

DEBATE 1

THE ROLE OF RELIGIOUS INSTITUTIONS IN PROVIDING SOCIAL SERVICES AND EDUCATION IN NEGLECTED COMMUNITIES; REPORTS FROM THE FIELD

MODERATOR

*Richard D. Glovsky**

PANELISTS

*Rabbi David Saperstein***

*The Honorable Rev. Floyd H. Flake, D. Min.****

Mark V. Scott⁺

Summary:⁺⁺

This discussion presents the audience practical and logistical measures that three religious institutions have taken in their attempts to provide social services and education to the needy.

The panelists describe the vast array of services that each institution offers. They further explain how each institution attempts to coexist with and receive funding from the government, yet still maintain their own autonomy. The panelists also describe how their respective institutions have enacted measures so that they receive necessary funding and escape the perception that they are violating the separation of church and state as so stated in the First Amendment of the U.S. Constitution.

These three institutions stand as models as to how religious institutions can fulfill their mandates to help the needy with aid from the government.

* Mr. Glovsky is the Chairman of the Anti Defamation League's National Civil Rights Committee.

** Rabbi Saperstein is Director and Counsel of the Religious Action Center of Reform Judaism ["RAC"]. The RAC educates and mobilizes "the American Jewish community on legislative and social concerns as an advocate in the Congress of the United States on issues ranging from Israel and Soviet Jewry to economic and civil rights, to international peace and religious liberty." *Who We Are* (visited Apr. 21, 2000) <<http://www.rj.org/rac/aboutrac/aboutrac.html>>.

*** Reverend Flake presides over the Allen A.M.E. Church located in Jamaica, Queens, New York. To learn more about the pastor and his ministry, visit The Cathedral of the Allen A.M.E. Church, *Allen A.M.E. Cathedral Home Page* (last modified Jan. 27, 2000) <<http://www.allencathedral.org/>>.

⁺ Mark V. Scott is the Executive Director of the Ella J. Baker House, a "rec center and parish house" that serves the troubled teenagers of Dorchester, Massachusetts, "one of the poorest neighborhoods in Boston[.]" John Leland, *Savior of the Streets*, NEWSWEEK, June 1, 1998, as posted by *Newsweek U.S. Edition: Nation, Savior of the Streets* (visited Apr. 21, 2000) <http://newsweek.com/nw-srv/issue/22_98a/printed/us/na0122.htm>.

⁺⁺ Lead Articles Editor Georgette Miller wrote this summary.

MR. BERKOWITZ:

It is now my great pleasure to introduce Dick Glovsky, who is the head of our Civil Rights Committee at the Anti-Defamation League [“ADL”].¹
Dick.

(Applause.)

MR. GLOVSKY:

As you have heard, many people helped to make today a reality. I particularly want to thank Jerry Green, David Rosenberg, Rita Hunter, and Cal Simon for all of their effort in making today possible.

As our National Chair Howard Berkowitz has pointed out, ADL believes that one of the great achievements of our Constitution is that it created a framework in which religions flourish with a strength and diversity unparalleled in human history. ADL believes that a culture that fosters participation in religious life will be a society that truly understands the meaning of tolerance to all of its citizens, as well as compassion towards its needy. We believe that our country has been made a better place by the active involvement of religious people and religious institutions in such areas as charity, education, and social activism. Even a passing glance in American history bears out this belief.

From the wisdom of William Penn² and Ben Franklin,³ to the courage of Dr. Martin Luther King, Jr.,⁴ religious belief has inspired some of the greatest heroes and accomplishments in our history. America in 1999, however, is not a social utopia. Millions of Americans are still in poverty⁵ and must feel the challenge of getting by each day, sometimes with little assistance from our government. While the government

¹ The Anti-Defamation League [“ADL”] fights anti-Semitism and bigotry. It “probes the roots of hatred against Jews and serves as a public resource for government, media, law enforcement agencies, and the public at large.” Anti-Defamation League, *About the ADL* (visited Apr. 15, 2000) <http://www.adl.org/frames/front_about.html>.

² William Penn was an early American colonist and founder of Pennsylvania. For more information about William Penn, visit Tuomi J. Forrest, *William Penn* (visited Apr. 15, 2000) <<http://xroads.virginia.edu/~CAP/PENN/pnhome.html>>.

³ Benjamin Franklin, born in Boston in 1706, was a statesman, inventor, and scientist. To learn more about Benjamin Franklin and his influence on colonial America, visit The Franklin Institute Online, *The World of Benjamin Franklin* (visited Apr. 15, 2000) <<http://sln.fi.edu/franklin/rotten.html>>.

⁴ On April 4, 1968 James Earl Ray assassinated Martin Luther King, Jr. in Memphis, Tennessee. To read some of Dr. King’s speeches, visit Stanford University, *Welcome to the Martin Luther King, Jr. Papers Project at Stanford University* (visited Apr. 15, 2000) <<http://www.stanford.edu/group/King/>>.

⁵ The U.S. Census Bureau has estimated that 34.5 million Americans live near or below the poverty line. To view census statistics, visit U.S. Census Bureau, *Poverty* (last modified Mar. 28, 2000) <<http://www.census.gov/hhes/www/poverty.html>>. For more information on related statistics, see David Ho, *The Poor Get Poorer*, THE ASSOCIATED PRESS, Dec. 23, 1999, as displayed on ABC News Internet Ventures, *ABCNews.com: Study Says Poor Kids Getting Poorer* (visited Apr. 15, 2000) <<http://more.abcnews.go.com/sections/us/dailynews/poorkids991223.html>>.

provides support to some through food stamps⁶ and welfare checks,⁷ it may be suggested that it too infrequently provides the kind of inspiration that transforms lives.

