The neighborhood is bordered by Banyan Boulevard to the south, 59th Street to the north, Australian Avenue to the west, and the Inter-coastal Waterway to the east.

The steering committee provides direct oversight of the strategy's goal and objectives; coordinates the activities of the program and its Seed Policy Board; identifies and assesses policy issues which impact the quality of life in the Weed and Seed area; develops strategic plans for ensuring better coordination and cooperation of social, health, recreation and other service agencies and community development agencies within the target area.

STRATEGY OBJECTIVES AND ACTIVITIES

LAW ENFORCEMENT – The MALEU will continue to target narcotic offenders in the Weed and Seed site utilizing buy/busts, reverses, traditional and problem solving methods. The team will continue to apply arrest techniques for targeting dealers/buyers, such as, buy bust, reverse stings, stake-outs, video buys, decoys and search warrants used to infiltrate crack houses, confiscate firearms and stolen property and to identify landlords who consistently rent to drug dealers. In addition to the assigned zone officers, a five member HOPE team that focuses on drug enforcement is assigned exclusively to the area. Four additional officers on bike patrol circulate the neighborhood five days per week in an overtime capacity.

COMMUNITY POLICING – The Community Policing/Problem Solving team of officers continues to provide on-going street patrols in the targeted area. Local Law Enforcement Block Grant funding has allowed our Agency the ability to fund the Community Pride Revitalization (CPR) Program within the site. The CPR Program provides bike teams to patrol the site in an overtime capacity focusing on the exchange of information between the officer and the community. The focus of the Community Bike Patrols allow our officers the ability and opportunity to create a rapport with community members, exchange ideas and concerns, identify priorities and together improve the Quality of Life within the community. This critical rapport has been proven to be invaluable since the programs inception.

PREVENTION/INTERVENTION/TREATMENT- The Safe Haven serves as the hub for prevention and intervention for the residents of our site. The Safe Haven is constantly evolving, providing additional offerings to the neighborhood and consequently utilization of the facility has tripled. Program accessibility and the effective coordination of resources is critical to the Safe Haven's effectiveness. The Safe Haven has provided ten computers for a computer lab, basketball backboards, and a van for transporting youth for the Pleasant City Multi-cultural Community Center, a facility approximately

twelve blocks north of the Safe Haven within the Weed and Seed site. The key to this strategy is effective collaboration and accessibility to residents. With this realization, the Safe Haven will expand and in essence identify the Multi-cultural Center, the Salvation Army, and the Boys and Girls Club as core Safe Haven Centers with outreach programs housed within neighborhood stakeholder facilities.

NEIGHBORHOOD RESTORATION - The Community Court is a collaborative effort by Palm Beach County, the Palm Beach County Criminal Justice Commission, the City of West Palm Beach Police Department, the Fifteenth Judicial Court of Florida, and the Northwest Community Development Corporation of West Palm Beach, and social and human resource providers. The mission of the program is to address chronic low-level offenses like prostitution, disorderly conduct, vandalism and street level drug offenses that erode the quality of life in a neighborhood and create an atmosphere where serious crime flourishes. "Victimless crimes" make the community the victim and the Community Court aims to make the offender pay back the community by performing community service within the Weed and Seed site in which it was committed. At the same time, the offender is afforded human resources to address problems, such as drug addiction, lack of employment and homelessness. Through a Citizen Advisory Board the community provides the Court input on community problems that need attention and identify needed community projects.

Code Enforcement, building condemnation, building renovation and new construction continue to play a pivotal role in revitalizing our site. Federal, State, and local funding has allowed for new residential construction, renovation and expansion of a public school within the site, and where once a vacant lot existed now a vibrant park exists. This neighborhood enhancement includes a tennis court, an expansive open multi-purpose grass field, fountain splash area, covered picnic area, and a playground.

SPECIAL INITIATIVES/NOTABLE PROGRAMS

The current Special Initiative, Truancy Interdiction Program (TIPS) is a comprehensive approach to reducing truancy in the Weed and Seed site. The interdiction teams have been diligently targeting truancy within the site. Since October 1, 2000 our T.I.P.'s Units have located 181 truants within the Weed and Seed Site. The Safe Haven has initiated or facilitated a multitude of diverse programs during this past year for the community ranging from horticulture instruction to etiquette training.

EVALUATIONS

A statistical analysis was conducted by our in-house Crime Analyst on 'Police Activity and Programming within the Weed and Seed Site'. The City of Woburn, Massachusetts recently conducted an analysis of police activity and programming within their site and our Agency utilized their format as a template for our evaluation. In the past, our Agency expended an excessive amount of funds on a private consultant to accomplish the same task our internal analyst effectively accomplished and we believe we were better served using this approach. A copy of the Evaluation is enclosed within this submission.

1. Current Linkages and Services

The Weed and Seed Program strategy in the City of West Palm Beach will continue to focus on the four basic components: Law Enforcement, Community Policing, Prevention, Early Intervention and Treatment, and Community Restoration. The Law Enforcement element has continued to impact the Weed and Seed Site through a 'zero-tolerance' approach to narcotic activity through the continued utilization of undercover operations, high-profile patrols, and vehicle inspection initiatives.

Members of the West Palm Beach Police Community Services Division, Community Policing Division will strengthen existing partnerships and forge new partnerships in pursuit of community justice. Since our Department has embraced the Problem Oriented philosophy we have made many inroads in enhancing the quality of life in the community. This has been done by combining the efforts and resources of the 19 community policing officers, local government and community members.

The short term goals of this program will be an immediate reduction in both crimes against person and property, reduced open market drug sales, increased recreational activities for at risk children in the affected area, and long term effects will be an overall lowering of crime in the affected areas, more involvement or ownership by community members in problem solving within the areas they live and work, and revitalizing the neighborhoods.

Using problem solving techniques the community members, in partnership with this agency, identified the specific concerns that are most threatening to their safety and well-being. These areas of concern then became priorities for this joint police-community partnership. Quality of life were at the forefront of their concerns.

Developing strong, self-sufficient communities is an essential step in creating an atmosphere in which serious crime will not flourish. Our Community officers have become responsible for smaller geographic areas and projects. This narrowing approach allowed trouble spots to be identified and problem-solving progress measured. Officers began to work with the public. No longer reactive the department has become pro-active as it has embraced problem solving and community partnership.

By combining efforts we can improve the quality of life in the Weed and Seed area by increasing the high profile bike patrols, community clean-ups, and other specific concerns that community members feel are most threatening to their safety and well-being.

Community Court – Tom Beck – 561.355.6126

The City has committed to financially support the Community Court through expensing funds for the recurring lease, utilities, and maintenance costs. Seed funds have been used to purchase computers, printers, UPS system, a server, two TV/VCRs, and a laptop computer. Programmatic support is derived from daily-deferred arrest referrals by the Police Departments CPR Bike Teams.

The Safe Haven has partnered with committed organizations during the past year providing a multitude of services.

Urban Youth Impact - Rev. William Hobbs - 561.844.3667

Youth After-School Tutorial and Homework Assistance Program - Serving children between the ages of 5 and 14, the seventy children who attended this program during the school year would receive a mixture of homework assistance, tutoring, and recreation during each session. A majority of the program's children increased a reading level since the beginning of the school year.

Write Note Foundation - During the current school year, Urban Youth Impact has been able to partner with other agencies and individuals to provide a broader range of services. In September 2000, Urban Youth Impact partnered with the Write Note Foundation to offer middle school students the opportunity to write and produce their own music using professional equipment.

Fine Arts Program - In October 2000, Urban Youth Impact collaborated with the Dreyfus High School of the Arts to provide a fine arts program for all the students enrolled at the Safe Haven. Over 50 high school students volunteer their time to teach classes in Visual Arts, Communications, Theatre, Dance, and Music weekly.

Kids Across America - Forty children traveled to Missouri Christian for a youth camping experience targeted toward the inner-city, designed to build hope, leadership and self-esteem through relationships with Christ, peers, and a staff of dedicated collegiate and professional athletes.

The Salvation Army - Rev. Randy Boone - 561.833.6767

Salvation Army Family Scholarships - Fifteen families will receive a one year scholarship to all activities conducted within the Center.

Boys and Girls Club - Leonard Bryant - 561.683.3392

Youth Scholarships - Seventy-five children will receive a one year membership to the Boys and Girls Club.

Volunteer Services

Drama Instruction - Provided by volunteer Robin Fink one night per week, this class produced a puppet show and several students received instruction in playing the drums.

Horticulture Sessions - The 4H club provided instruction in horticulture and expanded the existing garden.

Arts and Crafts - Volunteer Noelle Likavic leads a class one night per week allowing the children to express themselves through the use of arts and crafts.

Roosevelt Community Wellness Center - Maria Highsmith - 561.653.2032 - The Wellness Center provided a variety of health related workshops to community residents out of the Safe Haven, which included anti-smoking presentations, a health fair, and regular blood pressure check-ups.

Roosevelt Food and Nutrition Program - Gwendolyn Garnett 561.822.0276 - The Safe Haven has assisted in the coordination of this needed program which serves

lunch to senior citizens each day out of our site. The Safe Haven marketed the fledgling program and helped it to thrive again. The Safe Haven utilizes children from the site to spend time with the seniors who are from the neighborhood. They read together, eat together, and talk together. It is an amazing inter-generational project.

West Palm Beach Police Athletic League – Stephanie Patterson 561.653.2812

– This has been a strong partnership since the establishment of the Safe Haven. Over 600 children participated in the program this year at the Safe Haven site. A ‘Summer Life Skills Camp’ is slated for this summer (2001) which PAL will be hosting.

City of West Palm Beach Recreation Department – Laura Schupert

561.835.7025 – The recreation department has waived fees so that Safe Haven children are able to take swimming lessons in the City swimming pool. This is a strong partnership that can do fantastic things for the children in the community.

BookMobile – Claudio Serrer 561.659.8010 – The Book-Mobile comes to the Safe Haven each week.

Volunteer Income Tax Assistance – Virginia Kennedy 561.616.2064 –

Working from the Safe Haven, this organization provided free tax assistance to thirty community residents.

Florida Marlins – The Marlins have donated tickets for community members to attend games through the YWCA.

The Weed and Seed Steering Committee provides direct oversight of the strategies, goals and objectives; coordinates the activities of the program and its Seed Policy Board; identifies and assesses policy issues which impact the quality of life in the Weed and Seed area; and develops strategic plans for ensuring better coordination and cooperation of social, health, recreation and other service agencies and community development agencies within the target area.

Our diverse and talented interim Seed Policy Board membership consists of:

John Clayton, WPB Neighborhood Advisory Board Chair, 561.659.7370

Leo Garcia, Palm Beach County Resident, 561.369.7804

Veronica Howard, T.L. Wingate, Inc., 561.863.9560

Travis Kelly, Office Depot, 561.588.8066

Robbie Littles, Black Student Coalition, 561.832.0954

Maxime Jean Louise, Family Internet Connection, 561.687.2343

Andy Marcus, 561.558.9407

Andrew Saul, Manhattan York, 561.367.9900

Ted White, WPTV- Channel 5, 561.653.5709

Darryl Olson, Juvenile Justice Manager, District IX, FL Dept. of Juvenile Justice
Richard Overman, Chief of Police, City of Delray Beach Police Department
Jerry Poreba, Chief of Police, City of Riviera Beach Police Department
Ed Rich, Director, PBC Department of Community Services
Chuck Ridley, Delray Beach Resident & Executive Director, MAD DADS of Greater Delray Beach
Laura Schuppert, Director of Recreation, City of West Palm Beach
Richard Virgadamo, Assistant Director, PBSO
Jimmy Weatherspoon, Delray Resident & So. County Urban League Coordinator
Mike Washam, Managing Supervisor, FDLE
Ed Wideman, Delray Site Business Owner & President, Delray Merchants Association

2. Implementing the Weed and Seed Strategy

LAW ENFORCEMENT

The Evaluation found that violent crime, including: homicides, forcible sex offenses, robbery and aggravated assault, are at a five year low. During the same five year period narcotic offenses are at a five year high. Both of these revealing statistics can be attributed to the efforts of our Weeding strategy. The MALEU will continue to target narcotic offenders in the Weed and Seed site utilizing buy/busts, reverses, traditional and problem solving methods. The team will continue to apply arrest techniques for targeting dealers/buyers, such as, buy bust, reverse stings, stake-outs, video buys, decoys and search warrants used to infiltrate crack houses, confiscate firearms and stolen property and to identify landlords who consistently rent to drug dealers. In addition to the assigned zone officers, a five member HOPE team that focuses on drug enforcement is assigned exclusively to the area. Four additional officers on bike patrol circulate the neighborhood five days per week in an overtime capacity.

COMMUNITY POLICING

Community policing is a philosophy and an organizational strategy that promotes a new partnership between people and their police. It is based on the premise that both the police and their community must work together to identify, prioritize, and solve contemporary problems such as crime, the fear of crime, illegal drugs, social and physical disorder, and overall neighborhood decay, with the goal of improving the overall quality of life in the area.

Our site has received discretionary Byrne Grant funding for our 'Front Porch Community Policing Enhancement'. Slated to kick-off June 1, 2001. This funding will allow our Department to apply enhanced Community Policing Services to the Weed and Seed Site, inclusive of the Front Porch area. This multi-level community mobilization initiative provides for the primary Community Bike Patrols, Crime Prevention and Target Hardening instruction, Citizen Patrols, Recreational Activities, Summer Enrichment

Camps, Substance Abuse Video Production, Information Exchange Forums, and Neighborhood Clean-Sweeps.

Community Mobilization Rally

This 'rally' will serve as the starting gate for this enhancement. The rally will bring together the neighborhood residents and business owners, all area service providers, both public and private, in concert with the multitude of varied police services in an effort to forge a common vision for the future of this neighborhood. Scholarships will be offered to forty at-risk youth to local summer camps offered in our area.

Community Bike Patrols

The focus of this initiative, Community Bike Patrols allow our officers the ability and opportunity to create a report with community members, exchange ideas and concerns, identify priorities and together improve the Quality of Life within the community.

Crime Prevention and Target Hardening Instruction

Crime prevention takes on renewed importance in community policing as the police and the community become partners in addressing problems of disorder and neglect that can breed serious crime. As links between the police and the community are strengthened over time, the partnership is better able to pinpoint and mitigate the underlying causes of crime. A Needs Assessment will additionally be conducted during the course of these Residential Surveys for social service referrals and code violations. Through experienced instruction, residential and business security surveys, and Operation ID services this goal can be realized.

Citizen Patrols

To promote a program which is comprehensive in nature, professional in appearance, and forges a lasting partnership with a diverse group of citizenry for the prevention and suppression of crime within the City of West Palm Beach. The existing program plans expansion into the Front Porch area to conduct at least 40 Citizen Patrols during the course of the year.

Recreational Activities

A 'Three-on-Three Basketball Tournament' is tentatively slated for July 2001 within the Front Porch site as an enhancement to the existing Police Athletic League to demonstrate the Department's commitment to the youth of our community.

Summer Youth Enrichment Camps

To provide 105 scholarships to at-risk youth of the Front Porch site to attend summer camp locally. These camps provide a variety of specialized services and will empower youth with the life skills, education, inspiration, and hope they need to survive and grow amidst the spectrum of negative influences they face each day.

Information Exchange Forums

These Community Meetings will be provided monthly to provide a forum for all community members to voice concerns and provide innovative problem solving methods.

Community leaders, Crime Watch members, Crime Prevention Officers, and Community Police Officers, will come together monthly for instruction, direction, to ensure all concerned understand the goal of this program and share the common vision to attain it.

Neighborhood Clean-Sweeps

Intrinsic to neighborhood pride is to ensure involvement of the community in the ownership of the problems at hand. The police officers in partnership with the community will conduct four Neighborhood Clean-Sweeps during the year to beautify the area in which they live.

Substance Abuse Video Production

Replicating the success of our nationally awarded video production in 2000 for firearms reduction under our Weed and Seed G.R.I.P. initiative, the West Palm Beach Police Department will produce this video which will be geared towards teens and focuses on Substance Abuse Reduction. The video will then be distributed to the Palm Beach County School Board and all interested municipalities and service providers.

