

Faith-based reform gets mixed reviews

by [Adelle M. Banks](#) in the [December 14, 2010](#) issue

President Obama has signed an executive order that reforms the White House's faith-based office in a bid to improve transparency and clarify rules for religious groups that receive federal grants.

The nine-page order reflects numerous recommendations made more than six months ago by a blue-ribbon advisory council charged with streamlining the office created under former President George W. Bush.

"The recommendations that they've put forth make really concrete and tangible improvements to the government's relationship with faith-based organizations," said Joshua DuBois, director of the White House Office of Faith-based and Neighborhood Partnerships.

The executive order, however, does not address controversial questions about whether grant recipients can hire and fire on the basis of religion. Administration officials have said those questions will be considered on a case-by-case basis.

DuBois and others said the new order, signed by Obama on November 17, gives better legal footing to public-private partnerships. "It . . . clarifies that decisions about financial awards must be free from political interference or the appearance thereof," DuBois said.

In particular, the order reflects the council's special concern about the treatment of people who receive social services from a religious group receiving federal funding.

"The government has a responsibility to give a referral to a nonreligious program if the beneficiary objects to the religious program they're in," DuBois said in explaining the order.

Melissa

Rogers, who chaired the advisory council, said the order both continues and changes the work begun under Bush. For example, grant recipients may continue offering services in buildings containing religious symbols but will be required to provide beneficiaries with written information about their rights.

"In the case of social service beneficiaries, that's been a real worry for many of us, that they might not know what their rights are," Rogers said.

Responding to recommendations for greater transparency, the order calls for agencies to post online both rules affecting religious organizations and lists of federal grant recipients. Rogers said such steps may dispel notions that there is a "pot of gold" waiting solely for religious groups that apply for grants. "By having all this easily accessible, it heightens the chances that we'll be able to demystify the process and watch the process," she said.

Obama's

order implements most of the dozen recommendations crafted by the council's task force on internal reform, which included a former Bush administration staffer and church-state separationists.

With the

new order in place, DuBois said "well over half" of the council's 64 recommendations—on topics ranging from poverty to interfaith relations—will have been implemented.

Two leading Washington-based

organizations advocating church-state separation praised the increased transparency and accountability in the executive order from the White House. But both groups, while pleased with the increased clarifications, said the order avoided tougher problems.

J. Brent Walker, executive of the Baptist Joint Committee, lamented the order's failure to mention the issue of whether the government should require houses of worship to form separate organizations, such as 501(c)(3)s, to receive federal funding for social services.

Nor did the order detail whether grantees could hire or fire employees on the basis of their allegiance or disagreement with the faith of the grant recipients. "This admittedly divisive issue cannot be kicked down the road forever," Walker said in a statement. "It's simply wrong for the government to subsidize religious discrimination."

Americans United for Separation of Church and State likewise said the order dodges the issue of religious hiring bias on the part of faith-based charities. "I'm disappointed," said Barry W. Lynn, Americans United executive director. "That's not the change many Americans hoped for when President Obama took office."

Two Jewish figures, who represent conservative and liberal religious organizations, said they were pleased with the order.

"President Obama has advanced America's social welfare sector and protected constitutional principles," said Nathan Diament, the top Washington lobbyist for Orthodox Jewish congregations.

Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism, said the new rules will "set the faith-based initiative on far firmer constitutional ground, and give much broader protections to both religious institutions and the beneficiaries than they've had so far."

The order calls for a new interagency working group that will issue guidance to federal agencies within 120 days.

DuBois said new members of an advisory council, who will succeed the group that finished its work in March, will be announced "as soon as

possible." —RNS