We have with us here today three social vintners who know through experience that religion can provide the platform from which social progress can truly be expedited.

First, and to my right, you will hear from David, Rabbi David Saperstein, who is the Director of the Religious Action Center of Reform Judaism.⁸ Rabbi Saperstein, who has been described as the quintessential Jewish lobbyist on Capitol Hill, has dedicated his professional life to promoting social and political change reflecting the values of Jewish tradition. As both a member of the Bar and clergy, Rabbi Saperstein is uniquely qualified to discuss how religious institutions and religious values play an important role in issues of public policy.

Next, you will hear from Reverend Floyd Flake. Reverend Flake is Pastor of the vibrant Allen African Methodist Episcopal Church in Jamaica, New York. As a member of Congress for many years, Reverend Flake worked tirelessly to revitalize urban, commercial, and residential communities. As a minister and as a member of Congress, Reverend Flake has long been one of the nation's most prominent spokesmen for the effectiveness of church programs in making a real difference in inner-city communities. As both a political and ministerial practitioner, Reverend Flake too brings an uncommon perspective to our conference.

Lastly, you will hear from Mark Scott, the Executive Director of the Ella J. Baker House in Massachusetts. The Ella J. Baker House helps young men and women avoid violence, achieve literacy, and secure meaningful and well-paying jobs in Boston. Working with Reverend Eugene Rivers, Mr. Scott's programs have been widely acknowledged as a model of how churches can succeed where government bureaucracy has failed.⁹

After each of our speakers has spoken, there will be an opportunity for them to ask questions of each other and to comment upon the remarks they and you have heard. Then, we will have an opportunity for you to ask questions. There are microphones on my left and I believe there is one in the middle as well for you to utilize.

A core issue of this conference is whether taxpayers should be asked to fund the kinds of programs Rabbi Saperstein, Reverend Flake, and Mr. Scott will describe. But before we turn to that question, let us hear their stories.

Rabbi Saperstein.

⁶ For more information on the Food Stamps program, visit the U.S. Department of Agriculture web site at *FNS – Food Stamp Program* (last modified Feb. 23, 2000) <<http://www.fns.usda.gov/fsp/>>.

⁷ For more information about the purchasing power of welfare checks, see Robert Pear, *Welfare Checks Have Half Purchasing Power of Those From 1970*, N.Y. TIMES, Nov. 19, 1996, as posted by Talmadge Wright, *nov96 sorted: Welfare Checks Have Half Purchasing Power of Those From 1970* (visited Apr. 15, 2000) <<http://csf.colorado.edu/mail/homeless/nov96/0220.html>>. Also visit *Homepage: The Administration for Children and Families* (last modified Apr. 13, 2000) <<http://www.acf.dhhs.gov/>>.

⁸ Visit *The Religious Action Center* (visited Apr. 15, 2000) <<http://www.rj.org/rac/index.html>>.

⁹ See John Leland, *Savior of the Streets*, NEWSWEEK, June 1, 1998, as posted by *Newsweek U.S. Edition: Nation, Savior of the Streets* (visited Apr. 21, 2000) <http://newsweek.com/nw-srv/issue/22_98a/printed/us/na0122.htm>.

RABBI SAPERSTEIN:

It is a special delight to be here with so many distinguished colleagues and coworkers with whom I have worked over so many years, and particularly because this is under the aegis of the Anti-Defamation League.

It is hard to think of an organization that has done more for community relations, more for the course of religious freedom, now for the protection of religious rights in America than the ADL has done.

At the risk of offending any of my colleagues from my own organization or the wonderful other organizations we work with, I am truly hard-pressed to think of a stronger staff that exists in American public life or American Jewish life today on behalf of the causes we want, than the staff of the ADL, both in New York and in the Washington office. So, it is a particular delight to be part of this distinguished conference.

I seem to be on an ADL roll these days. I am speaking next week to a National Board meeting. My wife, Ellen Weiss, was a speaker here at the local chapter here last year. So this is, for me, kind of the icing on the cake.

That I am able to do this with two wonderful colleagues on this panel who run such extraordinary programs, and particularly with Representative Floyd Flake, who has been such a champion of justice for all of the causes that we so cherish, for so many years, is especially sweet to me.

I have to cover a lot of territory in a fairly brief time. I will do it in my normal rapid-fire mode of talking. I will obviously flag some issues for discussion later on, if you want. I am going to try and cover the ground to lay out what I think the issues are. We will be able to delve into them more carefully in the discussion period.

First, the religious underpinnings. We have to spend a minute on this. Our common faith traditions mandate in different ways that all of us be involved in the work of protecting the most vulnerable of God's children. We have a special obligation that what we do, the morality of our policies as a nation and as religious communities, is tested by what it does to "the least among us," what we do for "the widow and the orphan," how we "feed the hungry and clothe the naked," and how we "tear apart the chains of the oppressed."

We cannot claim authenticity to be people of the Book,¹⁰ people of the one God, people who accept ethical monotheism, without hearing the clarion call of Isaiah¹¹ that God does not want the fast, God does not accept the worship if it is torn apart from social justice. That view animates the extraordinary scope of religious institutional involvement in social justice activity in America.

Much of that activity is based on historical models that have developed for the Jewish community for over 3000-plus years and the Christian community for over 2000 years.