PREVENTION/INTERVENTION/TREATMENT

As the City of West Palm Beach Weed and Seed site embarks on a renewed cycle of funding, we embrace the national EOWS priority of partnering with organizations to coordinate learning opportunities for the youth of our Weed and Seed site.

Our Weed and Seed site has more than doubled in size, providing an opportunity to enrich the lives of those economically disadvantaged residents within the expanded area. During the FY2000/2001 funding cycle it became clearly apparent that our single Safe Haven Center could not effectively provide much needed human services to the expanded area due primarily to residents inability to access it's services due to the distance they would have to travel. At the furthest reaches of the site this could amount to over 44 city blocks. This identified issue provided the catalyst to revisit and adjust our strategy. We identified that we must evolve with our site, head in a new direction, broadening our scope and thereby expanding service opportunities.

The increased service population and expanded site challenged us to 'do more with less'. The issue at hand was 'How could we provide quality human services to all site residents while ensuring the services provided at our Safe Haven were maintained'.

For the last three years \$104,798 of our \$125,000 award was utilized for the salaries of a safe haven coordinator, recreation specialist, and a secretary. The recurring travel and facility maintenance costs provided only \$6,000 per year for programs, or five hundred dollars per month. The site has now doubled in size and population.

It was determined that we could better utilize funding and provide expanded services by dissolving the positions of recreation specialist and secretary thereby providing approximately \$55,000 for programs. The safe haven coordinator will be housed within the police department providing an additional savings in facility maintenance and associated costs of \$5,000.

Coordination Strategy

Leveraging existing resources and building long-term relationships is at the core of our 'Coordination Strategy'. Our safe haven coordinator will be tasked with assessing all programs offered by service providers within our site. Being an objective party with no hidden agenda, but a sincere dedication to our community, Craig Spatara will seek out service providers, identify proven programs within the site and provide support in the form of enhancements to facilitate in their effectiveness and efficiency. The 'enhancement' may be in the form of coordinating programs between service providers within a given area of the site to ensure that the schedule of offered activities are not duplicated at a given time but rather staggered thereby increasing the number of times the activity is offered and increasing participation. Enhancements can be provided through mini-grants to proven programs. Craig Spatara conducted a cursory assessment of service providers within our site and an example of a proven program which he was unaware of is the Payne Chapel African Methodist Episcopal Church. The church offers after school tutoring to elementary and middle school children and is staffed by volunteer teachers and aides. The daily attendance ranges from 90 to 130 students. Our current Safe Haven provides service to an average of 35 children per day. The church is in dire need of a computer and educational software. This is a prime opportunity to form a partnership and build a long-term relationship. By identifying surrounding service providers inclusive of the Safe Haven our safe haven coordinator can facilitate possibly outsourcing some of the children to relieve the overcrowding and thus decrease the teacher student ratio, providing a better environment for learning. Enhancements can be provided additionally in the form of assistance from our safe haven coordinator for new programs which need direction or existing programs which are seeking to form partnerships or require funding assistance.

Identified within our Weed and Seed site are three identified Safe Havens with a fourth, The Boys and Girls Club, currently under construction in the northern reaches of the site.

~ SAFE HAVEN CENTER # 1 ~

~ Weed and Seed Safe Haven Center at Roosevelt Full Service Center ~

This Center has proven to be the ideal Safe Haven for the residents of the targeted neighborhood. It is a multi-service center where a variety of youth and adult services are coordinated in a highly visible, accessible facility that is secure against crime and illegal drug activity. It is a place where youth and other residents currently access needed services, develop relationships, find opportunities to be productive and successful and enhance skills. Center staff and local residents have developed programs and services to ameliorate neighborhood problems through prevention, intervention and treatment activities. This Safe Haven center is located at the center rim of the three adjoining Weed and Seed neighborhoods and is operated by the Palm Beach County School Board in partnership with the West Palm Beach Weed and Seed Program. As its name implies, the Full Service Center provides an impressive list of services, programs and providers all of which can be accessed on the campus grounds. Principal, Dr. Shirley Payne, leads the Center with a mission of continual improvement and program evaluation in order to provide the most effective tools and practices for its students and staff.

Programming Activities

Youth After-School Tutorial and Homework Assistance Program (Ages 5-14) This program provide children with developing their educational skill through after-school tutorial assistance. The participants are tested at the beginning of the program and at the end of the school year.

Youth Book Club (Ages 5-14)

The Bookmobile comes to the Safe Haven every Wednesday to assist with this program. The children read an average of 100 books a school year.

Arts and Crafts (All Ages)

This activity provides the children with the opportunity to free express themselves through arts and crafts. This class takes place on Wednesdays from 5:00 – 6:00 p.m.

Anger Management (Ages 6-11, 12-15)

Anger Management takes place on Tuesdays from 3:00 – 3:30 p.m. The focus is on elementary to middle school youth.

Inner City Impact's Outreach Program (Ages 5-18)

This program reaches over 70 children and their families every Thursday night from 5:00 – 8:00 p.m. Recreation, spiritual enrichment, relationship building, arts and crafts and snacks make up this outreach night.

Youth Computers (Ages 5-14)

The program teaches children the basic computer skills, typing and understanding computer hardware and software. There is a reading program and games for the children to play to maintain their interest.

Drama (Ages 10-15)

This program provides approximately 20 children with training in the drama and theater performance. This program is offered in partnership with Pathway of Life. The class is offered Wednesday nights from 5:00 – 7:00 p.m.

Parenting

In partnership with the school board's Megaskills Workshop Program, a parenting course is offered to assist parents with developing coping skills and understanding challenges all parents face. This class is offered on Thursday nights at 6:00 p.m.

SAFE HAVEN CENTER # 2
~ *Pleasant City Multi-Cultural Center* ~

The Pleasant City Multi-Cultural Center was once the Pleasant City Elementary School for the residents of the Pleasant City neighborhood. The original building was constructed in 1914 and a second facility was added on in 1926. The building is a historic monument for the residents because it signifies their first steps to learning and building social skills. In the late 50's the City purchased the property and converted its use to a community center, however they only utilized part of the structure. In 1993 the City renovate the original school building and gave birth to the Multi-Cultural Center. The two building co-facilitate program and services for the community. The Center is open Monday through Friday 9:00 a.m. – 8:00 p.m. and on Saturday 10:00 a.m. – 6:00 p.m.

Meet the Staff: Center Director, (4) Assistant Center Directors, (6) Part-Time Recreation Specialist and (1) Maintenance Person.

Programming

The Center's programs address the needs of neighborhood residents from birth to senior citizenship and it caters to students who, without special attention and strategic programming would be ignored by the society. Program selection and implementation at the Center are guided by a "risk and protective factor" approach. Risk factors have been identified, prioritized and addressed with a comprehensive strategy that reduces risks while enhancing protective factors that lessen the impact of being exposed to these risks.

Program such as: Investing in Education, Homebuyers Credit and Budgeting Workshop, EMS Child Passenger Safety Training, GED Preparation, Cultural Arts and Crafts, Voices (A Domestic Violence Prevention Program), Poetry, Tennis, Youth Soccer, Cookie Baking Club, FOOSA – Fun Out of School Activities, Girls Flag Football, Gymnastics, Parenting Classes, Kite Making, Basketball, Gardening, Violence Intervention, Martial Arts, Fishing, Etiquette Classes, Bowling, Video and Photography Tackle Football, Consumer Credit Counseling, Job Training, Senior Meals, College Skills Bank (College Preparation), Computer Lab, Ceramics, Homework Assistance, Billiards, Body Building, Softball, Fitness and Aerobics.

SAFE HAVEN CENTER # 3
~ *The Salvation Army NW Community Center* ~

The Salvation Army NW Community Center serves the residents of West Palm Beach by offering recreational, educational, community development and social activities for the uplifting and improvement of the overall quality of life. The Center is open Monday through Friday 9:00 a.m. – 9:00 a.m. and Saturday 10:00 a.m. – 3:00 p.m.

Programming

The Center provides after-school tutorial programs, music, dance, computer training, and athletic programs.

Staffing

The Center has trained staff available that is comprised of the Executive Director, Program Director, Athletic Director, (2) Secretary/Clerks and (2) Recreation Assistants.

SAFE HAVEN CENTER # 4
~ The Florence De George Boys and Girls Club ~

Currently under construction with an anticipated opening date of September 2001, this safe haven is the culmination of a five year effort and an unprecedented public-private partnership between local non-profits, major foundations and local and federal funding.

NEIGHBORHOOD RESTORATION

The Community Court is a collaborative effort by Palm Beach County, the Palm Beach County Criminal Justice Commission, the City of West Palm Beach Police Department, the Fifteenth Judicial Court of Florida, and the Northwest Community Development Corporation of West Palm Beach, and social and human resource providers. The mission of the program is to address chronic low-level offenses like prostitution, disorderly conduct, vandalism and street level drug offenses that erode the quality of life in a neighborhood and create an atmosphere where serious crime flourishes. "Victimless crimes" make the community the victim and the Community Court aims to make the offender pay back the community by performing community service within the Weed and Seed site in which it was committed. At the same time, the offender is afforded human resources to address problems, such as drug addiction, lack of employment and homelessness. Through a Citizen Advisory Board the community provides the Court input on community problems that need attention and identify needed community projects. During the first eleven months after the Community Court opened only 122 residents of the Weed and Seed site asked for assistance with social services. In the following four and one-half months over 1,600 residents have been assisted in social services including bus passes, housing assistance, SSI, food stamps, employment, and health care.

Code Enforcement, building condemnation, building renovation and new construction continue to play a pivotal role in revitalizing our site. Federal, State, and local funding has allowed for new residential construction, renovation and expansion of a public school within the site, and where once a vacant lot existed now a vibrant park exists. This neighborhood enhancement includes a tennis court, an expansive open multi-purpose grass field, fountain splash area, covered picnic area, and a playground and is at the epicenter of our 'Front Porch Kick-off'.

Activities Implementation Schedule

The activities planned for the upcoming fiscal year reflect a consistent proven approach to providing programs to the community we serve. The attached 'Activities Implementation Schedule' is reflective of the multitude and diversity of the programs offered in the upcoming year. The vast majority of programs are to be offered during the school year with the emphasis on after-school instruction. The effectiveness of these programs can not be quantified but measured by the numbers of community members who attend. Craig Spatara, the Safe Haven Coordinator, monitors each program for content and attendance, molding and revising each programs curriculum during the course of the year to ensure substance and community interest are maintained at optimum levels.

3. The Federal Role

U.S. Attorney Emalyn Webber serves as the Chair of the Palm Beach County Weed and Seed Steering Committee. In this capacity, Ms. Webber facilitates cohesiveness between federal agencies, municipal law enforcement, community resources, and neighborhood stakeholders, while ensuring consistency with the Weed and Seed Strategy. It is a unique and powerful concept that has served our Site as well as the sites throughout the County.

Federal Funding beyond that which is offered through the Weed and Seed Strategy has proven to be essential to the success of this initiative. Our Police Department has been actively seeking alternative funding sources to supplement our efforts in the Weed and Seed Site since its inception. The community has received additional services as the result of federal funding through the acquisition of three Local Law Enforcement Block Grants since 1997 totaling over \$960,000. These funds have allowed our Agency to provide Bike Patrols in the Weed and Seed Site for the past three years. In the last three years our Agency has been awarded \$1,950,000 for the funding twenty-six new community police officers throughout the City, which will have a proportional impact on the Site. The COPS MORE funding of \$1,577,458 will allow our Agency to become technologically more efficient resulting in more time for community policing/problem solving activities.

4. Sustaining Your Weed and Seed Strategy

Currently, twenty employees are dedicated to this neighborhood with federal and state grant funding amounting to over \$500,000 this year alone. State grants have been acquired to fund the City's Truancy Program, the Police Athletic League, Tobacco Enforcement Program, Front Porch Community Policing Enhancement and the Auto Theft Prevention Initiative. The Chief of Police, Ric L. Bradshaw, identified a needed enhancement within the Weed and Seed site was necessary and created the "Community Pride Revitalization" program, which placed high-profile bike officer teams acting in a Community Policing capacity within the site. The use of alternative grant funding provided by the Local Law Enforcement Block Grant has allowed our Department the ability to place bike officer teams within the Weed and Seed site eight hours per day five days per week for the past two years. This program provided a high profile sustained presence in the area coupled with the bike officer, being removed from the confines of his vehicle, to be approachable allowing residents the ability to communicate concerns and develop a rapport with the officers.

The implementation of our paperless report writing program, through the replacement of the existing CAD and RMS system and issuing laptops to each officer has been progressing this year. This \$4.2 million dollar partially grant funded program will allow our officers greater efficiency in the field and subsequently more time to respond to Quality of Life issues in a problem-solving capacity.

The City is awaiting consideration for a DUI enforcement grant, a Truancy Interdiction Grant, Local Law Enforcement Block Grant and an Auto Theft Prevention Grant for FY2001/2002.

Chief Ric Bradshaw is committed to the youth of the City of West Palm Beach providing forfeiture funds to the following programs that provide services within the Weed and Seed site:

1. **BOYS & GIRLS CLUB OF PALM BEACH COUNTY, INC.** (West Palm Beach Unit) (\$6,000)
The donation of \$6,000 will be utilized to enhance activities within the West Palm Beach Unit.
2. **CRIMINAL JUSTICE ACADEMY** Lake Worth High School (\$2,000)
This initiative prepares students for careers in criminal justice fields. LETF funds will assist in the acquisition of necessary classroom equipment, computers, flags, banners, color guard uniforms, and special field trips.
3. **POLICE ATHLETIC LEAGUE** (\$6,000)
This citywide athletic program will benefit from funding by supporting the PAL basketball, soccer, baseball, and softball team while infusing the principals of teamwork, leadership, and commitment to the youth of our City.
4. **CRIME PREVENTION OF WEST PALM BEACH, INC** (\$3,500)
This citywide volunteer crime prevention program will utilize the donation to fund the printing costs associated with a bi-monthly citywide newspaper. Funding will additionally be used towards the support of the National Night Out event.
5. **CITIZEN PATROL** (\$20,000)
To sustain the Citizen Observer Patrol which provides a lasting partnership with a diverse group of citizenry for the suppression of crime within the City of West Palm Beach. Funds will provide for vehicles, fuel, and the maintenance of existing equipment.
6. **PAYNE CHAPEL** (\$2,500)
To assist in supporting the after school Outreach Program for Children which provides tutoring services to 90 to 130 students per day. Proficiency in the basic skills is considered to be requisite for coping and problem solving.
7. **URBAN YOUTH IMPACT** (\$2,500)
To support the Work Skills Program for inner city youth ages 14 and above. These funds will be used to employ youth to repair and paint homes within the weed and seed site during the six week summer program.

8. **PALM BEACH MARINE INSTITUTE** (\$2,500)

The Institute which serves 120 – 140 at-risk youth each year receives referrals through the court system for first time offenders. Funds will provide for the support of acquiring a computerized vocational skills testing and pre-employment education system. The educational and vocational goals for each student would then be based on the results from the career assessment software.

9. **NEW HOPE CHARITIES** (\$2,500)

New Hope Charities, Inc. Offers literacy classes on a daily basis for groups of up to 10 students which are rotated through the library and are required to read a short story then present a written or oral report to the instructor. In addition, students are rotated through the computer lab where they receive literacy services through the use of interactive software designed to improve vocabulary and grammar. Funding will assist with acquiring educational software and associated program materials.

10. **HANLEY HAZELTON FOUNDATION** (\$2,500)

The 'Roots and Wings' program teaches parents how to influence and teach their children skills to help them overcome the serious challenge regarding the use of alcohol, nicotine, and other drugs. This funding will provide for three programs within our Weed and Seed site.

11. **THE WRITE NOTE FOUNDATION** (\$2,500)

The 'Reach and Teach' program provides the opportunity for disadvantaged youth to learn how to write, record, and produce songs and is geared towards students ages 10-14. This program is designed to help improve a participant's image of self-worth through a creative artistic outlet. Funding will assist in supporting the costs associated with providing one four-week session.

