

Where Does It End? The Religious Demand for Government Support Without Accountability to All Taxpayers

Stanley Carlson-Thies's article about President Biden's Office of Faith-based and Neighborhood Partnerships is more provocative than it may appear on first reading. He is endorsing the concept that religious organizations that provide social services should have three "rights," which are quite troubling if taken together.

These three rights appear to be part and parcel of a push for power by some believers to achieve "most favored nation" status in the United State. The agenda which is emerging is a demand for "equality" with all others, religious or secular, so that no one else can be treated better than they are. Yet, they don't really mean equal equality, because they also want the right to engage in behaviors no one else can. Thus, they are the "most favored nation" equivalent in our society: government can't "discriminate" against them *and* it must discriminate in favor of them (even when they discriminate against others). The reality is you can't have a "most favored nation" without creating a less favored class. For Carlton-Thies, that class is composed of LGBTQ.

Let me unpack the three core rights he invokes. First, there is the "equality right" – the right to obtain government funding for delivery of social services on an equal basis with secular organizations. He rightly points out that this "right" appeared on the heels of the Supreme Court dismantling the separation of church and state. The Court has foolishly in my view failed to heed James Madison's trenchant warning about government support of religious teaching and mission in his *Memorial and Remonstrance*. Madison saw the morass of letting taxpayer funds be directed by religious dogma for what it is, but we live in an era where we are supposed to believe that all religious actors operate in the greater good and, therefore, it is taboo to suggest that government funding of religion is problematic. The vehicle for moving beyond Madison's worldview has been to endorse "equal" treatment with secular organizations. That is, the government's funding must flow to both the religious service providers as well as the secular, or it would be unfair.

Now, this equality principle is driven by a political agenda to shift taxpayer funds to religious causes and ends, but it is based on a claim that religious organizations deliver social services in effective ways and, therefore, they should be able to receive government funding as much as social service organizations that are defined by the social service they provide. It is a fact that many religious organizations serve the public interest, but it is not a fact that they are necessarily as adept or successful in providing social services as compared to secular providers. For example, a mental health clinic is going to be more wholesome for its patients if it operates according to the best science of mental health available. For example, some religious organizations do not believe in the science of psychiatry and psychological counseling, including

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the Church of Scientology and Seventh-Day Adventists. It would be hard to explain why taxpayers' funds should be given to either of the latter organizations for mental health delivery.

The elephant in the room here is government funding for youth-serving organizations that have a proven history of endangering children through clergy sex abuse, e.g., the Roman Catholic Church, the Southern Baptist Church, and many others. Without proof that they have reformed their practices to make them actually child-protective, it is hard to argue they are in fact "equal" to other organizations that do not have such a history. No organization should be eligible for government funding unless it can satisfy neutral criteria for child protection. My organization, CHILD USA, studied the child protection policies of every Catholic Archdiocese in the United States. Our conclusions are disturbing, because there is no uniformity across the Archdioceses, and none are doing everything they should for child protection. The "best" are performing at about half of the level where they should be. https://childusa.org/wp-content/uploads/2020/10/Archdiocesan_Policies_WhitePaper_10-1-20s.pdf To be clear, I think every secular organization should also be held to high, neutral and generally applicable standards, and no government funding should be provided to those that fail to set child protection standards according to the best science. Equality must come with equal benefits *and* burdens in the public interest.

Second, he embraces the "right of religious organizations to utilize religious criteria in hiring staff." From the perspective of the religious organization, this is an understandable demand, but it does not serve the best use of taxpayer funds to deliver social services. Again, neutral and generally applicable standards need to be applied to funding taxpayer-supported workers, not a religious litmus test. To receive federal funds for a drug treatment facility, the criteria for drug counselors should include requirements that they are not using illegal substances or alcoholics themselves, and that they have the training needed to actually help their beneficiaries, not that they have satisfied the religious organization's dogma. Hiring decisions where the individual is government-funded should be made accountable to quality standards for the delivery of the service, not a subjective choice of individuals based on faith.

Third, he embraces the "right" to discriminate against LGBTQ in the delivery of government-funded services. Here is where he walks away from the Biden faith-based initiative, because it respects the rights of LGBTQ. He offers no justification, however, for why taxpayer funds should support a system where religious organizations are most favored nations, but LGBTQ are assigned less favored status. The Constitution, under the *Obergefell* decision and its precursors, and many laws in the United States recognize the right of LGBTQ to marry and have families. Yet, he is endorsing the concept that taxpayer funds should be funneled to organizations that refuse to deliver services because the beneficiaries are LGBTQ. On his theory, most favored nations--the religious groups—are eligible for taxpayer funds, but are also allowed, because they are religious, to direct that funding away from the needs of the LGBTQ community.

He says "[a] morally and religiously diverse society can best be served by diverse services," but his use of "diverse" is imprecise. Rather, he means separate. Thus, he is suggesting that

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Catholic adoption agencies should be able to receive taxpayer funds for the purpose of adoption and then refuse to provide adoptions for LGBTQ couples or children. Taxpayer funds are thus delivered to bubbles of social services that exclude beneficiaries they favor least. This is where the “most favored nation” thesis turns ugly.

Before James Madison drafted the First Amendment, he warned against the religious tyranny of funneling taxpayer funds into religious mission in his *Memorial and Remonstrance*. I can do no better than to quote it in closing: “Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects? that the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?”

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