¹⁰ The editors assume that Rabbi Saperstein is referring to the Torah, the sacred scripture of the Jewish faith. For more information about the Torah, visit Project Genesis, Inc., *Project Genesis: Torah on the Information Superhighway* (visited Apr. 15, 2000) <<http://www.torah.org/>>.

¹¹ Isaiah was a prophet who lived at the time of the Assyrian conquest of Judah. For commentary on Isaiah, visit Commentary Directory, *ISAIAH Commentary Directory* (last modified Nov. 15, 1999) <<http://www.ao.net/~fmoeller/isaiahdi.htm>>.

These models were rich in offering effective, moral responses to the call of the needy and to their moral claim on us. By the Talmudic time,¹² at the time that Jesus walked the earth,¹³ every Jewish community was mandated to have at least five communal funds to deal with clothing needs, food needs, money needs, and educational needs.¹⁴ By a 1000 years ago, every Jewish community had grown into a veritable bureaucracy of social welfare institutions that were a combination of what we would call today public and private institutions. These models helped create the institutions that the Jewish community developed in America. Similarly, in the history of various segments of the Christian community, those models helped animate what we find here in the United States today. And what an extraordinary array it is.

Ron Kunan, here at the University of Pennsylvania, has concluded, after studying the field, that one-third of all daycare in the United States is delivered by religious institutions.¹⁵ Look at the volunteers that are provided to so many of the public service, public interest, social welfare institutions of America; they derive disproportionately from religious institutions.¹⁶ Look at the money given to charters and how much of that is given from religious people playing out their religious lives. But we are focusing more here on the direct programming of those religious institutions.

Jim Castelli and John McCarthy have completed recently a major study in this field,¹⁷ breaking down these works into three different categories. First, there are congregational social service programs. The vast majority of these programs run without any kind of public funding. Second are the national networks, such as Catholic Charities,¹⁸ Lutheran

¹² This period is estimated to be between the early half of the first century B.C.E. and the first century C.E.

¹³ The birth of Jesus Christ is generally thought to have occurred between the years 4 B.C.E. and 7 C.E.

¹⁴ For examples of modern Jewish organizations that have been established to meet community needs, visit Jewish Community Federation of Louisville, Inc., *News Features* (last modified Apr. 13, 2000) <<http://www.jewishlouisville.org/News/News.htm>>. Also visit Jewish Defense League, Inc., *JDL Special Announcements* (visited Apr. 15, 2000) <<http://www.jdl-florida.org/4.htm/>>.

¹⁵ For general information about religious institutions providing daycare, visit Focus on the Family, *Family.org – CitizenLink Research – Vouchers for Christian Child Care* (visited Apr. 15, 2000) <<http://www.family.org/cforum/research/papers/a0002122.html>>.

¹⁶ For examples of religiously based volunteerism, visit *Quaker Volunteer Service and Witness Network (QVSWN)* (visited Apr. 15, 2000) <<http://www.uic.edu/~conant/qvstc>>; *Jesuit Volunteers* (visited Apr. 15, 2000) <<http://www.JesuitVolunteers.org/>>; Pastors to Prisoners, *Welcome to Pastors to Prisoners!* (visited Apr. 15, 2000) <<http://www.pastorstoprisoners.org/>>.

¹⁷ See John McCarthy & Jim Castelli, *Religion-Sponsored Social Services: The Not-So-Independent Sector*, ASPEN INSTITUTE NONPROFIT SECTOR RESEARCH FUND (1998). Jim Castelli has posted an executive summary of this report at *Recent Project* (visited Apr. 15, 2000) <<http://members.aol.com/jimcast/recent.htm#aspen>>. Or, one may order the full text of the report from the Aspen Institute at *Aspen Institute - Bookstore* (visited Apr. 21, 2000) <http://www.aspeninst.org/publications1/bookstore_nonprofit.asp>.

¹⁸ For information about Catholic Charities, visit their web site at *Catholic Charities* (visited Apr. 15, 2000) <<http://www.ccspm.org>>.

social ministries,¹⁹ and the Jewish Federation system.²⁰ These networks are associations of congregations, denominational groups, and religious communal institutions, that do derive money from religious sources, and from public sources in large amount, but deliver their services in non-overtly religious ways. (Although one must never lose sight that they are profoundly religious activities motivated by religion, inspired by religion, and shaped by religious values; they are without religious education, proselytization, and sectarian activity within them.) Finally, there are the free-standing programs that range from large ones (like the Salvation Army²¹ and Chuck Colson's prison ministries²²) to those very small faith-based organizations and social service programs happening in every community at an extraordinary rate.

A recent study was done by two young Princeton grads in Washington, D.C.²³ They spent two months looking for organizations in D.C. that were not on the charts. They found 129 faith-based organizations that were regularly providing food or other necessities for 3500 hundred children and adults in Washington, D.C. on a daily basis.²⁴ Similar results could be found in every community across the United States.

Based on Castelli's and McCarthy's research, we know today that between \$15 billion to \$20 billion in privately contributed funds is expended on these kinds of programs.²⁵ These private sources, together with the public funds that some of these programs use, plus the amount of social services delivered by the religious community is enormous. John Dilulio²⁶ concluded, from looking at the research done here in

¹⁹ For more information about the Evangelical Lutheran Church in America, visit Evangelical Lutheran Church in America, *Home Page of the Division for Church in Society of the Evangelical Lutheran Church in America* (visited Apr. 15, 2000) <<http://www.elca.org/dcs>>.