12. **NORTON MUSEUM OF ART** (\$2,500)

The Progressive After-school Art Community Education (PACE) program recently opened an outreach site in the heart of our City, at the Twin Lakes Community Center, 7th Street and Booker Avenue, providing after-school stimulating art activities for at-risk youth. The \$2,500 donation will allow the Norton's Education Department to bring new and innovative educational programming to under-served children in our area.

Resources can be found in people, time, and money. Through a balanced approach of increased manpower, grant funding from multiple sources, donations to critical programs, acquiring volunteers, and community involvement this strategy will succeed.

City of West Palm Beach Weed and Seed FY 2001-2002 (cont'd)

BUDGET DETAIL WORKSHEET

A. PERSONNEL

Name/Position	Salary Computation	Cost
Safe Haven Coordinator	\$19.71 per/hr x 2080/hrs	\$40,997
Police Officer (MALEU)	\$ 38/hr O.T. x 8 officers x 3 hours/wk x 35 weeks	\$31,920
Police Sergeant (MALEU)	\$ 45/hr O.T. x 2 sergeants x 3hours/wk x 35 weeks	\$ 9,450
TOTAL		<u>\$82,367</u>

B. FRINGE BENEFITS

Name/Position	Benefits Computation	Cost
Fringe benefits for the personnel listed in budget category A are calculated at 35% of the base salary. This includes: FICA taxes and Medicare (7.65%), Pension (17%), Health, Life and Disability Insurance (10.35%).	(\$40,997 x 35%)	\$14,349
Police Officer (MALEU)	(\$31,920x15.5%)	\$ 4,964
Police Sergeant (MALEU)	(\$ 9,450x15.5%)	\$ 1,469
TOTAL		<u>\$20,782</u>

C. TRAVEL

Purpose of Travel	Item	Computation	Cost
National Workshops and Conferences (Total: \$7,500) (Type and number to be determined by EOWS)			
1) 1 Person @ \$900/trip x 7 trips			\$6,300
	Airfare	\$400/trip	
	Hotel	\$100/night x 3 nights = \$300	
	Per Diem	\$40/day x 4 days = \$160	
	Incidentals (taxi cabs, etc)	\$40/trip	
	Total	\$900	
2) Regional Meeting: 1 Person @ \$600/trip x 2 trips			\$1,200
	Mileage (or airfare not to exceed)	400 miles x \$.20/mi x 2 ways = \$160	
	Hotel	\$106.67/night x 3 nights = \$320	
	Per Diem	\$40/day x 3 days = \$120	
	Total	\$600	
TOTAL			<u>\$ 7,500</u>

City of West Palm Beach Weed and Seed FY 2001-2002 (cont'd)

D. EQUIPMENT

Item	Computation	Cost
	TOTAL	\$ 0

E. SUPPLIES

Supply Items	Computation	Cost
	TOTAL	\$ 0

F. CONSTRUCTION

Purpose	Description of Work	Cost
	TOTAL	\$ 0

G. CONSULTANTS/CONTRACTS

Contracts

Item	Service to be Procured	Cost
Vickers House (Program Assistant)	\$7.21/hour x 20 hours/wk x 52 weeks	\$ 7,500
Urban Youth Impact Tutorial Program		
Part-time Parent Liaison	\$10/hour x 10 hours/wk x 52 weeks	5,200
Site Coordinator	Offset full-time salary of \$25,000	10,000
Student Supplies	Pencils, paper, crayons, markers, glue, paint	1,000
Snacks	Snacks for children	800
PAL Summer Life Skills Camp	25 children @ \$80 per	2,000
Pathway of Life		
Youth Adventure Camp	20 children @ \$200 per	4,000
Circle F Ranch	20 children @ \$200 per	4,000
Kids Across America	50 children @ \$175 per	8,750
Salvation Army	20 family year memberships @ \$200 per	4,000
Boys and Girls Club	100 children @ \$10 per	1,000
Mini-Grants	Undetermined number	13,904
	TOTAL	\$62,154

City of West Palm Beach Weed and Seed FY 2001-2002 (cont'd)

H. OTHER COSTS

Description	Computation	Cost operations.
1) Cellular telephone air time for six cellular telephones for MALEU narcotics		\$ 1,000
2) Rental vehicles for MALEU buy/bust narcotics operations.		\$ 1,197
TOTAL		\$ 2,197

I. INDIRECT COSTS

Description	Computation	Cost
TOTAL		\$ 0

BUDGET CATEGORY

A.	Personnel	\$ 82,367
B.	Fringe Benefits	\$ 20,782
C.	Travel	\$ 7,500
D.	Equipment	\$ 0
E.	Supplies	\$ 0
F.	Construction	\$ 0
G.	Consultants/Contracts	\$ 62,154
H.	Other	\$ 2,197
I.	Indirect Costs	\$ 0
	<u>Total Direct Costs</u>	\$175,000
	TOTAL PROJECT COSTS	\$175,000

City of West Palm Beach Weed and Seed FY 2001-2002 (cont'd)

Budget Summary- When you have completed the budget worksheet, transfer the totals for each category to the space below. Compute the total direct costs and the total project costs. Indicate the amount of Federal requested and the amount of non-federal funds that will support the project.

<i>Budget Category</i>	<i>EOWS Core</i>	<i>Safe Haven</i>	<i>Law Enforcement</i>
Personnel	-0-	\$40,997	\$41,370
Fringe	-0-	\$14,349	\$ 6,433
Travel	\$ 7,500	-0-	-0-
Equipment	-0-	-0-	-0-
Supplies	-0-	-0-	-0-
Construction	-0-	-0-	-0-
Contractual	-0-	\$62,154	-0-
Other	-0-	-0-	\$ 2,197
Total Direct	\$7,500	\$117,500	\$50,000

City of West Palm Beach Weed and Seed FY 2002-2003 (cont'd)

BUDGET DETAIL WORKSHEET

A. PERSONNEL

Name/Position	Salary Computation	Cost
Safe Haven Coordinator	\$19.71 per/hr x 2080/hrs	\$40,997
Police Officer (MALEU)	\$ 40/hr O.T. x 8 officers x 3 hours/wk x 35 weeks	\$33,600
Police Sergeant (MALEU)	\$ 46/hr O.T. x 2 sergeants x 3hours/wk x 35 weeks	\$ 9,660
Police Officer (Weekend Teen)	\$ 40/hr O.T. x 2 officers x 8 hours/wk x 23 weeks	\$14,720
TOTAL		<u>\$98,977</u>

B. FRINGE BENEFITS

Name/Position	Benefits Computation	Cost
Fringe benefits for the personnel listed in budget category A are calculated at 35% of the base salary. This includes: FICA taxes and Medicare (7.65%), Pension (7.5%), Health, Life and Disability Insurance (10.35%).	(\$40,997 x 35%)	\$14,349
Police Officer (MALEU)	(\$33,600x15.5%)	\$ 5,208
Police Sergeant (MALEU)	(\$ 9,660x15.5%)	\$ 1,498
Police Officer (Weekend Teen)	(\$14,720x15.5%)	\$ 2,282
TOTAL		<u>\$23,337</u>

C. TRAVEL

Purpose of Travel	Item	Computation	Cost
National Workshops and Conferences (Total: \$7,500) (Type and number to be determined by EOWS)			
1) 1 Person @ \$900/trip x 7 trips			\$ 6,300
	Airfare	\$400/trip	
	Hotel	\$100/night x 3 nights = \$300	
	Per Diem	\$40/day x 4 days = \$160	
	Incidentals (taxi cabs, etc)	\$40/trip	
	Total	\$900	
2) Regional Meeting: 1 Person @ \$600/trip x 2 trips			\$ 1,200
	Mileage (or airfare not to exceed)	400 miles x \$.20/mi x 2 ways = \$160	
	Hotel	\$106.67/night x 3 nights = \$320	
	Per Diem	\$40/day x 3 days = \$120	
	Total	\$600	
TOTAL			<u>\$ 7,500</u>

Exhibit 2R: SHP Project Information

Project Information

1. Basic Identification

- a. Grantee Name: Miami Dade County
 b. Project Name: Riverside House 19 Beds SHP
 c. Sponsor Name: Riverside Christian Ministries, Inc. DBA Riverside House
 d. Address: 968 NW 2nd Street, Miami, FL 33128
 e. Telephone: 305-326-9799 x 103
 f. Fax Number: 305-326-9003
 g. Contact Person: Catherine Vigilant
 h. Project Congressional District: 5
 i. Project 6-digit Geographic Code: 121968
 j. Project Number of Grant Being Renewed: FL14B400042 PIN: FL ~~14003~~ 14003
 k. Component/Type: (please check one) TH PH SSO SH-Th
 SH-Ph HMIS IH
 l. Priority Number on Exhibit 1: 37

Miami Dade County
 Riverside House 19 Beds
 DUNS #: 

2. Number of Beds/Number of Participants

Chart 1: Beds

Beds	Current Level
Number of Bedrooms*	4
Number of beds*	19

*Do not complete information on the number of bedrooms and beds for Supportive Services Only (SSO) or Dedicated HMIS projects. In those instances, enter "N/A" in the appropriate cells.

Chart 2: Participants

Participants	Current Level (if applicable)	No. Projected to be served over the grant term
Number of families with children	n/a	n/a
Of persons in families with children		
a. number of disabled		
b. number of other adults		
c. number of children		
Of single individuals not in families		
a. number of disabled individuals	19	45
a.1. number of disabled individuals who are chronically homeless	10	31
b. number of other individuals		

Exhibit 2R: SHP Project Information - Continued

Number of Participants/Number of Beds - Instructions

Miami Dade County
Riverside House - 19 Beds
DUNS #: [REDACTED]

Chart 1 is for recording the number of beds/bedrooms in the project. Do not complete Chart 1 if the project is for supportive services only (SSO) or dedicated HMIS projects.

Chart 2 is for recording the number of participants to be served. Information for each project should be entered in this section except for dedicated HMIS projects.

1. In the first column, please enter the requested information for all items at a point in time (a given night).
2. In second column, enter the number of persons to be served over the grant term.

Note: If your project is funded you will be responsible for achieving the numbers submitted.

3. Performance

- a. Are there any significant changes in the project since the last funding approval:
 Yes No

If "yes", briefly describe the changes. (Attach additional pages as needed)

- b. If one or more extensions have been provided for your current grant, please indicate:
 Yes No

If yes, please indicate the number of extensions approved: _____

The extension period (e.g., two months, one year): For each extension please indicate the extension period, providing dates and number of weeks or months.

- Extension 1: _____ weeks, or _____ months
- Extension 2: _____ weeks, or _____ months

List additional extensions as necessary.

For each extension, identify the reason for the extension.

If not operating at full capacity, please explain.

4. Additional Key Information

- a. Check the *Predominately Serve* box if your project primarily targets the given subpopulation, i.e., 70 or more of the persons you serve or the *Serve* box if less than 70%.

Subpopulation	Serve Less than 70%	Predominantly Serve (70% or more)
Chronically Homeless		√
Severely Mentally Ill	n/a	
Chronic Substance Abuse		√
Veterans	√	
Persons with HIV/AIDS	√	
Victims of Domestic Violence	√	
Women with Children	n/a	
Youth (Under 18 years of age)	n/a	

Exhibit 2R: SHP Project Information - Continued

b. Project is in a rural area:

- Yes
 No

c. Is the sponsor and/or applicant of the project a religious organization, or a religiously affiliated or motivated organization? (Note: This characterization of religious is broader than the standards used for defining a religious organization as "primarily religious" for purposes of applying HUD's church/state limitations. For example, while the YMCA is often not considered "primarily religious" under applicable church/state rules, it would likely be classified as a religiously motivated entity.)

Sponsor: Yes Applicant: Yes
 No No

d. Is the Logic Model attached? Please see the General Section for instructions.

- Yes
 No

Project Information Instructions

Items 1, 2 and 3 are self-explanatory. Renewal applicants for a dedicated HMIS project answer items 1, 2c, and 3.

Item 4. – Additional Key Information

- a. Check the subpopulations your project will assist. (Check the *Predominantly Serve* box if your project primarily targets the given subpopulation, i.e., 70 percent or more of the persons you propose to serve, or the *Serve box* if less than 70 percent.) Please identify all that apply. Responses will also be used to measure compliance with the requirement that no less than 10% of the funds awarded are for projects predominantly serving individuals experiencing chronic homelessness. New this year, existing permanent housing projects may only replace those exiting the project with homeless persons who come from the street, emergency shelter or transitional housing, not "Other" populations.

Support Services Chart

RIVERSIDE HOUSE 19-BED SHP

Miami Dade County
 Riverside House – 19 Beds
 DUNS # [REDACTED]

Supportive Service Expense	Year 1	Year 2	Year 3	Total
	(a)	(c)	(c)	(d)
1. Service Activity: Certified Director of Substance Abuse, salary \$24,000 + benefits & taxes 30%=\$7,200 Quantity: 0.6 FTE	31,200			31,200
2. Service Activity: Substance Abuse Counselor, salary \$30,000 + benefits & taxes 30%=\$9,000 Quantity: 1.0 FTE	39,000			39,000
3. Service Activity: Counselor/Case Manager, salary \$28,000+ benefits & taxes 30%=\$8,400 Quantity: 1.0 FTE	36,400			36,400
4. Service Activity: Senior SAP Resident Monitor, salary \$21,000+ benefits & taxes 30%=\$6,300 Quantity: 1.0 FTE	27,300			27,300
5. Service Activity: SAP Resident Monitors (24-hour staffing), salaries \$16,975 each + benefits & taxes 30%=\$15,278.00 Quantity: 3.0 FTE's	66,203			66,203
6. Service Activity: Classes/Groups led by Executive Director & Chaplain, salary \$9,6000+ benefits & taxes 30%=\$2,880.00 4hrs/week each person Quantity: 0.1 FTE each (0.2 FTE total)	12,480			12,480
7. Service Activity: Substance Abuse Counselor, salary \$21,620+ benefits & taxes 30%=\$6,486 Quantity: 0.7 FTE	28,106			28,106
8. Service Activity: Physical exams Quantity: 45 /yr @ \$ 90 each=\$4,050.00;	4,050			4,050
9. Service Activity: Medical Director Quantity: 0.1 FTE Medical Director @ \$3,00/yr	3,000			3,000
10. Service Activity: Drug Testing for 19 clients, 4 tests/mth Quantity: Drug Testing 635 tests/yr @ \$5.50/test = \$3,762.00	3,493			3,493
11. Service Activity: Medications Quantity: 20 medications, such as Tylenol, somach flu medications, 40@ \$4.00 each 80.00	80			80
12. Service Activity: Transportation/Bus trips to client outings Quantity: 19 clients X 1 round trips/mth X \$2.50/round trip	800			800
13. Service Activity: Client English as a second language classes Quantity: 28 hrs for 19 clients	6,000			6,000

Project Number FL14B40042

Exhibit 2R

Support Services Chart

RIVERSIDE HOUSE 19-BED SHP

Miami Dade County
Riverside House - 19 Beds
DUNS #: 004148292

Supportive Service Expense	Year 1	Year 2	Year 3	Total
14. Service Activity: Family therapist to provide therapy for clients and family as part of their treatment	9,000			9,000
15. Service Activity: Computer lab & teacher teacher - 2 hrs per week for 19 clients Quantity: 19 clients	5,000			5,000
16. Total Supportive Services Budget	272,112			272,112
17. SHP REQUEST*	217,690			217,690
18. Selectee's Match 				

Project Number FL14B40042
 Operating Costs Chart
 RIVERSIDE HOUSE 19-BED SHP

Exhibit 2R

Miami Dade County
 Riverside House – 19 Beds
 DUNS #: 004148292

Operating Costs	Year 1	Year 2	Year 3	Total
	(a)	(b)	(c)	(d)
1. 0.30-FTE Maintenance Coord. salary \$9,000+ benefits & taxes 30% = \$2,700	11,700			11,700
2. Service Activity: 2 Cooks, salary \$11,232+benefits and taxes 30%=\$3,370 Quantity: 0.9 FTE's	14,602			14,602
3. Service Activity: Food Service Manager, salary \$9,936 + benefits and taxes 30%=\$2,981 Quantity: 0.3 FTE	12,917			12,917
4. Service Activity: Food, paper supplies, \$5,000/month x 12 x 30% Quantity: 19 clients	19,800			19,800
5. Maintenance/Repair: for 5 client rooms/bathrooms, plus pro-rated common areas (kitchen, dining rooms, tv rooms, groups rooms, monitoring station, offices, halls, patios, and laundry rooms, trash pickup): Supplies = \$5,500	5,500			5,500
6. Service Activity: Laundry equipment (leased) Quantity: 2 washers, 2 dryers @ \$145.00/mth X 12 mths = \$1,740,	1,740			1,740
7. Service Activity: Client cleaning supplies Quantity: Cleaning supplies for daily cleaning = \$2,500.00	2,500			2,500
8. Utilities: Water = \$5,50.00/yr, for 5 rooms + pro-rated common areas/offices	5,500			5,500
9. Utilities: Electricity \$ 11,271	11,271			11,271
10. Utilities: Gas \$800.00/yr	800			800
11. Utilities: Phone Service incl 1/d = \$4,500	4,500			4,500
12. Equipment (lease/buy): 6 phones \$1,800.00/yr;	1,800			1,800
13. Computers, maintenance and network incl wiring \$4,000	4,000			4,000
14. copier/printer -\$1,700/yr	1,700			1,700
15. Office Supplies of \$100/mth @ 12 mths = \$1200	1,200			1,200
16. Insurance: Liability for 19clients and 6 staff = \$6,000, Directors and Officers	6,000			6,000
17. Total Operating Budget	105,530			105,530
18. SHP REQUEST**	79,147			79,147
19. Selectee's Match ***				
(Line 17 minus line 18)				

** The SHP request for Years 1, 2, and 3 cannot be more than 75% of the total operating budget for those years.

Exhibit 2R: SHP- Project Budget

Project Budget

Please fill out your proposed project budget and term of grant for the activities in which you are requesting funds, including the cash match resources and the total project budget.

