

Muddling the Faith Based Concept

Response to Stanley Carlson-Theis's article on Biden's Faith Based 5.0

In 2001, John Dilulio, then Assistant to the President and Director of the White House Office of Faith-Based Initiatives under President George W. Bush, asked me to join his team as head of the Office of Faith-Based Initiatives at the Department of Labor. Dilulio and I had met when he came over from the White House to the Department of Labor to brief Labor Secretary Elaine Chao on his plans for a Faith-Based Office and need for a director of said office. Over the course of that meeting, Dilulio learned that I had written an article that he had liked in *The New Republic* defending my former boss Senator John Ashcroft from accusations that Ashcroft's Assembly of G-d denomination would be somehow threatening to America's Jewish community in Ashcroft's forthcoming role as Attorney General of the United States. As an observant Jew who had seen how solicitous Ashcroft was to members of faiths not his own, I argued that Ashcroft would be a strong choice for Attorney General and a good friend to America's Jewish community in that role. Based on the article and presumably a favorable impression from the meeting, Dilulio asked Secretary Chao to designate me as Labor's first ever Director of Faith Based Initiatives.

This appointment, for which I am still grateful to Dilulio, brought me into the orbit of the White House, where I would later serve on staff as Deputy Assistant to the President for Domestic Policy. As head of the Labor Faith-Based office, I would also work closely with Dilulio's staff, including one Stanley Carlson-Thies and a very bright young lawyer named Don Willett, now a judge on the United States Court of Appeals for the 5th Circuit. The premise of the Faith-Based Office, John explained, was simple: there are many great organizations in the United States of America doing remarkable charitable work in the areas of food distribution, housing, job training, education, and relief to the poor, among other vital needs. Many of those charitable organizations are faith-based organizations, started by religious entities but providing comfort and assistance to all comers. To the extent that the United States government sees fit to provide these kinds of assistance to its citizens in need, and to the extent that it partners with faith-based organizations in doing so, the United States government should not discriminate against faith-based organizations in selecting said partners.

The reasons for this, John further explained, were manifold. First, there is no constitutional limitation on religious organizations providing charitable services to individuals, as long as they do not discriminate in the provision of said services. Second, many religious organizations involved in charitable work are very good at what they do, and it is in the interest of the nation, the United States government, and the people in need themselves, that the distributors of government resources be effective at doing the distributing and also plugged into their communities so as to be aware of the needs and specific interests of the communities on the ground. President Bush and his allies had made similar arguments throughout the campaign,

Tevi Troy

and Bush selected Dilulio – who was then and still is a Democrat – because they were simpatico on this particular issue of making social welfare funding available to religious entities engaged in social welfare work in their communities.

The assignment for the faith-based office directors at the departments was two-fold: first, to write a report detailing the social welfare funding opportunities and whether faith-based organizations were participating in those opportunities; and to start doing the hard work of trying to get bureaucratic and slow-moving agencies to provide those opportunities to faith-based entities along with their other social welfare partners. I dutifully wrote the report at Labor, along with my able deputy, Juliet McCarthy, an Emory-trained lawyer. The reports found that most agencies and officials within those agencies were operating under the misperception that religious organizations were *prima facie* ineligible to participate solely because of their religious origins. The Bush faith-based initiative was designed to counter this misperception and disabuse federal officials of it.

One high profile case addressing this issue took place early in the Bush administration in the aftermath of the Nisqually Earthquake in Washington State. The quake, which occurred on February 28, 2001, caused significant damage in Seattle. FEMA, the Federal Emergency Management Agency, provided emergency relief to schools affected by the quake, as it is mandated to do. One school, however, the Seattle Hebrew Academy, had lost the use of its building in the earthquake and applied for federal emergency aid. FEMA denied the school's request, noting that the school was a religious organization and therefore ineligible for federal aid. The case reached the attention of President Bush, who instructed his staff to make sure that the Seattle Hebrew Academy receive the aid to which it was entitled, along with other non-religious schools damaged by the earthquake. The case became so high profile that White House press secretary Ari Fleischer even addressed the issue in a press briefing, saying "The president sees no reason why a group that is damaged by an earthquake should be discriminated against because its mission is religious."

I share this background because it informs my thinking in responding to Stanley Carlson-Thies' excellent piece, "The Biden Partnerships Plan Is Faith-Based Initiative 5.0." Carlson-Thies, like Dilulio and like me a Ph.D. by training, does a historical analysis of the various iterations of the faith-based initiatives over the last five presidencies, from Bill Clinton through Joe Biden. The main constant through these iterations is change, as each administration imposes its policy preferences on top of what is supposed to be a fairly simple concept, that the United States government should not discriminate against faith-based organizations in selecting partners with whom to work on social welfare initiatives. All of the various changes and amendments added by each successive administration have made it so that, even though Carlson-Thies notes that "The Biden Executive Order uses almost the exact words of the Bush Executive Order," so much has changed across various administrations that even using the same establishing language "will not make version 5 (Biden) of the partnership initiative identical with version 3 (Obama) or version 2 (Bush)."

Tevi Troy

As Carlson-Thies tells it, it seems now as if all of the various technical changes have made the White House office more suited to being run by a lawyer than a Ph.D. like Dilulio, or Carlson-Thies, or me. As Carlson-Thies rightly observes, “the partnerships initiative cannot be a matter simply of legal details, grant awards, and program redesign, but requires a broader interface between the federal government and civil society organizations.” Yet the former is what I fear the office has become, both based on my own observations and on reading Carlson-Thies’ piece.

The Biden administration seems to see things the same way, and has hired Melissa Rogers, a University of Pennsylvania trained lawyer, to run the White House office. Rogers also headed the office under Obama. Given what Carlson-Thies has described as this new legal-heavy landscape, it would not surprise me if the next Republican administration went with a lawyer as well.

It is unfortunate that the office of faith-based initiatives appears to have become another battleground in our legal wrangling over the role of religion in public life. This stands in contrast to its original vision, as a beacon for welcoming in religiously based organizations hoping to join the quest to address our nation’s many social ills. I fear that our nation, and in particularly our citizens in need, are being poorly served by this unfortunate development.

Presidential historian Tevi Troy is a former White House aide and author of four books, including, most recently, “Fight House: Rivalries in the White House from Truman to Trump.” He served as the first Director of the Department of Labor’s Office of Faith-Based and Community Initiatives in 2001.