²⁰ For various Internet web sites of local Jewish federations, visit *Jewish Resources Page – Gateway to the Jewish World* (visited Apr. 15, 2000) <<http://www.jfed.org/jlinks/jlinks.htm>> as linked from *Welcome to FedNet – Jewish Federation of the Greater East Bay* (last modified Apr. 11, 2000) <<http://www.jfed.org/>>.

²¹ The Salvation Army is an international movement and “evangelical part of the universal Christian Church.” *The Salvation Army* (visited Apr. 21, 2000) <<http://www.salvationarmyusa.org/aboutfol/about1.htm>>. For more information on the ministry of the Salvation Army, visit its official web site at *The Salvation Army USA* (visited Apr. 21, 2000) <<http://www.salvationarmyusa.org/>>.

²² Charles W. Colson, Special Counsel to President Nixon, was the first member of the Nixon administration to be imprisoned for charges related to Watergate. Having converted to Christianity before entering prison, Colson now serves as chairman of the Board of Prison Fellowship. For more information about Colson, visit Breakpoint, *Breakpoint – A Christian Perspective on the News* (visited Apr. 21, 2000) <<http://www.breakpoint.org>>.

²³ McCarthy & Castelli, *supra* note 17.

²⁴ *Id.*

²⁵ *Id.* (stating, “Our best estimate is that religious congregations, national networks, and freestanding organizations spend between \$15 and \$20 billion of what is raised in privately contributed funds a year on social services”).

²⁶ John J. Dilulio, Jr. is a professor of politics at the University of Pennsylvania and a Senior Fellow at the Manhattan Institute and Brookings Institution.

Philadelphia, that the value of the social services provided by the religious community in Philadelphia alone is \$1 billion.²⁷ Withdraw completely from that field, and it would have a devastating impact on this community and obviously on every other community in America.

How then do we work together with government? George Kelling's²⁸ research laid out the continuum of interorganizational relations between government and the faith-based organizations. The relations range from "collaboration," (where we change the way we do business to enter into an explicit contract with the government); to "coordination," (in which we align and adjust our activities, that is, we often work together, but our traditional organizational boundaries remain intact); to "cooperation," (similar to coordination, but at a lesser level); "consent," (where we go about our own business, but verbally or through our actions approve of what others do); to "indifference," (where we just ignore each other); to the opposite side of cooperation, i.e., to objection, passive protest, defiance, and active opposition.

Now, there is an enormous range of these kinds of activities and of relations between government and faith-based organizations today. Part of that range is based primarily on how one reads the constitutional, legal, and public policy issues that are involved. We are focusing on education and social services. That raises the issues of vouchers and Charitable Choice. You are going to hear major debates on these issues throughout the day today.²⁹

I will not spend much time on it, but let me just lay out what I think are the underlying issues that need to be resolved. I will point out that yesterday, [October 21, 1999,] Congress voted in a vote of 257 to 166, with fifty Republicans joining the majority, to vote against a federalized voucher program.³⁰

There are four basic issues that are involved in government funding of religious faith-based organizations. They include the following: first, can government money be used

²⁷ See generally Tim Stafford, *The Criminologist Who Discovered Churches*, CHRISTIANITY TODAY, June 14, 1999, at 34; John J. Dilulio, Jr., *Supporting Black Churches*, BROOKINGS REV., Apr. 1, 1999, at 42; E. J. Dionne, Jr. & John J. Dilulio, Jr., *What's God Got to Do With the American Experience?*, BROOKINGS REV., Apr. 1, 1999, at 4.

²⁸ Mr. Kelling is a professor at the School of Criminal Justice, Rutgers University and a Fellow at the Kennedy School of Government, Harvard University. He is also a Senior Fellow at the Manhattan Institute.

²⁹ See generally *Debate 2: Should the Government Provide Financial Support to Religious Institutions that Offer Faith-Based Social Support?* and *Debate 3: Do School Vouchers Violate the Establishment Clause? Are They Good Public Policy?*

³⁰ Actually, 52 Republicans voted against House Amendment 536. *Final Vote Results for Role Call 521* (visited Apr. 21, 2000) <<http://clerkweb.house.gov/cgi-bin/vote.exe?year=1999&rollnumber=521>>. As offered by Representative Dick Arme, the Safe and Sound Schools Amendment to the Elementary and Secondary Education Act, H.R. 2, proposed to provide a \$3500 scholarship to children who were victims of violent crimes at school or who otherwise attended unsafe schools. Parents could then use the scholarship to send their children to a school of their choice. *Bill Summary & Status* (visited Apr. 21, 2000) <<http://thomas.loc.gov/cgi-bin/bdquery/z?d106:HR00002:@@L&summ2=m&>>. See also *Safe and Sound Schools Amendment Introduction* (visited Apr. 22, 2000) <<http://www.freedom.gov/aea/releases/amendintro.asp>>; *We May Have Lost the Vote, But We Have Won the Debate* (visited Apr. 22, 2000) <<http://www.freedom.gov/aea/releases/amendvote.asp>>.

to pay for programs that have religious content a) directly, or b) indirectly? Can it pay for a program, (or for the nonreligious parts of a program) that has a central religious content to it? What does that mean? Can you separate them out? What kind of government monitoring is necessary to separate them out? Is there sufficient government endorsement and support for the religious activity, even when the government are paying only for the secular parts, that it is a violation of the Establishment Clause?