Grant Term: (please check one) 1 2 3

Proposed Activities	SHP Request	Applicant Cash	Total Budget (Col. 1 + Col. 2)
1. Real Property Leasing	0	0	
2. Supportive Services	\$217,690	[REDACTED]	\$272,112
3. Operations	\$79,147	[REDACTED]	\$105,530
4. HMIS	n/a	*	
5. SHP Request (subtotal lines 1 through 4)	\$296,837	[REDACTED]	
6. Administrative Costs (up to 5% of line 5)	\$14,842		
7. Total SHP Request (total lines 5 and 6)	\$311,679		

* By law, SHP funds can be no more than 80% of the total supportive services and HMIS budget.

** By law, SHP can pay no more than 75% of the total operations budget.

*** Applicants may request up to 5% of each project award for administrative costs, such as accounting for the use of the grant funds, preparing HUD reports, obtaining audits, and other costs associated with administering the grant. *State and local government applicants* and project sponsors *must* work together to determine the plan for distributing administrative funds between applicant and project sponsor (if different).

NOTE: The total SHP Request on line 7 cannot exceed the dollar amount on the Priority Chart in Exhibit 1 for the project.

Strategic Goals	Policy Priorities	Problem, Need, Situation	Service or Activity	Benchmarks		Outcomes		Measurement Reporting Tools	Even Pi
				Output Goal	Output Result	Achievement Outcome Goals	End Results		
1		2	3	4	5	6	7	8	
<p>Policy</p> <p>Miami Dade County Riverside House - 19 Beds DUNS #: 004148292</p>									
<p>Planning</p> <p>affordable housing</p>				<p>Intervention</p> <p><u>Intermediate Term</u></p> <ul style="list-style-type: none"> Provide vocational training which includes: <ul style="list-style-type: none"> Computer training English as a second language GED classes Home making skills for at least 40% of the population within 90 days in program 		<p>Impact</p> <ul style="list-style-type: none"> At least 40% will be enrolled in educational programs (GED, Computers, English, etc.) vocational or job training and placement programs as appropriate At least 65% will obtain income (benefits or employment) within six months 		<p>Accountability</p> <ul style="list-style-type: none"> a. Assessments b. Class participation Log c. MIS d. Sign in/out logs e. Income verification g. Follow-up interview f. Referral log g. Bed availability report 	

Strategic Goals	Policy Priorities	Problem, Need, Situation	Service or Activity	Benchmarks		Outcomes		Measurement Reporting Tools	Evaluation Process
				Output Goal	Output Result	Achievement Outcome Goals	End Results		
Policy	Miami Dade County Riverside House - 19 Beds DUNS #: 004148292	2	3 Planning	4	5	6	7	8	9
				4 Intervention	5 Intervention	6 Impact	7 Impact	8 Accountability	9 Accountability
				<p>Long Term</p> <ul style="list-style-type: none"> 65% will seek employment with ultimate goal of finding affordable housing after 90 days Graduate after 180 days 40% will continue to attend AA, NA meetings 40% will find affordable housing 		<ul style="list-style-type: none"> At least 65% of participants will sustain employment after 90 days At least 65% will be discharged into permanent housing At least 65% will graduate from program within 180 days At least 40% will be attending AA/NA meeting for 90 days post discharge The average length of stay for all residential participants will be five month 		<ul style="list-style-type: none"> Income verification Sign In/out logs Case Management records Pre-post Surveys Assessments Participation class logs 	

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Pastoral Care

Riverside House is committed to being a place of refuge, providing spiritual and social guidance to individuals who are imprisoned in mind or spirit. Riverside Christian Ministries works with more than 45 churches to provide the resources and programs needed to empower our clients.

A practical expression of our mission is our Pastoral Care services, which include:

RESIDENTIAL MINISTRY

Offers our residents an opportunity to live in an atmosphere conducive to change, while equipping them to re-enter the community as productive, responsible citizens.

- Personal Evangelism
- Weekly Chapel Services
- Pastoral Counseling
- Bible Study/Discipleship

COMMUNITY OUTREACH

Partners with faith-based organizations, providing education and support to combat community deterioration, juvenile delinquency and crime.

- Church Relations
- Resource Development
- Correction Institution Relations

AFTERCARE/OUTPATIENT

Ministers to residents who have completed the program and to others in the community.

- Program Services
- Support Groups



Why is Pastoral Care the best opportunity to make the most of a precious second chance?

Quite simply, the government can not take care of all of the material needs or any of the spiritual needs of ex-offenders. Many of our clients show up with nothing more than the clothes on their backs. To find employment they need training, clothes, grooming supplies and faith.

We give them a welcome box and a guiding hand. The welcome box includes practical elements like a transit map, essential toiletries, a writing tablet and pen, and of course, a Bible. We also assess their needs and let them know what to expect. We provide clothes, food, guidance and teach them how to get a job.

But even supplying all of the essentials for physical survival is not enough. Our clients are introduced to a God who will forgive them of their wrongs, love them unconditionally, and transform their daily lives.

We contribute to their spiritual needs. We deliver pastoral care services on a voluntary basis and with respect.

We are non-denominational; modeling and teaching the lifestyle of Jesus. The Gospel is delivered simply, remembering that most of our clients are not ♦church people.♦

By offering messages of God♦s love, forgiveness and accountability, we offer a well-rounded program that is much more successful than the services provided by a halfway program without pastoral care. Through this proven program, we are able to turn those in desperate need into contributing members of society. During a typical year:

- More than 325 Riverside House clients will join the work force
- They pay 25% of their gross income or more than \$300,000 in program fees to help offset program costs
- They contribute more than \$85,000 in income taxes

But most important of all, Riverside House clients become responsible members of society who believe in a personal relationship with God, the power of prayer, and the respect of people and property.



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Riverside House: P.O. Box 2325 , Miami, FL 33101
 Admin Office: Phone: (305) 326-9799 Fax: (305) 326-9003
 CSC Facility: Phone: (305) 545-0926 Fax: (305) 545-0389
 SAP Facility: Phone: (305) 545-8292 Fax: (305) 326-7984

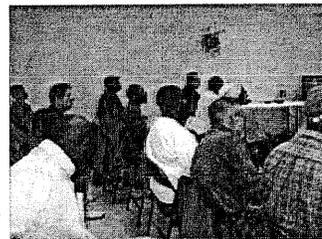
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Substance Abuse Program



Riverside House operates two programs in conjunction with the Miami-Dade County Homeless Trust, Supportive Housing and Primary Care Programs. These programs totaling 31 beds serve male homeless clients in the Miami-Dade County and provide a number of services. Services included here at Riverside House include, residential services, counseling, substance abuse treatment, vocational training, family re-unification and life skills classes.



PROFESSIONAL SERVICES

- Client orientation
- Individual assessment of history
- Individual program or treatment plan, including length of stay, client input, goal setting, and direction
- Biweekly counseling and program review
- Group counseling
- Group treatment sessions
- Job interview coaching and employment skills training available
- Rent collection from clients when applicable
- Recreational activities
- Voluntary pastoral care services
- Release planning and preparation
- Aftercare for graduates
- Outpatient assessment and counseling for clients

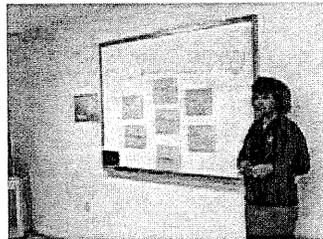
CLIENT ELIGIBILITY

Clients, male only, must be at least 18 years of age and without any mental health diagnosis in order to meet the program-specific criteria. Clients come on a voluntary basis and must submit to a health screening before entering the program. They may be referred to our programs by one of the following:

- HAC-Homeless Assistance Centers
- Miami-Dade Homeless Trust
- Area Treatment Centers

Riverside House 10 Steps to Recovery

1. Stop looking for something or someone to fix you, and take responsibility for fixing your own life.
2. Find out what spiritual means and do it all the time, everywhere, with everyone you meet.
3. Find out what your character defects really are and spend the rest of your life letting go of them.
4. Don't feel when you should be thinking, and don't think too much when you should be feeling something.
5. Make the really hard life choices and then follow through on each.
6. Find out what being honest means and do it all the time, everywhere, with everyone you meet.
7. Find out what humble means and do it all the time, everywhere, with everyone you meet.
8. Learn to say, 'I'm sorry', and pay all your financial and emotional debts, not just the easy ones.
9. Never stay in a relationship unless it's your choice; relationships are always optional.
10. Nobody said you have to like going to meetings; just go, and do what they tell you to do, and make it better.



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Why is Pastoral Care the best opportunity to make the most of a precious second chance?

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We give them a welcome box and a guiding hand. The welcome box includes practical elements like a transit map, essential toiletries, a writing tablet and pen, and of course, a Bible. We also assess their needs and let them know what to expect. We provide clothes, food, guidance and teach them how to get a job.

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Testimonials

Riverside House is committed to being a place of refuge, providing spiritual and social guidance to individuals who are imprisoned in mind or spirit. Our prayer is that Riverside House clients become responsible members of society who believe in a personal relationship with God, the power of prayer, and the respect of people and property. We believe God has accomplished some impressive works through us. But don't take our word for it. Here is what some of our graduates as well as members of the community have to say about us

"You did a fine job educating us about the plight of many who are shackled by substance abuse and who are preparing to reenter society after time served in a federal prison system. I was personally moved by a couple of the testimonies as shared by some of Riverside's clients. They are truly trophies of grace and a testimony to the wonderful work you are doing in the community."

~ Lance Womack, South Florida teacher

GRADUATES OF RIVERSIDE HOUSE PROGRAMS

Without God I can't do anything. I give thanks to God for this ministry. I called out to God and He answered me. I was a very angry rebellious individual and He changed me, thanks to this program. My life now is peaceful. I solve problems in a different way. God has given me the privilege to start a painting business with my brother Jorge, who also graduated from the program. He is also walking with the Lord and together we share the miracles God has done in our lives

~ The brothers, Jorge and Miguel

The sad thing is, I didn't need to get into this trouble. I earned my AA and BS degrees and still was able to make stupid choices. If only I would have turned around and seen God was there all along. Norge He is my #1.

~ Allen

I was 25 years old and I was facing a combined 35-year sentence. I know people don't think guys like me deserve a second chance, but I accepted Jesus in 1995 and it's now 2001. The power of His forgiving grace is forever.

~ Ignacio

I remember the guys talking about becoming new in Jesus. That same night at Riverside I went and sat on the toilet and told God I'm flushing the old Norge, please Lord, please Lord, forgive me and make me new. I'm now serving Him instead of time.

~ Norge

"Before I came to Christ I walked around in a drug induced state, believing in nothing, not even in myself. I accepted Jesus Christ as my Lord and Savior and my whole life changed; I began to have hope that led me to Riverside House to get help for my addiction. They helped me to grow spiritually by getting me in closer contact with God, by reading and listening to the word of God."

~ John

"Receiving Christ in my life has empowered me to be honest and open to a new way of life. I don't have to repeat my past and I am a new creation in Christ with the power through the Holy Spirit to overcome this awful addiction. I thank Jesus for his sacrifice and his teachings. I know he loves me today. Amen"

~ Max



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1 of 1 DOCUMENT

The Washington Post

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The Washington Post

September 15, 2002 Sunday
Final Edition

**GOP Using Faith Initiative to Woo Voters;
Office's Officials Have Appeared With Republican
Candidates in Tight Races**

BYLINE: Thomas B. Edsall and Alan Cooperman, Washington Post Staff Writers

SECTION: A SECTION; Pg. A05

LENGTH: 1085 words

Republicans are using the prospect of federal grants from the Bush administration's "faith-based initiative" to boost support for GOP candidates, especially among black voters in states and districts with tight congressional races this fall.

Top government officials overseeing the program, designed to funnel federal social service grants to religious groups, have appeared at Republican-sponsored events and with GOP candidates in at least six states. The events often target black audiences, such as a recent South Carolina seminar to which about 1,600 black ministers were invited. The events' hosts explained how the federal program will distribute about \$ 25 million in grants to community groups affiliated with churches and other private-sector institutions.

The South Carolina event, on July 19, was sponsored by the state Republican Party. Those who attended received follow-up letters, on GOP stationery, explaining how to apply for grant money. Ron Thomas, the party's political director, called the event a "phenomenal success" that helped "put a human face on the party again."

Bush has repeatedly said the faith-based initiative is not political. On Feb. 1, when he announced that Jim Towey would replace John J. DiIulio as head of the program, the president said Towey "understands there are things more important than political parties. And one of those things more important than political parties is to help heal the nation's soul."

White House spokeswoman Ann Womack said in an interview that Towey will talk to anyone about the initiative, regardless of political affiliation. "The bottom line is that Jim travels all over the country to talk about the president's faith-based initiative," she said. She cited a Manhattan appearance attended by Democratic Reps. Charles B. Rangel and Anthony D. Weiner, although she could not cite an example of joint appearances with Democrats facing tough election fights.

Some lawmakers who opposed the president's faith-based initiative say they feared that it could be used for political purposes.

"Madison and Jefferson understood the lesson of human history -- that when you start combining the power of politics and the power of religion, you end up with politicians using religion as means to their own ends," Rep. Chet Edwards (D-Tex.) said.

Another critic of the initiative, Barry Lynn of Americans United for Separation of Church and State, said, "The Bush administration has been fishing for African American voters, and faith-based funding looks like the answer to their prayers." Possible grants, he said, "are being dangled to select church pastors in the African American community as a kind of lure, with the expectation that those churches will get out and support Republican candidates."

In Kentucky, Rep. Anne M. Northup (R) -- facing a tough reelection campaign -- invited Towe to explain the grant program's potential when she toured a heavily black section of her district near Louisville. The Aug. 29 visit focused on the church-based Shiloh Community Renewal Center. Northup, a member of the House Appropriations Committee, recently won approval for a \$ 400,000 grant to the center.

The grant was part of the regular appropriations process and not from the new "compassion fund," but Towe described the center as "a model of what a faith-based organization can be."

Northup, who won \$ 5 million in earmarked grant money primarily for projects in black neighborhoods, said in an interview, "There is a long tradition in the minority community of just voting almost universally Democratic." She recalled losing black precincts by vote margins as high as 525 to 25. "I don't think you change a 30- or 40-year pattern of voting in a short period of time, but I do criticize the Republican Party for not fighting for those votes."

In South Carolina, where the GOP is fighting to keep the Senate seat being vacated by Strom Thurmond, the state party sponsored a "seminar on Faith-Based and Community Initiatives" primarily for black ministers in the Columbia area. Jeremy White, director of outreach for the White House Faith-Based Initiative, gave the keynote speech.

Ten days later, Thomas, the state GOP political director, sent each attendee a packet with detailed information on "all the points of contact for faith-based offices . . . and information on the Compassion Fund." Thomas provided material about a company called Nehemiah Communications "that can help you and your organization set up your nonprofit status or help with grant writing."

In an interview, Thomas said the seminar was "not necessarily a political event." He said it drew about 300 of the 1,600 mostly black ministers who were invited, and it "got huge press coverage, press and TV. It was a great, great success."

Towe, meanwhile, has appeared this summer with other Republican candidates in close elections, including Reps. Shelley Moore Capito (W.Va.), Rob Simmons (Conn.) and John M. Shimkus (Ill.), as well as Sen. Tim Hutchinson (R-Ark.).

In July, Towe joined Hutchinson to tour Dorcas House, a shelter for abused women and children in Little Rock. They met with officials of more than 20 religious charities who, according to the Associated Press, voiced concerns "about accountability and expressing their respective faiths while receiving government funds." Towe told the gathering, "The government shouldn't ask 'Does your organization believe in God or not?' . . . It should ask 'Does your organization work?' "

In early August, Towe joined Shimkus at the Community Hope Center in Cottage Hills, Ill., where the two met with 60 religious leaders from the area to discuss the program. Towe praised such programs as Catholic Charities and the Salvation Army, and told the gathering, according to press accounts: "These groups have

typically been stiff-armed by the government. . . . The only questions ought to be: 'Are you changing people's lives?' and 'Will you follow the federal rules?' "

In mid-August, the Charleston, W.Va., Gazette reported that Toweey joined Capito to present a \$ 25,000 check to the Kanawha Institute for Social Research and Action Inc., a church-based nonprofit program offering computer training classes at the Ferguson Baptist Church in West Dunbar.

On Aug. 20, Toweey helped Simmons pass out meatloaf dinners at St. Paul Episcopal Church's soup kitchen in Willimantic, Conn.

Simmons said the faith-based program is not "a system that replaces government. It's designed to be a system that embraces government."

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April 26, 2001

Republicans Hold Forum With Blacks In Clergy

By ELIZABETH BECKER

In a bid to woo African-American clergy members and possibly their parishioners -- to their party, the Republican leaders in Congress held a conference today to promote religious-based charities and invited an audience of largely black religious leaders.

In his keynote address, delivered in the marble banquet hall of the Library of Congress, Representative J. C. Watts Jr., Republican from Oklahoma, who is black, said that he had invited people who were normally forgotten.

"This is an historic time," Mr. Watts said. "For some reason, in this grand experience known as America, we never invited all of you here before."

To underline the importance they attached to the gathering of more than 400 lay people and ministers, many from small evangelical Christian churches, the Republican leadership came out in full force. Senator Trent Lott of Mississippi, the majority leader; Speaker J. Dennis Hastert of Illinois; and Representative Tom DeLay of Texas, the majority whip, all gave speeches today. Only one Democrat -- Representative Danny K. Davis of Illinois -- was on the podium.

"The Republicans said that the Democrats had traditionally done a good job reaching out to the African-American community and this was their effort to do a better job," said a senior Congressional aide involved in some of the conference planning.

The conference's heavy Republican tilt was an about-face from the bipartisan approach that Mr. Bush has said would mark his initiative to give all religious groups the same opportunity to receive federal financing for their social service projects as secular organizations.

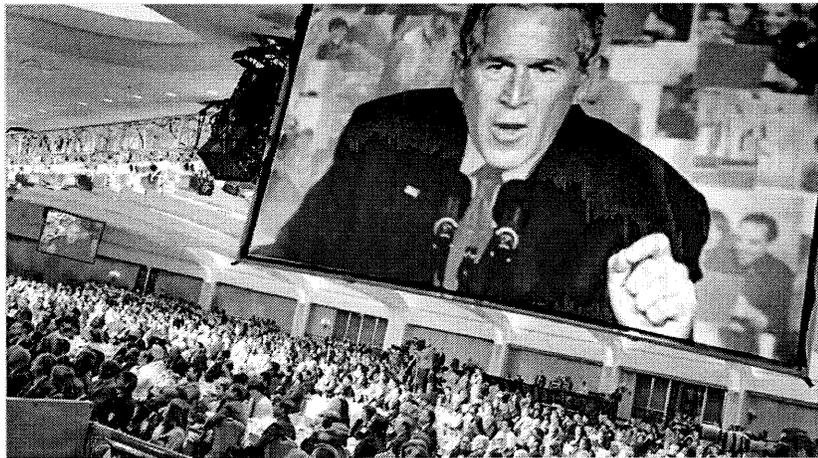
For Democrats who have supported Mr. Bush's initiative but were left out of the event, the conference was a disappointment. Representative Tony P. Hall, an Ohio Democrat and the co-sponsor with Mr. Watts of the key legislation for religious-based charities, said he received an invitation at the last minute but declined the chance to be a "token Democrat."

"I would hope in the future they would not do these purely partisan events like this when we have to have both sides," Mr. Hall said in an interview.

The attention lavished on the clergy members seemed to pay off. Preachers like Willie Brooks, pastor of the small Bethesda Tabernacle Apostolic Church in San Diego, said the conference sent shivers down his spine as well as having led to a change in his political affiliation.

"I've never seen government taking such a concern for our community like they're doing now," Mr. Brooks said. "They're giving an ear to our community through the pastors. I was a Democrat. Now I'm undecided."

Take It on Faith



Doug Mills/ The New York Times

The White House National Conference on Faith-Based and Community Initiatives, March 9, 2006.

By NOAH FELDMAN Published: December 16, 2007

John J. DiIulio Jr., the onetime head of the White House Office of Faith-Based and Community Initiatives, really loves faith-based charities. He must, since he promises the post-tax royalties from "Godly Republic: A Centrist Blueprint for America's Faith-Based Future" to no fewer than a dozen of them (no mention of any advance fee).

GODLY REPUBLIC A Centrist Blueprint for America's Faith-Based Future.

By John J. DiIulio Jr. 309 pp. University of California Press. \$24.95.

Related

First Chapter: 'Godly Republic' (December 15, 2007)

Exactly why DiIulio feels this way is a little less clear. He tells us repeatedly — and with the refreshing candor that is his trademark — that empirical evidence has not convincingly shown social programs run by religious institutions to be any more successful at getting people off drugs or into jobs than their secular counterparts. Religion, DiIulio emphasizes, is a good thing, offering lots of social and even health benefits. But the strongest policy argument he advances for religion-based social programs is that religious organizations do an especially good job of motivating volunteers.

It may be true that faith-based charities perform no better or worse than secular do-gooders, but it doesn't necessarily follow that the federal government should be paying for them. DiIulio, however, has devoted the last decade or so of his unusually high-profile academic and policy career to advocating such financing. He does not base his claims on his personal religious faith; his position is that religious charities should be on a level playing field with nonreligious organizations when it comes to gaining access to government money. Anything less than equality amounts to discrimination.

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Why? DiIulio points out that the First Amendment to the United States Constitution grants religion special protection. But it also singles religion out for a special disability — the prohibition on being established. This ban limits the ways that government may support religious activities and institutions. So backing [George W. Bush's](#) faith-based initiative depends on making two arguments: first, that the Constitution can be interpreted to permit such support; and second, that the support is actually desirable.

According to DiIulio, Bush's faith-based initiative failed because the White House lost the first argument. Some academics and politicians and many in the news media, he says, mistakenly impugned the constitutionality of its program. This probably explains why so many pages of his book are devoted to interpreting the history and legal doctrine surrounding the establishment clause, and so many more to the particular circumstances that surround various faith-based initiatives, from mentoring programs like Amachi in his beloved Philadelphia (motto: "People of faith, mentoring children of promise") to Charles W. Colson's Prison Fellowship Ministries.

The result is not a narrative but a series of chapters organized around the refutation of misperceptions that DiIulio labels myths. Derived from a lecture given at Berkeley, "Godly Republic" is long on studies by DiIulio's former graduate students at the [University of Pennsylvania](#) and short on systematic argument. DiIulio's talent for phrase-making — in the 1990s he coined the label "superpredator," used by some to justify life sentences for repeat offenders — is on display throughout. DiIulio has some lively complaints about the politics-as-usual practices he encountered in the White House, but those looking for another Bush insider tell-all will be sorely disappointed. DiIulio is sorry he ever called [Karl Rove](#) and his team "Mayberry Machiavellis." And it is with fondness that he recalls the president telling him, "Big John, let's make this work."

Since DiIulio believes the failure of the faith-based program turned on the mistaken perception of its unconstitutionality, the content of his constitutional argument needs to be taken seriously. DiIulio describes the current state of legal doctrine accurately: in brief, the government may finance charity efforts undertaken by religious organizations provided the money is granted on the same terms as that offered to secular groups. The so-called "charitable choice" laws signed by President Clinton stipulated that no funds could be used for proselytizing, worship or religious instruction; that the organizations were subject to strict requirements of equal treatment of volunteers and employees alike; and that they were obliged to help all comers without regard to religion. These demands are consistent with the terms on which the federal and state governments had, since the 19th century, supported groups like [Catholic Charities](#).

Where DiIulio goes astray is in his characterization of the beliefs of the founding fathers. He misleadingly calls the framers "Bible believing," an anachronistic term implying a literal faith in unerring Scripture that the 18th-century mind did not contemplate. He labels [Thomas Jefferson](#) "faith friendly," citing Jefferson's rewriting of the Gospels, without acknowledging that its title, "The Life and Morals of Jesus of Nazareth," effectively denied Jesus' divinity, resurrection and essential religious character.

Most unforgivably, DiIulio persistently misrepresents James Madison's view that a multiplicity of sects, not a bill of rights, would protect religious liberty. In DiIulio's telling, Madison "preached" that multiplicity could be used to support the financing of faith-based charities. But Madison's core political activity in the years before the drafting of the Constitution was opposing a bill in the Virginia Legislature that would have given aid to multiple religious sects on perfectly nonpreferential terms. DiIulio's misuse of Madison's legacy would be troubling even if it were not accompanied by the shockingly ignorant statement that Justice David Souter, the closest exponent of the Madisonian vision on today's [Supreme Court](#), "has not really read his Madison."

DiIulio also disappoints when applying the law to his favored charities. He protests a recent court decision striking down a Prison Fellowship Ministries program, saying that no one is coerced to join it and no proselytizing occurs. But of course coercion is not the

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test of establishment of religion: paying for a church service would not cease to be an illegitimate use of government funds even if the worship was noncoercive and involved no outreach. DiIulio insists that few faith-based programs are "faith-saturated," in the sense that they rely totally on religion to achieve their goals. But total saturation is not necessary to make a program religious in content.

Opponents of faith-based aid are not alarmists; nor do they object if DiIulio wants to fund such charities out of his own pocket. They are simply worried — with Madison — that the use of tax dollars to support inherently religious activities subverts the principle of keeping religion separate from government.

Noah Feldman is a professor at Harvard Law School and a senior adjunct fellow at the Council on Foreign Relations.

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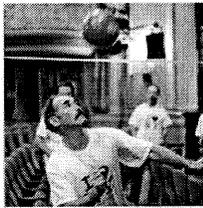


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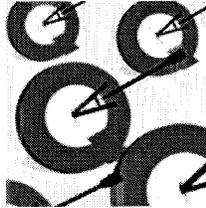
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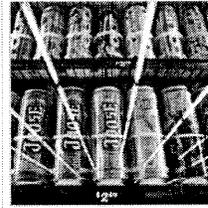


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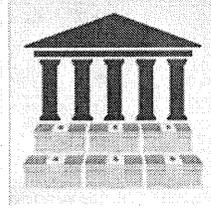
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**REQUEST FOR REVIEW AND WITHDRAWAL OF
JUNE 29, 2007 OFFICE OF LEGAL COUNSEL MEMORANDUM RE: RFRA**

September 17, 2009

The Honorable Eric H. Holder, Jr.
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Attorney General:

The undersigned religious, education, civil rights, labor, and health organizations are committed to protecting religious liberty, and working to do so at all levels of the government. We write today to request that you direct the Office of Legal Counsel (“OLC”) to review and withdraw its June 29, 2007 Memorandum (“OLC Memo”).¹ The OLC Memo’s interpretation that the Religious Freedom Restoration Act of 1993² (“RFRA”) provides for a blanket override of statutory nondiscrimination provisions is erroneous and threatens core civil rights and religious freedom protections.

Some of us were leaders in the Coalition for the Free Exercise of Religion, which led the effort to persuade Congress to enact remedial legislation after the United States Supreme Court sharply curtailed Free Exercise Clause protections in *Employment Div. v. Smith* in 1990.³ This effort culminated in 1993, when then-President William J. Clinton signed RFRA into law.⁴ In essence, RFRA was intended to provide robust protection of free exercise rights, restoring a standard of strict scrutiny to federal laws that substantially burden religion.⁵

Many of us also are members of the Coalition Against Religious Discrimination (CARD), which formed in the mid-1990s specifically to oppose insertion of the legislative proposal commonly known as “charitable choice” into authorizing legislation for federal social service programs. Upon taking office, the Bush Administration sought to impose “charitable choice” on nearly every federal social service program. Stymied in its legislative efforts to do so,⁶ the Administration instead issued Executive Orders and federal regulations to allow religious

¹ Memorandum for the General Counsel, Office of Justice Programs, from John P. Elwood, Deputy Assistant Attorney General, Office of Legal Counsel, *Re: Application of the Religious Freedom Restoration Act to the Award of a Grant Pursuant to the Juvenile Justice and Delinquency Prevention Act* (June 29, 2007).

² 42 U.S.C. § 2000bb *et seq.* (2000).

³ 494 U.S. 872 (1990).

⁴ The Coalition for the Free Exercise of Religion, chaired by the Baptist Joint Committee for Religious Liberty, also led the effort to enact the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000bb-2(4) (2000).

⁵ Although RFRA, as enacted, reached both federal and state law, the Court held in *City of Boerne v. Flores*, 521 U.S. 507 (1997), that application of RFRA to state and local laws was unconstitutional. The *Boerne* decision, however, did not render RFRA *per se* unconstitutional and subsequent cases demonstrate that, as applied to the federal government, RFRA remains good law. See *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal et al.*, 546 U.S. 418, 424 (2006).

⁶ In 2001, the Bush Administration strongly promoted legislation (H.R. 7) which would have expanded “charitable choice” to nearly all federal social service programs. The measure failed in Congress, in large part, because of the civil rights and religious liberty concerns CARD raised.

The Honorable Eric H. Holder, Jr.
September 17, 2009
Page Two

organizations to participate directly in federal grant programs without the traditional safeguards that protect civil rights and religious liberty.

Not all statutory provisions barring religious discrimination in the workplace could be obviated by Executive Order,⁷ and the Bush Administration's attempts to repeal them in Congress were repeatedly rejected. Failing in its attempts to repeal these laws in Congress, the Administration then developed and promoted the far-fetched assertion, memorialized in the OLC Memo, that RFRA provides religious organizations a blanket exemption to these binding anti-discrimination laws.

The OLC Memo wrongly asserts that RFRA is "reasonably construed" to require that a federal agency categorically exempt a religious organization from an explicit federal nondiscrimination provision tied to a grant program. Although the OLC Memo's conclusion is focused on one Justice Department program, its overly-broad and questionable interpretation of RFRA has been cited by other Federal agencies and extended to other programs and grants. The guidance in the OLC Memo is not justified under applicable legal standards and threatens to tilt policy toward an unwarranted end that would damage civil rights and religious liberty.

When President Barack Obama issued Executive Order 13498, amending former President George W. Bush's Executive Order 13199 (Establishment of White House Office of Faith-Based and Community Initiatives), he underlined the importance of ensuring that partnerships between government and faith-based institutions can be created and maintained effectively while "preserving our fundamental constitutional commitments." The OLC Memo, however, stands as one of the most notable examples of the Bush Administration's attempt to impose a constitutionally questionable and unwise policy—RFRA should not be interpreted or employed as a tool for broadly overriding statutory protections against religious discrimination or to create a broad free exercise right to receive government grants without complying with applicable regulations that protect taxpayers.