Secondly, can government money be used in programs that discriminate on the basis of hiring? Religious groups say that in order to do our religious mission properly, we need people who share our values and accept our religious mission. We cannot be forced to hire people whose views may be antithetical to that and still carry out our task properly.

Third, can government money be used to discriminate against the people who are being served, e.g., on the basis of sexual orientation, perhaps, or on the basis of their public support for positions that are an anathema to the religious group, or more commonly, simply on the basis of the religion of the recipient? Although in the Charitable Choice debates we will have later, we are going to hear that there are legal efforts to try and mitigate and eliminate that problem, in point of fact, there are programs in effect right now, which are not being challenged or tested, in which just that happens all the time.

Let me just cite the ABC Child Care Program.³¹ It is a wonderful act. Many of us worked in helping to shape that act. But it allows for the churches and synagogues that are delivering daycare services to discriminate in favor of the people who belong to their churches, the members of their own churches.³² That is indirect discrimination, if not direct, on the basis of religion.

Finally, what kind of government interference, regulation, and control comes with the government money? The religious communities of America are all over the map on this. Some say, to take government money, you have to have government control, to accept government rules, regulations, and standards. Others say there ought to be exemption for religious institutions to have religious programs under the Free Exercise Clause,³³ but we still ought to be able to get government money. Still, other groups say you can have religious programs: you can have discrimination in hiring and in whom you serve.

Many of the groups are somewhere in the middle, including the Catholic Church and a number of the mainline Protestant groups. Most in the middle say that you cannot have or you should not have proselytization or religious activity involved. You can discriminate in who you hire but never in who you serve.

Jewish communities in the main, excluding the orthodox community, believe that all of these things are wrong. They believe that the government control and regulations that

³¹ See generally Elizabeth J. Samuels, *The Art of Line Drawing: The Establishment Clause and Public Aid to Religiously Affiliated Child Care*, 69 INDIANA L.J. 39, 49 (1993) (explaining origin of the Child Care and Development Block Grant Act of 1990 stemmed from “the original Act for Better Child Care Services (‘ABC’)”).

³² See *id.* at 56-57.

³³ The Free Exercise Clause provides, “Congress shall make no law . . . prohibiting the free exercise [of religion.]” U.S. CONST. amend. I.

come with government funding are appropriate, and, therefore, you should not have government funding. The government should not be regulating religious organizations and institutions in terms of their religious work. That you should not discriminate, ever; discrimination with government money is just simply wrong. It is one thing to give an exemption to allow religious groups to do it on their own with their own money, but the government should not discriminate. Finally, government money should not be used to pay directly or indirectly for religious activity in social service programs.

Having said all of this, what then are the models of what we have? Let me just mention what you can do without accepting government money, but with government cooperation. Let me just mention, obviously, the churches and synagogues of America that provide the volunteers for an endless number of organizations. In the educational field, there can be mentoring programs with government money that do not have religious content, and mentoring programs without government money that do. There can be programs helping to support our public schools, our government-supported schools, and coalitions to focus on the problems of education (through educating the community about those problems, educating them about what the needs are of the schools) and there can be school programs to help keep kids off the streets; and on and on.

For example, in the Topeka Unified School District in Kansas, black pastors got together to engage in a program cooperatively with government to reduce student dropout and detention rates.³⁴ In Philadelphia's Project 10,000, a campaign to recruit classroom aides, efforts were made to recruit directly from the synagogues, churches and mosques of the community.³⁵ In Chicago, after an outbreak of violence last year, religious leaders and school leaders sought legal advice regarding how to broker a formal relationship between the churches and schools without violating the Constitution.³⁶ In Wilmington, Delaware, Martin Luther King Elementary School developed mentoring programs.³⁷ Kids Hope USA, a Michigan-based effort, has recruited consistently from the churches and synagogues, and so far so too for social service programs.³⁸

We will hear about some crime prevention programs in a moment. The Ten Point Coalition Program,³⁹ eases regulations on the counseling and treatment programs when there is no government money involved, so that the religious community is not impeded

³⁴ Joe Loconte, *The Bully and The Pulpit: A new model for church-state partnerships*, JOURNAL OF AMERICAN CITIZENSHIP POL'Y REV., Nov.-Dec. 1998, at 28.

³⁵ *Id.*

³⁶ *Id.*

³⁷ Loconte, *supra* note 34.

³⁸ *See id.* Kids Hope USA, based in Spring Lake, Michigan, pairs churches and schools to provide one-on-one mentoring to at-risk students. For more information on this organization, visit *International Aid Inc. – KIDS HOPE USA* (visited Apr. 15, 2000) <<http://www.internationalaid.org/links/khop.htm>>.

³⁹ Boston's Ten Point Coalition is a church-based anticrime network. *See* Aaron Gallegos, *Between the Lines: National Ten Point Coalition*, SOJOURNERS MAGAZINE (1997), as posted by Sojourners Online, *Between the Lines, Sojourners Magazine July-August 1997* (visited Apr. 15, 2000) <<http://www.sojourners.com/soj9707/970742b.html>>. Also visit *National Ten Point Coalition* (visited Apr. 15, 2000) <<http://www.yesamerica.org/ntlf.html>>.

by government regulations from doing their work as well as possible. The Coalition educates people as to the diverse options for receiving social services, including those from nongovernment-funded programs in the churches and the synagogues.

Many of our congregations run health fairs that provide health services (where for a weekend they work with all the social service agencies, both governmental and nongovernmental, sometimes bringing thousands of people into the congregation) where the doctors and other members of the congregation will evaluate, refer, and help those with insurance problems to move towards better services.