We accordingly request that the Obama Administration publicly announce its intention to review the OLC Memo, and that at the end of that review, withdraw the OLC Memo and expressly disavow its erroneous interpretation of RFRA, the most significant free exercise protection of the post-*Smith* era.

Thank you in advance for your consideration of our views.

Respectfully,

African American Ministers in Action (AAMIA)
American-Arab Anti-Discrimination Committee
American Association of University Women
Asian American Justice Center (AAJC)
American Civil Liberties Union
American Federation of State, County and Municipal Employees, AFL-CIO
American Humanist Association
American Jewish Committee

⁷ Many programs – including Head Start, AmeriCorps, and those created by the Workforce Investment Act – contain specific statutory provisions barring religious discrimination that cannot be superseded by Executive Order.

The Honorable Eric H. Holder, Jr.
September 17, 2009
Page Three

Americans for Religious Liberty
Americans United for Separation of Church and State
Anti-Defamation League
Baptist Joint Committee for Religious Liberty
Bazelon Center for Mental Health Law
B'nai B'rith International
Center for Inquiry
Central Conference of American Rabbis
Disciples Justice Action Network
Equal Partners in Faith
Friends Committee on National Legislation
Interfaith Alliance
Hadassah, the Women's Zionist Organization of America
Hindu American Foundation
Human Rights Campaign
Japanese American Citizens League
Jewish Council for Public Affairs
Lambda Legal
Leadership Conference on Civil Rights
Legal Momentum
NAACP
NA'AMAT USA
National Center for Lesbian Rights
National Community Action Foundation
National Council of Jewish Women
National Council of La Raza
National Gay and Lesbian Task Force
National Education Association
National Employment Lawyers Association
National Ministries, American Baptist Churches USA
National Organization for Women
National Partnership for Women and Families
National Women's Law Center
OMB Watch
People For the American Way
The Rabbinical Assembly
Rainbow PUSH Coalition
Religious Coalition for Reproductive Choice
Secular Coalition for America
Sexuality Information and Education Council of the U.S. (SIECUS)
Sikh American Legal Defense and Education Fund (SALDEF)
Sikh Council on Religion and Education
Texas Faith Network
Texas Freedom Network
Union for Reform Judaism
Unitarian Universalist Association of Congregations
United Church of Christ Justice and Witness Ministries
United Methodist Church, General Board of Church and Society
Women of Reform Judaism
Women's Law Project

cc: The Honorable Gregory B. Craig, White House Counsel

1 of 1 DOCUMENT

The Tennessean (Nashville, Tennessee)

March 31, 2010 Wednesday
Correction Appended
ONLINE Edition

Charity defends Christian-only hiring

BYLINE: By, Bob Smietana

SECTION: NEWS

LENGTH: 994 words

THE TENNESSEAN

When Omar Alkalouti was hired to work with refugees at the Nashville office of World Relief in 2007, nobody asked him about Jesus.

Alkalouti knew World Relief was a Christian charity. As a Muslim, he never felt out of place. And he was surprised at how diverse World Relief's office was.

"When I was there it was Muslims and Buddhists and everything," said Alkalouti, now a freelance photographer in Nashville. "It was never 'Join up with Jesus.' I wouldn't have wanted to be a part of that."

Today, that has changed. New employees at World Relief have to prove they are Christians. They sign a statement of Christian faith and must get a letter of recommendation from their minister before being hired. At most workplaces, that would be illegal.

But religious nonprofits, even those that get government grants, get special exemptions. They can hire and fire employees based on their religion or sexual orientation - something other employers can't do.

Civil rights groups like the ALCU, and some religious groups like the United Methodist Church, want to see those exemptions outlawed. They want religious nonprofits to play by the same rules as other businesses or stop getting federal funding.

But charities like World Relief say that would violate the First Amendment by giving government too much say in how religious nonprofits operate.

Exemptions extended

The exemptions for religious charities began with Title VII of the Civil Rights Act. That law allows such organizations to hire only members of their own faith when their programs are funded by private donations.

Under President George W. Bush, those exemptions were extended to religious

Charity defends Christian-only hiring The Tennessean (Nashville, Tennessee)
March 31, 2010 Wednesday Correction Appended

groups that receive government grants.

That's unfair, says Ron Winkler, general secretary of the United Methodist Church's General Board of Church and Society.

All citizens - from Muslims to Methodists - pay taxes, he said. So everyone should be eligible to work at charities funded by the government.

Winkler's group is part of the Coalition Against Religious Discrimination, which seeks to overturn the Bush-era rules.

"Our position is that if a charity receives government funds, they should play by the same rules as everyone else," Winkler said.

The Rev. Brad Morris, executive director of World Relief's Nashville office, disagrees.

"If you go to work for IMB or another corporation, they want people who will support their mission," he said. "It helps if we are all on the same page."

Nationwide, World Relief receives about two-thirds of its \$50 million budget from state and federal governments. In Nashville, those funds pay for the refugee resettlement program.

But the charity doesn't use those funds to proselytize, nor does it require that people they help have any particular religious beliefs.

"In our programs, we don't discriminate against anyone," Morris said. "We serve everyone the government sends to us. And that's what matters."

Some World Relief workers didn't agree with the policy. Morris also has been running the Chicago office after the director and other workers there quit in protest.

Jan Kary, a senior vice president at World Relief's national office, said hiring rules ensure that the charity remains true to its Christian mission. The policy on hiring only Christians has been in place since the 1940s but was never put in writing or enforced until this year.

No non-Christian employees will be fired - that includes the two non-Christian workers on the 24-person staff in Nashville.

If the exemptions are eliminated, Kary said, the charity would stop taking government money.

"We are not going to change our mission for money," she said.

Disappointed in Obama

Winkler and others who disagree with the exemptions had hoped President Barack Obama would support the cause. In 2008, as a candidate, Obama promised to overturn the Bush rules.

"First, if you get a federal grant, you can't use that grant money to proselytize to the people you help and you can't discriminate against them or against the people you hire on the basis of their religion," Obama said at a campaign stop in Ohio. "Second, federal dollars that go directly to churches,

Charity defends Christian-only hiring The Tennessean (Nashville, Tennessee)
March 31, 2010 Wednesday Correction Appended

temples and mosques can only be used on secular programs."

But change was slow to come after Obama got into office, said Weldon Gaddy, president of the Washington, D.C.-based Interfaith Alliance. Gaddy served on a task force that recommended changes in the White House faith-based initiative.

He pushed for changes in the hiring rules but said the task force was divided on the issue. He believes the exemptions are unconstitutional. And he doesn't believe the White House is taking the issue seriously.

"There's no sense of urgency," Gaddy said. "That is simply not acceptable in reconciling the faith-based office and the Constitution."

Solution isn't simple

Resolving the debate over the exemptions won't be easy, said Shaun Casey, professor of Christian ethics at Wesley Theological Seminary in D.C.

"To get a resolution, everyone is going to have to give up something," said Casey, who served as an Obama campaign adviser on religious issues.

"And neither side has been willing to do that. The only solution would be to do something that would offend everyone."

At least one faith-based organization in Nashville doesn't see the hiring exemptions as necessary.

The Nashville Area Command of the Salvation Army asks employees to support their mission. But they hire Christians and non-Christians alike.

What matters most is finding the most qualified person for the job, said Maj. Rob Vincent.

"Our mission statement is to spread the gospel of Jesus Christ and to meet human needs in his name," Vincent said. "Hiring the most qualified person helps us fulfill that mission."

Contact Bob Smietana at 615-259-8228 or bsmietana@tennessean.com

CLARIFICATION

Omar Alkalouti was identified in a story on Page 1A on Wednesday as being Muslim. He was raised in that faith but now claims no religious affiliation. THIS CLARIFICATION RAN ON APRIL 1, 2010, ON PAGE 2A.

LOAD-DATE: April 2, 2010

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CORRECTION: APPENDED

PUBLICATION-TYPE: Newspaper

JOURNAL-CODE: nsh

The Seattle Times

Wednesday, March 10, 2010 - Page updated at 11:02 AM

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World Relief rejects job applicant over his faith

By Lornet Turnbull
Seattle Times staff reporter

Saad Mohammad Ali had volunteered for six months at World Relief, helping the agency resettle arriving Iraqi refugees, when a manager suggested he apply for an Arabic-speaking caseworker job.

The 42-year-old SeaTac resident had been an interpreter for the U.S. government in Iraq before coming to the U.S. two years ago â€” himself as a refugee.

With a degree in statistics, strong English skills and basic knowledge of American culture, Mohammad Ali, who now works as a baggage handler at Seattle-Tacoma International Airport, could help his arriving countrymen temper their typically high expectations of life in America.

But a few days after he applied for the position last December, the Muslim and father of three got an unexpected call from the same manager at World Relief: She was sorry, she told him, but the agency couldn't offer him the job because he is not Christian.

The response may have surprised Mohammad Ali and others who hear his story, but the practice is not new: World Relief is well within its right to reject him for employment.

Recognizing the need of faith-based organizations to maintain an atmosphere of shared values and principles, the Civil Rights Act of 1964 permits them to hire based on religion. Such groups, largely philanthropic, range from soup kitchens and drug-counseling services to refugee-resettlement agencies.

Among these are organizations like World Relief, which provides aid to some of the world's most vulnerable, and operates in the U.S., helping resettle refugees from all cultural and religious backgrounds.

Grounded in evangelical faith, the Baltimore-based organization receives up to 70 percent of its funding from government sources, with the rest from private donors, including churches seeking assurances that the religious values of those carrying out the agency's work are similar to their own.

Staff members at the agency also say the work they do can be stressful and so they pray during meetings to help ease that stress â€” a practice they believe might make non-Christians uncomfortable.

While there's little debate that faith-based organizations should be allowed to hire based on faith, some civil-liberty groups argue that public funds should not be used to subsidize those that do.

"There is saying in these circles: With shekels should come shackles," said Charles Haynes, a senior scholar with the First Amendment Center in Arlington, Va.



KEN LAMBERT / THE SEATTLE TIMES

Saad Mohammad Ali applied for a job as a caseworker at World Relief but was told he didn't qualify because he's not Christian.

And while other refugee-resettlement agencies across the Puget Sound region could also hire based on faith, most say they choose not to.

Placing religious limitations on who can and cannot work at Jewish Family Services, for example, would "make it more difficult to find culturally appropriate staff to serve the refugees you are resettling," said Shane Rock, the agency's director of refugee service.

And Jan Stephens, with Lutheran Community Services, said he doesn't ask the religion of job candidates.

To Mohammad Ali, it seems unusual that he could serve as a volunteer and later as a paid contractor for World Relief but can't be employed.

His frustration is not with local workers who advocated for him and even sought an exception on his behalf from the agency's headquarters, he said, but with a policy he finds in conflict with everything he's learned about this country.

"I've heard over and over again that in the U.S. discrimination in any form is not accepted," he said.

"So it was a disappointment."

Started in 1940s

World Relief was started in the 1940s by evangelical leaders to clothe and feed victims of World War II. In later years it expanded to serve needy people around the globe and now has one of the largest humanitarian operations in Haiti.

In the U.S., it is one of a dozen or so resettlement agencies that have agreements with the State Department to resettle tens of thousands of refugees the country welcomes each year. Those agreements prohibit proselytizing.

Stephan Bauman, its senior vice president of programs, said the organization's Christian-only hiring has been practice but not formal policy for many years.

"Some people started to say we were hiring as a faith-based organization without a clear policy," he said.

So in recent months, the agency formalized its policy, which he said "allows us to preserve our core identity and value. It has nothing to do with the people we serve or work with." It also began requiring employees to sign a statement of faith, affirming the organization's mission, vision and values, which, among other things, include using the life of Jesus Christ as an example for doing good.

Volunteers, interns and contractors, like Mohammad Ali, are required to acknowledge an understanding of these principles, Bauman said, though they are not required to sign a statement.

Service valued

Julianna McWilliams, the agency's Seattle spokeswoman, said the local staff values Mohammad Ali's services.

"This is not something we've confronted in the past because the people seeking employment here have always been Christian," she said, adding that five of the agency's seven Seattle managers are former refugees.

She said prayer is common at staff meetings. "At times we feel a lot of hopelessness so we spend a lot of time in prayer," she said. "So and so can't get a job, we can't find them one and we ask God to lift things up in prayer."

McWilliams said while faith is a key part of the group's mission, workers at the World Relief offices in Seattle are careful not to evangelize.

"If someone is coming in as a Muslim from Iraq or Somalia, we never talk about religion," she said.

Among metropolitan areas nationwide, the Seattle region is among the top 10 in the country in the number of refugees it resettles. In recent years, the number arriving from Iraq has steadily grown.

Many come with high expectations — in part because they have cooperated with the U.S. government in Iraq and also because they may be better educated than other refugees.

When World Relief wouldn't hire him, Mohammad Ali, who ran a business in Iraq, quit volunteering for the organization but returned days later, knowing he was well suited to help his countrymen adjust to the realities of life as a refugee.

"It's about knowing the culture and what to expect — the good and the bad," he said.

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The Chicago Tribune

Charity's Christians-only hiring policy draws fire

World Relief's rule is legal, but it has caused complaints and resignations by staffers who say it's discrimination.

By Manya A. Brachear

April 2, 2010

Reporting from Chicago

A prominent refugee resettlement organization has enacted a policy that requires new employees to be Christian, triggering staff complaints and departures by those who see it as discrimination.

World Relief, a global evangelical Christian charity that receives federal funds to resettle refugees, said the policy simply establishes a routine that has been in place for years.

"We felt we needed to put a formal policy in place that reflects a 65-year history of hiring according to our faith," said Stephan Bauman, senior vice president of programs for the Baltimore-based agency. "The policy is really just to galvanize our organization."

But staffers don't necessarily see it that way.

"As a Christian, I feel it is my duty to advocate for the most vulnerable," said former legal aide Trisha Teofilo, who left because of the policy. "I believe Jesus would not promote a policy of discrimination."

Under the Civil Rights Act of 1964, the policy is legal. But opponents, including current and former employees, say it is hypocritical for an agency to discriminate when its mission is settling refugees -- many of whom have fled religious intolerance in their home countries.

"It's legal, but it's ridiculously wrong and un-Christian," said Delia Seeburg, the director of immigrant legal services in World Relief's Chicago office.

She plans to leave for a new job in April.

Although current employees don't have to be Christian, they risk termination if they don't affirm the organization's Christian mission statement "to follow Jesus by living holy, humble, and honest lives."

Mohammed Zeitoun, a Muslim employment counselor, is searching for a new job because he refused to affirm the Christian mission.

"To ask us to change who we are, it's not right, not in the country of the United States of America -- the land of the free," said Zeitoun, who was born and raised in Jordan.

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FOREIGN DESK

NON-CHRISTIANS NEED NOT APPLY

Krista J. Kapralos | January 11, 2010 [Global Post](#)

World Vision is one of the largest recipients of U.S. government overseas development grants. In hiring, it gives preferential treatment to Christians. Obama vowed to change that. So why hasn't he?



For decades, World Vision has fought poverty and famine in countries such as Sudan, visited by anti-hunger crusading former Congressman Tony Hall in 1998. Critics fault the organization for giving preferential treatment to Christians when staffing its \$250 million in programs funded by U.S. taxpayers. (Photo by Corinne Dufka / Reuters)

Editor's note: this article was supported by a grant from the International Center for Journalists.

Bamako, Mali — For a year and a half, Bara Kassambara kept his mouth shut.

Every day, all of his coworkers paused for prayer time. There were frequent Bible studies, and constant talk about Jesus. Kassambara attended the required events, but otherwise quietly focused on his work: bringing clean water to rural Mali.

“I think many people at World Vision just believed that I was a Christian,” said Kassambara, a Muslim in a predominantly Islamic country.

Fluent in English and with years of development work on his resume, World Vision hired Kassambara to work on the West Africa Water Initiative — a project to provide safe drinking water stave off water-borne diseases that run rampant in the region.

It was a rare hire for World Vision, Kassambara said; he only got the job because it was a temporary position. When World Vision stepped down as lead agency on the project in late 2008, Kassambara took a similar job with another organization.

“The goal of World Vision is clearly written: To promote Christianity worldwide,” Kassambara said. “I knew this was going on. I knew the rules of the game. If their goal is to promote Christianity, why should they hire a Muslim?”

World Vision, based outside of Seattle, is one of the largest recipients of development grants from the U.S. Agency for International Development, the federal government’s foreign aid arm. The organization received \$281 million in U.S. grants in 2008, up from \$220 million in 2007 and \$261 million in 2006, according to World Vision documents. Those grants, amounting to about a quarter of the organization’s total U.S. budget, came in the form of both cash and food.

World Vision International employs about 40,000 people globally.

Charity Navigator, which ranks charities based on efficiency, lists World Vision as a “super-sized charity,” with \$1.1 billion in expenses in 2008, and gave it four stars – the best possible ranking. Throughout Mali, Christians and Muslims alike praise World Vision for bringing food and clean water to hungry people — the organization “extends assistance to all people, regardless of their religious beliefs,” according to its [website](#). Malians credit the organization with staving off starvation and helping rural villages develop agriculture. If the group ever leaves Mali, people there say they would be devastated.

World Vision officials say the organization does not proselytize, just that they decline to separate their work from their faith. “We do want to be witnesses to Jesus Christ by life, word, deed and sign,” says Torrey Olsen, World Vision’s Senior Director for Christian Engagement. That wouldn’t be possible, he says, unless the organization’s workers were Christians.

Under U.S. law, World Vision points to civil rights protections that allow religious organizations to hire employees based on their faith. This is an uncontroversial protection of religious freedom, given that churches obviously need Christian staff to carry out their missions, just as synagogues need Jews and Mosques Muslims.

But such religious institutions are typically funded by their followers. The controversial question is whether it’s a violation of the First Amendment to exclude on the basis of religion when U.S. taxpayers are footing the bill, a practice that became increasingly common during the Clinton and George W. Bush administrations.

As a candidate, President Obama promised to end such discrimination. So far, he has not.

And so for now in Mali, World Vision's hiring practices mean that for many of the best qualified candidates, most jobs are off-limits.

Kassambara said he didn't deny being a Muslim when asked, but kept quiet about his faith because a job with a stable, well-funded employer like World Vision is a rarity in this landlocked nation, one of the world's poorest. There are few decent jobs here, and the government struggles to keep its most educated citizens from moving abroad.

World Vision only hires non-Christians if a qualified Christian can't be found. According to its [website](#), "World Vision U.S. has the right to, and does, hire only candidates who agree with World Vision's Statement of Faith and/or the Apostle's Creed," referring to an oft-quoted Christian doctrinal statement.

Fabiano Franz, World Vision's national director for Mali, says that jobs held by non-Christians are considered temporary. "There's no encouragement for a career here if you're not a Christian," he says.

Franz argues that separation of church and state is an American concept that doesn't translate well to many other cultures. In Mali, and in other countries throughout the world, he says, faith is integrated into daily life. An attempt to separate faith and practice in Mali, he says, would be foreign and confusing to those receiving aid. "If you're a committed Christian, you shouldn't have this separation between your faith and your work," he says.

"We're very clear from the beginning about hiring Christians," Franz says. "It's not a surprise, so it's not discrimination."

So is it Constitutional?

Despite U.S. civil rights laws that protect against discrimination where tax dollars are at use, World Vision officials cite an exemption for religious organizations in the 1964 Civil Rights Act in defense of their longstanding policy.

Critics argue that the exemption doesn't apply to World Vision and other groups that accept federal dollars. They say their position is supported by the First Amendment, which forbids the government from favoring (or disfavoring) a particular faith, or from favoring (or disfavoring) religion in general over secularity. This, critics argue, should constrain tax revenue from flowing to groups that hire based on religion.

Safeguards against such awards, however, have been eroded in recent decades, beginning with a Clinton-era provision known as “Charitable Choice.” This allowed religious groups to apply for social service grants, but barred overtly-religious agencies from receiving funds. Several Bush-era policies pushed the envelope further, in ways that critics say undermine foundational American anti-discrimination laws.

In 2001, President George W. Bush removed restrictions preventing religious groups from receiving federal funds, and his administration was sympathetic to federal grantees that discriminated by faith. In 2007, the Justice Department’s Office of Legal Counsel issued a memo on a \$1.5 million awarded to World Vision. The memo stated that, even though the 1974 federal statute under which the money was being granted specifically prohibited discrimination on the basis of religion, World Vision would be *permitted* to discriminate, as a result of the 1993 Religious Freedom Restoration Act.

Critics say that World Vision leads faith-based agencies in an effort to “engage in government-funded religious discrimination,” according to Aaron Schuham of Americans United for the Separation of Church and State. “It has seized upon every available legal argument to undermine civil rights protections.”

Schuham’s organization and other opponents of the Bush-era policies on the issue are hopeful that President Barack Obama will tighten the reins on World Vision and other religious groups. In a July 1, 2008 speech on faith in America delivered in Zanesville, Ohio, candidate Obama said “if you get a federal grant, you can’t use that grant money to proselytize to the people you help and you can’t discriminate against them – or against the people you hire – on the basis of their religion.”

So far, Obama has not tried to change any policies governing faith-based agencies. On the contrary, critics such as the ACLU and Americans United worry that he embraced them in February, when he appointed Richard Stearns, president of World Vision’s U.S. operations, to his advisory council for the Office of Faith-Based and Neighborhood Partnerships.

“There is a force for good greater than government. It is an expression of faith,” Obama said then.

A number of evangelical organizations have advocated for religious discrimination, but World Vision is widely considered to be the main force behind the effort.

In a **September letter**, more than 50 groups pressed Attorney General Eric Holder to withdraw the memo. The petitioners included a Baptists, Methodists, and a handful of prominent Jewish organizations — including the Rabbinical Assembly and the Jewish

Council for Public Affairs — as well as civil rights groups such as Americans United for the Separation of Church and State and the American Civil Liberties Union.

“When a religious organization uses their own funds, they have the right to discriminate on the basis of religion,” Schuham says. “But that shouldn’t apply to government-funded positions.”

After multiple requests, the White House did not offer a comment on the issue.

World Vision’s hiring policy is nothing new. Officials at the organization said they’ve received federal funds for decades, all while giving Christians preference when filling positions. For many years, these hiring practices were illegal, says Christopher Anders of the American Civil Liberties Union, but they went largely unnoticed until the Bush administration publically supported them.

“They were ignoring federal restrictions (against discriminatory hiring), and sometimes the federal agencies giving them money weren’t doing anything to put restrictions on them,” Anders said. “Once Bush took office, the issue got a lot more attention,”

A matter of survival

Foreign leaders in the poorest corners of the world are unlikely to argue with World Vision’s policies, even if it means that locals are denied jobs, said William Miles, a Northeastern University professor and expert on West Africa.

“The notion of the separation of church and state doesn’t transfer well to Africa,” Miles said. “Even for those countries that call themselves secular, they don’t practice secularism in the way that we understand it. They don’t try to reduce the influence of any particular religion, and any source of development aid is welcomed, even if it has a religious provenance.”

In Mali, where positions with foreign aid agencies are often the most lucrative gigs available, a regular paycheck from World Vision is considered by many to be the gold standard.

Ali Kodio, 27, lives in Koro, a dusty rural town on Mali’s eastern edge, where World Vision has a large field office. Kodio strolls down sandy streets on the lookout for foreigners, whom he directs to a friend’s small guesthouse in exchange for cold beer and a shaded place to sit in the heat of the day.

Koro has a growing Christian community, Kodio said, mostly because of World Vision's influence.

"My sister's husband is a Muslim, and he is a driver for World Vision, and when my sister got sick, World Vision took her to the hospital and paid her bill," Kodio said.

The whole family is grateful that the man works for World Vision, but no one expects that he'll ever be promoted, Kodio said. "Everyone knows that World Vision is a Protestant organization, and that they want people to become Protestants," he said.

It's not enough to believe in Christ, said Lossi Djarra, 46, who lives with his wife and their seven children in the central Malian city of Bla, where World Vision has a strong presence. Djarra said he applied for a job as a security guard with World Vision, but a Protestant man was hired.

"It makes people angry," Djarra says. "If you're not in their church on Sunday, you won't get the job. People don't have a chance." Even for projects that have no religious component, World Vision carefully screens job applicants.

The organization's religious discrimination slowed work on the West Africa Water Initiative, said Nicole Cece, who works on the project for Cornell University's Institute for Food, Agriculture and Development. Cece shares office space at World Vision's Mali headquarters.

When World Vision, then the lead agency on the project in a group of non-profits, set out to hire someone to help her and others work on the project, the effort stalled, Cece said.

"There was a question of Christian commitment," Cece said.

Kassambara said he only knew of one or two other Muslims who work for World Vision in Mali. For many Muslims, he said, even sitting at a desk in a World Vision office would present challenges.

"A lot of Muslims believe they should not even touch a Bible, or discuss the Bible," he said. "In order to work at World Vision, you must be willing to be surrounded by Christianity."

Editor's note: This article has been updated to clarify several points. The subhead was changed from "[World Vision] only hires Christians" to "In hiring, [World Vision] gives preferential treatment to Christians." In the nineteenth paragraph we clarified the description of how the First Amendment applies to religion. In the twenty-first paragraph, we corrected the text to indicate that the Office of Legal Counsel's memo applied specifically to a World Vision grant.

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Section: A

A Right to Bias Is Put to the Test

ADAM LIPTAK

Lawsuit recently filed in Georgia may help settle legal question of whether religious institutions that are ordinarily free to discriminate in employment on basis of religion lose that freedom by accepting government money; suit was brought against United Methodist Children's Home by Aimee R Bellmore, who was fired because she is lesbian, and Alan M Yorker, who was denied employment because he is Jewish; photo (M)

A lawsuit filed in Georgia recently may help answer this open legal question: Do religious institutions that are ordinarily free to discriminate in hiring on the basis of religion lose that freedom by accepting government money?

"This is an unresolved issue," said Douglas Laycock, a law professor at the University of Texas who is an expert in the law of religious liberty.

"Congress is bitterly divided over it," Professor Laycock added, referring to the uncertain fate of legislation to spend more government money on secular services provided by religious institutions. A crucial element of the debate over the legislation is whether receiving such money should limit an institution's ability to discriminate.

The Georgia lawsuit was brought by Alan M. Yorker, who was turned down for a job at a foster home in Decatur because he is Jewish.

"I remember thinking that this would be the perfect job," Mr. Yorker said, recalling an advertisement in The Atlanta Journal-Constitution last year: the United Methodist Children's Home was seeking a psychological therapist.

Mr. Yorker, 53, sent his resume, which set out credentials that included degrees from Columbia and Georgia State, teaching at Emory, government service and decades of practice in adolescent and family therapy.

But the interview did not go well. The application he filled out that day called for his religion, church and four references, "including one minister." He wrote that he was Jewish, and listed his synagogue and his rabbi of 24 years.

Sherri Rawsthorn, a supervisor at the home, later conceded in court papers that Mr. Yorker had been "one of the top candidates for the position." On learning he was Jewish, though, she ended the interview. "We don't hire people of your faith," Mr. Yorker said she told him.

The home, which is an affiliate of the United Methodist Church and receives about 40 percent of its financing from the government, says it was entitled to reject Mr. Yorker. In court papers, it said it "declined to continue the application and interview process with Yorker because he is not a Christian."

Mr. Yorker sued, and the court will decide who is right. The answer will turn on whether government money alters the uneasy accommodation between religious liberty and civil rights.

"This is the perfect test case," Professor Laycock said.

Mr. Yorker said the answer in cases like his should be simple. "I resent that my money is being spent to discriminate," he said. "My money should be used for things that are not abridging my civil rights."

One of the home's lawyers, Gregory S. Baylor, director of the Center for Law and Religious Freedom at the Christian Legal Society, said it was important to allow religious organizations to prefer people of their own faith and to require conduct consistent with that faith. Government financing alters nothing, he said.

"Whether it's right or wrong is not affected by whether there is funding from the government or not," Mr. Baylor said. "The only question should be, Is it wrong?"

Mr. Yorker is joined in his lawsuit by another therapist, Aimee R. Bellmore, who was fired when the home learned that she is a lesbian. Her claim adds a twist to the debate.

In papers submitted to the Equal Employment Opportunity Commission, the home said Ms. Bellmore had been fired because "her religious beliefs were not in conformity with those required" and because she did not subscribe to the home's religious doctrines, including one that does not "condone the practice of homosexuality."

Discrimination on the basis of sexual orientation is not forbidden under federal or Georgia law, and Ms. Bellmore could have been fired from the local hardware store or coffee shop for being a lesbian. But she says the home's discrimination is different; in a kind of legal jujitsu, she is suing for religious discrimination.

Her lawyer, Susan L. Sommer of the Lambda Legal Defense and Education Fund, which also represents Mr. Yorker, said the home's policies amounted to religious discrimination in their effect on gays.

The civil rights laws, Ms. Sommer said, "protect against religious discrimination that takes the form of requiring an employee to lead the kind of life and subscribe to the kind of beliefs that assert there is only one true and virtuous path."

Courts have made only a handful of decisions in this area, and they are inconsistent.

In 1989, a federal court in Mississippi held that the Salvation Army could not fire Jamie Kellam Dodge, who worked in one of its shelters. The Salvation Army, which refers to itself as a Christian spiritual ministry, fired Ms. Dodge, the court said, because "she was a member of the Wiccan religion and was involved at work with the reproduction and dissemination of Satanic manuals." The court ruled that the exemption allowing religious discrimination was lost when government money was involved.

Other courts have suggested that government financing does not create a prohibition on discrimination, or that a prohibition is created only where the government directly finances a particular job. In any event, legal experts caution that little should

be read into a few scattered decisions.

Richard T. Foltin, legislative director of the American Jewish Committee, said the case in Decatur highlighted the dangers inherent in government financing of religious institutions that provide secular services.

"All the bright lines that should have been observed were crossed," Mr. Foltin said. "Organizations that are pervasively religious ought not to be receiving government funds." If such organizations do accept government money, he said, they should remember an old maxim: "With the king's shilling comes the king."

Photo: Aimee R. Bellmore outside a Methodist children's home in Georgia where she was fired because she is a lesbian. She and another therapist, denied employment at the home because he is Jewish, are suing. (Erik S. Lesser for The New York Times)

---- INDEX REFERENCES ---

NEWS SUBJECT: (Religion (1RE60); HR & Labor Management (1HR87); Workplace Discrimination & Equal Opportunity (1WO73); Legal (1LE33); Social Issues (1SO05); Legislation (1LE97); Business Management (1BU42); Judaism (1JU93); Government (1GO80); Employment (1EM26); Recruitment & Hiring (1RE84); Employment Law (1EM67); Economic Indicators (1EC19); Economics & Trade (1EC26))

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Faith-Based Furor

BYLINE: By Eyal Press; Eyal Press is a contributing editor at Lingua Franca. He last wrote for the magazine about a Congolese refugee's first year in New York.

SECTION: Section 6; Column 1; Magazine Desk; Pg. 62

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The first time Alicia Pedreira heard from co-workers that they had spotted her picture in a photo exhibit at the state fair in Louisville, Ky., she was baffled. "I thought: Photograph? What photograph?" Pedreira said recently of the strange sequence of events that began in August 1998 and would soon upend her life. "I had no idea what they were talking about."

At the time, Pedreira was working as a therapist at the Kentucky Baptist Homes for Children, a religious organization that contracts with the state to provide a range of services for at-risk youth. Pedreira liked her job, and she had a sterling reputation among her peers. But she wasn't the chattiest person in the office. On the advice of the man who had hired her, she generally kept her personal life to herself -- until, that is, her photograph unexpectedly popped up at the Kentucky State Fair. Taken by an amateur photographer during a 1997 AIDS walk and entered, without her knowledge, in the state-fair art competition, the image depicts Pedreira, who is 37, in the company of a woman with short-cropped brown hair whose arms dangle suggestively around Pedreira's waist. The two women look distinctly like a couple, an impression that Pedreira's tank top -- which bears a map of the Aegean Sea with an arrow pointing to the "Isle of Lesbos" -- all but announces.