There are homeless shelters in the synagogues with several working cooperatively, like in our congregations in Atlanta and programs building transitional housing, for the homeless, as with Temple Sinai in Washington, D.C., and Temple Micah in Washington, D.C. A coalition of churches and synagogues in Dallas set up a daycare center so that they will be able to provide daycare to homeless children so the parents can look for work during the day.

The range of programs that we can do together is endless. It is endless what we can do without government funding. Without government funding, there is no restriction on discrimination and there is no religious activity. Therefore, the government is not regulating the religious activity that comes with our government money.

Let me just give you the bottom line. When I have traveled across the world, in my capacity as the Chair on the U.S. Commission on International Religious Freedom, wherever I meet with religious leaders in democratic countries, almost all of which have government-sponsored, endorsed, or supported religion, almost everyone says, "I am jealous of you, the level of involvement you have." The level of financial support, the level of volunteer support that America has is simply unmatched anywhere in the world. It is precisely reliance on the government that took them down a path that has eroded the strength of their religious communities there. Whatever costs we may incur in the short run for us to do these religious-based programs on our own, in the long run it is good for religion and it is good for the people we serve.

(Applause.)

MR. GLOVSKY:
Reverend Flake.

REVEREND FLAKE:

Thank you very much for this opportunity to come and share with ADL. I was with ADL some months ago in the fall in New York, as we debated the question of charter schools, choices in schools. To be here with you this morning is especially pleasing. I am, indeed, grateful to Rabbi Saperstein. I feel like I am back in high school running the second leg on the 1600-meter relay. He got us off to a great start.

As I look at this audience, I feel as if I am in Allen A.M.E. Church on a Sunday morning because all of you have left the front vacant and moved to the rear. I do not know what that means, Rabbi. I do not know whether it works that way in the synagogues or not. But certainly, in our churches, they fill up the rear first. It may mean that we are drinking so much coffee, we just want to be near the exit. Or it may mean that we will hear something we do not want to hear and will have an opportunity to move

out quickly. I want to thank you, Rabbi, for setting the stage for what I consider to be one of the most important meetings on education. Thank you, ADL, for calling this meeting.

Because there are many changes occurring in the religious and governmental fronts as they relate to trying to solve many of the problems in this nation, we realize government has not been able to do so successfully on its own.

We realize that many of our religious institutions, particularly in the African-American experience, starting from before the turn of the century, at the advent and change in terms of laws that prohibited slavery,⁴⁰ began a process where needs were best met through the churches, through the only institution that they had of any substance, of any meaning, the only institution that garnered any level of respect, the Church.

Here, in Philadelphia, Richard Allen⁴¹ started the Free African Society⁴² with Absalom Jones.⁴³ When the disease that plagued this city became a problem, the City gave money to that African Free Society so that they might be able to respond to this calamity and they were able not only to take care of the needs of black families recently out of slavery, but white families as well.⁴⁴

There has been a history, even in those places where it was impossible to begin schools, that African-American churches became the first places for schools in their community. This was the case in Jamaica, Queens, New York, where it was impossible, where, for whatever reason, the state did not provide funding for a black school nor a means of educating those young people, the church took on that responsibility. Over time, we have seen a major evolution in terms of the roles the churches play in trying to change the very face of our society by virtue of empowering a people who oftentimes have not felt that they were getting the full benefit of government services.

One of the problems seems to be, as we shape these arguments, is the notion that religious people are not tax-paying people. In a community like mine, which is primarily middle class, but with great needs on the part of so many people who are not a part of that middle class, I am in a tax-paying community, the highest median income in the City of New York among African-American communities. Therefore, if people pay taxes, they

⁴⁰ For an extensive chronology of the history of slavery in the U.S., visit Eddie Becker, *Chronology on the History of Slavery 1619 to 1789* (visited Apr. 22, 2000) <<http://innercity.org/holt/slavechron.html>>; WGBH Educational Foundation, *Africans in America* (visited Apr. 22, 2000) <<http://www.pbs.org/wgbh/aia/home.html>>.

⁴¹ For a biography of Richard Allen, visit WGBH Educational Foundation, *Africans in America/Part 3/Richard Allen* (visited Apr. 22, 2000) <<http://www.pbs.org/wgbh/aia/part3/3p97.html>>.

⁴² In 1787 Richard Allen and Absalom Jones formed the Free African Society in Philadelphia. To read a summary of the Preamble of the Free African Society or the text itself, visit WGBH Educational Foundation, *Africans in America/Part 3/Preamble of the Free African Society* (visited Apr. 22, 2000) <<http://www.pbs.org/wgbh/aia/part3/3h465.html>>.

⁴³ For a biographical sketch of Absalom Jones, see James E. Kiefer, *Absalom Jones* (visited Apr. 22, 2000) <<http://justus.anglican.org/resources/bio/98.html>>. To see a portrait of Jones, visit WGBH Educational Foundation, *Africans in America/Part 3/Portrait of Absalom Jones* (Apr. 22, 2000) <<http://www.pbs.org/wgbh/aia/part3/3h85.html>>.

⁴⁴ See generally WGBH Educational Foundation, *supra* note 43.

have a right to access whatever means necessary to receive those taxes back to provide services that meet the needs of their people, just as the government provides those government resources in various other kinds of entities.