"The minute I heard what I was wearing," said Pedreira, "I thought immediately, I've lost my job." She was right. On Oct. 23, 1998, a few weeks after word of the photograph circulated through the office, Pedreira was fired. A termination letter explained that Pedreira's "homosexual lifestyle is contrary to Kentucky Baptist Homes for Children core values."

Pedreira was devastated; several of her colleagues were so angry that they resigned in protest. Friends urged her to fight back. Last April, Pedreira and the American Civil Liberties Union filed a federal lawsuit in United States District Court in Louisville, accusing the Kentucky Baptist Homes for Children, which receives more than three-quarters of its money from the government and is the state's largest provider of services for troubled youth, of engaging in religious-based discrimination.

Now, as Congress prepares to consider President Bush's agenda to allow an array of government-financed social programs to be administered by religious groups,

her case is being monitored by proponents and opponents alike of so-called faith-based initiatives. Pedreira's lawsuit may well become the most important gay rights case since *Boy Scouts of America v. Dale* -- although the issues it raises are in fact much broader.

Religious organizations have long been exempted from the provision in Title VII of the 1964 Civil Rights Act that forbids religious discrimination by employers, on the grounds that they would otherwise be forced to act against their beliefs when hiring personnel. But starting in 1996, Congress began passing "Charitable Choice" legislation allowing religious organizations to discriminate while accepting public funds for welfare-to-work and, more recently, drug-treatment programs. And although criticism is mounting, supporters of faith-based initiatives are attaching similar provisions to a host of additional social programs, from crime prevention to hunger relief to housing grants. Recently on "Face the Nation," Stephen Goldsmith, a White House adviser, explained that such organizations will indeed be allowed to discriminate in their hiring practices, but only "on the basis of religion."

What Goldsmith did not say is that religion can often bleed into other categories, like gender, sexual orientation and race. "If you can discriminate on religious grounds, it doesn't take much imagination to discriminate in other ways," said Congressman Bobby Scott, a Democrat from Virginia. Indeed, several courts have ruled that the Title VII exemption would allow Christian schools to fire female teachers who give birth out of wedlock. Others have determined that religious institutions can refuse to hire applicants whose views on abortion differ from theirs. Nor is it clear what courts would say if an organization's religious tenets mandate differential treatment on the basis of race. In theory, an organization like Bob Jones University could receive public funds to hire employees while forbidding them to engage in interracial dating.

Alarmed by the implications, a coalition of civil rights and religious organizations -- including the Union of American Hebrew Congregations, the N.A.A.C.P., the Interfaith Alliance and Catholics for a Free Choice -- recently sent a letter to President Bush urging him to oppose "government funded" discrimination in any form. "It would be unconscionable," the letter states, "that a want ad for government-supported social services could read, for example, 'Catholics and Jews Need Not Apply.'" But the Bush administration -- which in February established a White House Office of Faith-Based and Community Initiatives -- is unlikely to change course.

Pedreira lost her job, her lawsuit claims, not on the basis of her performance but because Baptist Homes determined that she violated the demand (spelled out explicitly in its employment forms) that employees "exhibit values in their professional conduct and personal lifestyles that are consistent with the Christian mission and purpose of the institution."

When the case comes to trial, probably near the end of the year, Pedreira's legal team plans to raise some pointed questions. If hiring discrimination is illegal with government jobs, why not with jobs paid for by the government? Does the public financing of faith-based programs violate the Constitution, whose Establishment Clause requires government neutrality toward religion? Although Pedreira's case deals with state rather than federal financing -- and therefore does not overtly threaten Charitable Choice -- her lawyers say it will set a precedent for eventually overturning the law. "Charitable Choice authorizes religious-based employment discrimination in government-funded programs," said

Michael Adams, Pedreira's attorney. "This case, if we prevail, will say, 'You can't do that, it's unconstitutional.'"

Alicia Pedreira lives in a one-story white clapboard house on a quiet residential street in Germantown, a working-class neighborhood in Louisville. The matchbox houses on Pedreira's block look more or less the same. Hers, however, is the only one with a gay-pride flag fluttering above the entrance.

Dressed casually in jeans, running shoes and a wool sweater, Pedreira greeted me at the door one day in February. She has short black hair and a muscular physique; she was once a competitive bodybuilder. We went to sit on the leather couch in her living room, beneath several oil paintings of landscapes adorning the walls. Pedreira painted them herself, she explained, telling me it was her passion for art that initially sparked her interest in becoming a therapist -- and led her to the doors of the Kentucky Baptist Homes for Children.

"I had been working various jobs but never found anything I really liked," she explained in a soft voice that bore the trace of a New York accent, which is where Pedreira, the daughter of Puerto Rican immigrants, lived as a child. In 1997, roughly a decade after she moved to Louisville to live near her older sister, Pedreira completed a degree in expressive therapy, a Jungian approach that aims to help patients explore their emotions through artistic creation. After working for several months with mentally ill patients at a local hospital, she was approached about an opening at a place called Spring Meadows, one of the Louisville branches of the Baptist Homes.

Pedreira was initially skeptical. "I wasn't sure if I wanted to work for Baptists," she recalled. "I mean, the year before they had boycotted Disney for offering benefits to gays and lesbians." Still, the idea of working with teenagers intrigued her, the salary was good and her interviews with Jack Cox, Baptist Homes's clinical director, went well. Pedreira recalls that Cox asked her what she would do if one of the children she was treating were gay. Pedreira said she would try to help the patient work through his or her emotions; she revealed nothing about her personal identity. At the start of the next interview, however, she informed Cox that she was a lesbian.

"I said, Look, if this is a problem, don't hire me, because I don't want to work here six months and then get fired," she recalled. "It was prophetic."

According to Pedreira, Cox (who declined to be interviewed for this article) assured her she would be fine, provided she kept the matter to herself. It was, in essence, a "don't ask, don't tell" policy, and Pedreira followed it faithfully, disclosing her sexual orientation only to a few fellow clinicians.

At the same time, she did not overhaul her daily life to avoid the risk of being outed. While working there, Pedreira regularly appeared in public with her girlfriend at the time, Nance Goodman, the woman standing next to her in the state-fair photograph. And she remained active in the gay political scene in Louisville, helping to organize marches (as she still does). She simply trusted Cox's promise that as long as she did not discuss her sexuality in her therapeutic work, her job would not be in jeopardy.

When she was told of her dismissal, Pedreira felt obligated to provide an explanation to the teenage boys she had been counseling. "We had a group session," she said, shaking her head at the memory, "and they were angry. It takes a long time for these kids to get comfortable with a therapist, and here I

was, one more person being yanked out of their lives." She paused and then said: "I remember one of the kids said: 'Wait a minute, you're gay and we're boys! So what's the problem?' We all laughed to keep from crying."

According to Pedreira, Jack Cox, who had praised her "exceptional skills" as a therapist in his performance evaluations, broke into tears when telling her the news. A few weeks afterward, Cox himself left the organization.

The Kentucky baptist homes for children refused to answer specific questions about Pedreira's dismissal, but in published statements the agency has made its line of defense clear. Pedreira was fired, the agency has said in an official statement, not on the basis of religious discrimination, but because "homosexual behavior is not in the best interest of anyone, especially sexually abused and confused children and youth."

From a legal perspective, focusing on Pedreira's sexual orientation is smart. There is no federal statute barring discrimination against gay men and lesbians, nor does the state of Kentucky have such a law.

Michael Adams, Pedreira's attorney, acknowledged this in an interview. But he pointed out that officials at Baptist Homes have made contradictory statements about the reasons for Pedreira's firing. On Sept. 23, 1998, the parent of a child whom Pedreira had treated wrote a letter to Baptist Homes pleading for her to be retained. "I just can't understand why someone as intelligent and as good with problem children as Alicia is could be fired because she is different from many of us," the letter states. In response, Bill Smithwick, the president of Baptist Homes, explained the agency's reasoning as follows: "To employ a person who is openly homosexual, living in an adulterous situation, is a chronic abuser of alcohol or drugs, etc., does not represent the Judeo-Christian values which are intrinsic to our mission."

Pedreira's legal team sees this letter and other statements by Baptist Homes employees as clear evidence of religious-based discrimination. "We argue that you cannot take government money and impose those religious beliefs on employees," said Adams, "whether the victim is a homosexual -- as in this case -- or not."

Whose argument will prevail in court remains to be seen. Pedreira's case comes, of course, on the heels of the Supreme Court's 5-4 decision in *Boy Scouts of America v. Dale*, which determined that the Boy Scouts can ban homosexuals because it conforms to the group's "expressive message." But unlike the Boy Scouts, which receives little money from Washington, Baptist Homes relies on the government for the vast majority of its budget.

At the very least, the policy of Baptist Homes runs counter to the trend in publicly financed employment positions: all federal employees, for example, are now protected from discrimination on the basis of sexual orientation. Allowing government-financed groups to disregard this standard has begun to raise concerns in Congress. "We can't adopt a system here that allows religious groups to meet a lower standard of civil rights protection than nonreligious groups," Senator Joseph Lieberman recently said in a statement.

But this is not the only concern. Because courts have interpreted the Title VII exemption to include all the "tenets and teachings" of a faith, the door could be open to a seemingly wide range of government-financed discrimination practices. Consider what would happen if a state decided to contract out

services to the Nation of Islam. Catholics, Jews or any other group that runs afoul of the Nation of Islam's teachings might find themselves excluded. This is not a hypothetical example. Back in 1995, Bob Dole and other Republicans denounced the Department of Housing and Urban Development after discovering that federal funds were used to hire a security firm linked to the Nation of Islam. Despite reports that the firm was effective, HUD promptly revoked the contract. Yet in 1996, many of these same politicians helped pass the first Charitable Choice legislation.

Baptist Homes does not hide the fact that its religious tenets prohibit more than just homosexuality. "We've made it clear as to the values we're looking for in the staff we hire," said Smithwick. In general, he explained, leadership positions at the agency must be filled by Baptists. "It's not just a single issue that brought this whole thing to a head. There are other issues."

One of those other issues, according to Dawn Oaks, who worked at Baptist Homes for two years, is couples who live together out of wedlock. "When I started working there, I had a male roommate," Oaks said. "Then we started dating. Now, I was raised a Baptist, so I knew this would not be accepted." Oaks worried constantly about being discovered. A co-worker in the same situation, she says, installed a separate phone line in her home for protection. What if one of the women had gotten pregnant? Court precedent suggests that they could have lost their jobs.

Oaks was the first of several colleagues who resigned after Pedreira's firing. "It was hard, because I really think the agency provides good treatment," she said. "But a lot of the kids there are dealing with problems like birth control and sex and sexual identity. What kind of message did this send? I felt I could not stay." It's a feeling others shared. To show support for Pedreira, the University of Louisville and Spalding University stopped assigning students to field placements at Baptist Homes.

None of this has moved the agency to alter its employment policies or any other aspect of its approach. "Our mission is to provide care and hope for hurting families through Christ-centered ministries," Smithwick has said. "I want this mission to permeate our agency like the very blood through our bodies. I want to provide Christian support to every child, staff member and foster parent." If forced to change, Smithwick told me, Baptist Homes would rather stop contracting with the government.

This nearly happened. Last June, the agency declined to renew its state contract after Viola Miller, head of Kentucky's Cabinet for Families and Children, warned that it was "very possible" the group's employment policies would lead state officials to stop sending children there. The dispute was resolved only after Gov. Paul Patton -- who is reportedly planning to run for Senate one day -- intervened and persuaded Baptist Homes to renew. "As a person raised in the traditions of the Southern Baptist Church," Patton explained in a subsequent letter to a Baptist newspaper, "I fully understand the sincere and deeply held beliefs of the church."

Pedreira's case is not the first of its kind. In 1987, a Mississippi woman named Jamie Kellam Dodge sued a Salvation Army domestic-violence shelter after she was fired for her association with the Wiccan religion (a sect that practices modern witchcraft). Because Dodge's salary was partly financed through a government grant, a federal judge ruled against the Salvation Army. Citing the

Establishment Clause of the Constitution, the court determined that government financing of jobs filled in accordance with religious values "clearly has the effect of advancing religion and is unconstitutional." Dodge received \$1.25 million in damages.

In 1995, when Charitable Choice was first being debated in Congress, the Mississippi case caught the eye of John Ashcroft, then a senator from Missouri and the legislation's chief advocate. Although the Salvation Army case was not precedent-setting, committee transcripts record Ashcroft expressing fear that it would "send a chill" through religious communities and insisting on adding an amendment guaranteeing religious groups "the ability, frankly, to be discriminating" when contracting with the government.

Proponents of Charitable Choice view the law's hiring provisions as essential. Carl Esbeck, a conservative legal scholar, has written that religious organizations "can hardly be expected to sustain their religious vision without the ability to employ individuals who share the tenets of the faith." In a recent article in *The New Republic*, Jeffrey Rosen echoed this view, noting that, after all, many secular organizations that receive government funds, like Planned Parenthood, also hire on the basis of their values.

Pedreira's allies counter that the same argument could be used to justify lifting the restraints on any form of discrimination. Excluding someone on the basis of religion is barred under federal law because, like race and sex, this category of discrimination has proven so persistent and deleterious. Doing so with public funds is not only deeply offensive to many Americans, the argument goes, it also highlights a contradiction in the logic behind Charitable Choice. While proponents argue that faith-based organizations deserve "equal treatment" when it comes to disbursing public funds, their demand for a Title VII exemption for religious groups -- an exemption whose limits will be difficult to define -- amounts, opponents say, to a form of preferential treatment.

"In no other government program do we allow such discrimination," said Congressman Scott. "I think it's turning the clock back to say that in a government-funded program, we can practice bigotry." A better alternative, argues Julie Segal, an adjunct government professor at American University who has written widely on the subject, would be to restrict public financing to religiously affiliated groups that agree not to discriminate, thus enabling them to provide social services without violating basic principles of fairness. One night during my visit to Louisville, Pedreira drove me over to Spring Meadows. It was her first time back.

"Hey, that was my building," she said as we approached the facility, a series of large, red-brick cottages situated atop a vast expanse of green lawn. We slowed to a halt, and Pedreira, who is normally voluble, fell silent. "What gets me," she finally said, "is that it had nothing to do with my work. I did good work. And I cared about those boys."

Though her case is still in the early stages, Pedreira seemed unfazed by the prospect of a protracted legal battle. "My goal is not the lawsuit; it's education," she said. "I want people to know this can happen." In Louisville, where local media coverage has been steady, she has already achieved this objective. "People walk up to me all the time," she said, "and tell me I did the right thing."

Pedreira even got the chance to confront Governor Patton, who appeared one day

when she was volunteering for a Democratic Congressional candidate. "He shook my hand and said, 'Hi, I'm Governor Patton,'" she recalled. "I said, 'Hi, I'm Alicia Pedreira.'" He kept walking, so I squeezed his hand again and said, 'I'm the woman who got fired from Kentucky Baptist Homes for Children.' He said, 'Oh, that was a terrible situation for everybody,' but he never looked me in the eye, which made me think he knew what happened was wrong."

For all the gratifying moments, however, Pedreira has also suffered plenty of lows. "I've had people throw trash in my yard," she said. "I've been called a pedophile." And she is still dealing with the aftershocks of a traumatic experience. "I was depressed, and I didn't work for months," she confessed. "I felt lost." Since losing her job, Pedreira has not felt inclined to pursue work as a therapist; at present, she's working as a repair technician for Bell South. "Before, I had hoped to climb the ladder, maybe even direct my own program one day," she said. "But I haven't felt ready to go back to that."

Pedreira told me that she has fallen out of touch with the children she once counseled. But there are certain things she keeps around to remind herself of what happened. Back at the house, I asked her about the infamous photograph that caused her troubles. She left the room for a moment, then returned with a manila envelope. "Here it is," she said, laying the black-and-white still on the table. "I'd still have my job if not for that photo," she said. Then she smiled. "It is a lovely photograph. One day, I'm going to have it framed."

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GRAPHIC: Photos: Alicia Pedreira was told by the Kentucky Baptist Homes for Children that her homosexuality made her unfit to work there as a therapist. (Maude Schuyler Clay); The photograph of Pedreira and Nance Goodman that cost Pedreira her job. (Jeff Offutt)

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