I find it very interesting that the debate is about religion and government's role. During the past eleven years, the House of Representatives has voted for defense budgets that allocated monies to go to various military contractors, so that they might be able to build weapons of war. When we talk about religion, the discussion that we are going to somehow distort all that is applicable as it relates to due process⁴⁵ and constitutional realities come back. We can build weapons of war with government resources, but we cannot educate children, provide shelters, or build homes.

As one who is involved and engaged in the building of a major corporation, eleven major corporations that operate out of our church, providing a range of services to meet the needs of individuals who not only come to the church expecting that we will be responsive in the areas that Rabbi Saperstein has laid out, but in reality expecting a level of empowerment that gives these individuals a sense that they do not have to wait until they reach the eschatological realm of the life hereafter in order to receive their full benefits. These individuals ought to have some semblance of heaven here. I actually preach that message consistently on almost every Sunday.

As a member of the Fannie Mae Foundation Board,⁴⁶ I am examining various changes that have occurred over the last fifty years in America, and looking at the first stages of development in this country. We realize that we placed some of our emphasis and some of our efforts on primarily government funded programs such as the dominance of interstate highways and the automobile, changes in policies that relate to federal mortgaging possibilities to create for housing opportunities, and the building of subdivisions, and, indeed, subdivision regulation. As we have looked at the changes that have occurred, and the shifts that have moved populations from urban and inner-city communities into the suburbs, we have found that there has been, indeed, industrialization of the urban communities.⁴⁷

Therefore, we must look for an opportunity to garner resources to rebuild those communities, urban communities that were left behind. No church has the capability or capacity to do it alone, nor has government the will to do it itself. Therefore, it seems to me a partnering and a relationship that allows for some leveraging of shared resources between them is the only way that we will ever be able to reclaim the kind of democracy that we so freely export abroad, without feeling somewhat hypocritical in offering to

⁴⁵ The federal Due Process Clause provides, "No person . . . shall . . . be deprived of life, liberty, or property, without due process of law[.]" U.S. CONST. amend. V. The Fourteenth Amendment incorporates federal due process to the states: "No State shall . . . deprive any person of life, liberty, or property, without due process of law[.]" U.S. CONST. amend. XIV, § 1.

⁴⁶ The Fannie Mae Foundation provides affordable housing and home-ownership opportunities throughout the country. For more information about the foundation's mission and programs, visit Fannie Mae Foundation, *Fannie Mae Foundation* (visited Apr. 22, 2000) <<http://www.fanniemaefoundation.org/home.htm>>.

⁴⁷ See Robert Fishman, *The American Metropolis at Century's End: Past and Future Influences*, HOUSING FACTS AND FINDINGS, Winter 1999 (visited Mar. 22, 2000) <<http://www.fanniemaefoundation.org/research/facts/wi99s1html>>.

other nations that which we do not provide for the masses of our citizens right here in this country.

As we look back and see some of the moves that have occurred over the last fifty years, racial segregation and job discrimination have broken down primarily by legal systems and by laws.⁴⁸ Also, we look around and see how we have now gentrified in some way many of those populations who do not have the resources to take care of themselves through suburban sprawl. The Sunbelt-type sprawl⁴⁹ has taken places that were nonexistent cities as late as twenty years ago and transformed them into inner cities. The urban riots of the sixties left many major cities devastated.⁵⁰ Yet, they still have major business sectors and business communities, which are not necessarily involved in the rebuilding of those communities. As we look at what we will face into the next century, I think we have to look at new models and new ways of trying to change them into more productive communities.

Our Fannie Mae Foundation survey indicates that our future is one where we will see growing disparities in wealth.⁵¹ Suburban political majorities basically control not only the suburbs, but the innercities as well.⁵² The aging of baby-boomers, coupled with the perpetual underclass in the central cities and closed-in suburbs, places where the people moved in the early sixties and seventies, are now beginning to deteriorate as the outer suburbs are beginning to sprawl.⁵³ We need to look very closely at these changes and what they mean to the future. Ultimately, there was a decision that the way to solve the problem was to put kids on buses and send them to various communities as a means of trying to solve the problems of racial integration in schools. All of us realize in Boston and St. Louis and other places that busing failed. With that in mind, what do we do? In communities where government services that ought to be available are not available, who can best deliver those services?

I would conclude that the religious institutions have the greatest capacity, since in most communities they are the only institution of substance and viability that is left in the community. Most of the businesses, by virtue of the industrial changes, have already left. Now we are serving a population of people who have no access to jobs, even in places

⁴⁸ *See id.* (describing racial discrimination and segregation in northern industrial cities against African Americans).

⁴⁹ *See id.* (describing the Sunbelt-style sprawl as “centerless, borderless agglomerations where massive housing developments, regional malls, industrial parks, office parks, and strip-development spread out in seemingly random order along the network of highways”).

⁵⁰ *See id.* (describing urban riots of the 1960s as a “transition from the overcrowded ghettos of the immediate postwar period to the much larger inner cities marked by depopulation, deindustrialization, and abandoned housing”).

⁵¹ Fishman, *supra* note 47 (informing that majority of survey respondents foresaw “the continuation and even intensification of the ‘urban crisis’ that has characterized the past 50 years: growing disparities of wealth, a suburban political majority, a perpetual urban ‘underclass,’ the deterioration of ‘first-ring’ post-1945 suburbs, and continued automobile-based sprawl into new peripheral edge cities”).

⁵² *Id.*

⁵³ *Id.*

where we dare to suggest Welfare to Work⁵⁴ ought to work. It does not work because jobs are not in those communities. Therefore, religious institutions are required to take on an expanded role and a redefinition of what scriptural teachings mean.

In our tradition of understanding what it means to house, to clothe, and to provide for basic services, we have been forced to expand the level of those services to meet basic needs and try to create an environment where people have an opportunity to find jobs in places where they live. Through the ministry at my church, through our tithes, we are obedient to the Word in terms of raising offerings and tithes. We have discovered that when people see themselves involved in a process whereby those resources are leveraged, they actually put more into the collection plate. We raise about \$7.2 million a year in tithes and offerings. That money is leveraged with government resources and creates for us a \$27 million budget. That \$27 million budget meets various kinds of needs, such as a home care agency that provides 500 units for senior citizens who would otherwise be placed in institutions, but are able to receive those services at home. We run the home care agency with government funding, primarily from the Older Americans Act.⁵⁵

We have a senior citizens center, containing 300 units for over 427 residents, many of whom, by virtue of age, would not have the capacity to manage their properties, which are deteriorated. We give the residents some dignity in their old age. Many have worked all of their lives and have come to a place in life where they just do not have the resources to take care of themselves. Living in an environment with the Section 8⁵⁶ set-aside that allows them to pay no more than 30% of their income for rent gives them an opportunity to live with some measure of dignity.

We provide psychological services, health care services, prenatal and post-natal services, driving while intoxicated ["DWI"] classes, services for women who are victims of abuse. We also provide shelters for them. Almost every single arena of life that one can define that is absent in the community, we provide it through the eleven corporations that we operate. We feel that it is critical for us to do it because, if it is not done by us, the community continues to deteriorate. Where there is a deteriorated community, it is impossible to provide the kind of stability where families can indeed grow together and be strong, and where children are not moved and shuttled from one shelter to another, or moved from one foster care arrangement to another.

⁵⁴ For more information and related articles on the Welfare to Work program, visit The Employment and Training Administration, *ETA Welfare to Work Internet Home Page* (visited Apr. 22, 2000) <<http://wtw.doleta.gov/>>.

⁵⁵ Older Americans Act of 1965, 42 U.S.C. § 3001 et seq. (1999). To see how the Act is being implemented, visit Department of Health and Human Services, *Administration on Aging – Information on Older Persons and Services for the Elderly* (visited Apr. 22, 2000) <<http://pr.aoa.dhhs.gov/>>.

⁵⁶ Section 1437f of chapter 42 of the United States Code provides in pertinent part, "An owner of a covered section 8 housing project (as such term is defined in section 659 of the Housing and Community Development Act of 1992) may give preference for occupancy of dwelling units in the project, and reserve units for occupancy, in accordance with subtitle D of Title VI of the Housing and Community Development Act of 1992." 42 U.S.C. § 1437f(d)(2)(D) (1999). The Code defines "covered section 8 housing" as "housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of the United States Housing Act of 1937, as in effect before October 1, 1983, that is assisted under a contract for assistance under such section." 42 U.S.C. § 13641(2)(G) (1999).

Just as the government sees its role as participating through the various programs that give resources to businesses so that they may stay in communities,⁵⁷ to build stadiums for athletic events and entertainment,⁵⁸ it seems to me that it makes logical sense that it ought to give resources in those areas where a person's basic human needs are being met. The government has not shown any capability for doing it in the kind of range of necessity that has been identified. So we continue to build. We build homes through one of our corporations for first-time home buyers. We do that because we realize this growing disparity of wealth can only be solved when people have access to assets. These would be not just depreciating assets, but assets that grow. Home ownership has represented for many of us the greatest possibility of success for those who have been able to have this equity growing and have been able to draw on that asset to send kids to college and to do other things. The home is the primary asset in most of our portfolios.

It is critical to understand that if we do not allow religious institutional participation with government, with some rules for accountability, guidelines and structures, that we will see even worse conditions in urban America than we see today. Our challenge then is not to raise the question of whether religion ought to be involved with government, and government with religion, but, rather, how do we structure a process that allows the resources of government to be spent in appropriate ways that do not foster religion.

When we are meeting the basic needs of people, there is a necessity to understand that the primary goal of most religious institutions that I have been involved in has not been to foster its religion, but to meet the basic needs of people. If that is met, you can have the by-product of people responding to a particular religious institution that is providing the service. However, for the most part, that is not the case. For example, we have a Christian school, and it is not government funded at all, but only about 15% of the members in that school are members of my congregation. In the senior citizens' center, less than 10% of the people living in that home are members of my congregation. We built 166 brand-new homes. In those homes are only three members who are part of our congregation.

We have not tried to foster religion. What we have tried to foster is a sense of well-being on the part of the people we serve and give them an understanding that we believe that it is right that we find access to government resources and use those resources in the best interest of people. In doing so, we are serving the best interest of this nation, and indeed fulfilling our commitment as a religious institution called to make a commitment to God and to meet the needs of all of our people.

Lastly, I will speak on the question of education, because I think that we need to understand. I have obviously taken some strong positions as it relates to charter schools and vouchers. I have done it in part because I do not believe that *Brown v. Board of*

⁵⁷ For example, the Small Business Administration provides loans and other programs for small business owners. Visit *SBA: Small Business Administration Home Page* (last modified Apr. 21, 2000) <<http://www.sba.gov>>.

⁵⁸ In New Jersey, for example, the recently constructed Waterfront Park has helped to revitalize downtown Trenton. To view Waterfront Park and the Trenton Thunder baseball team, visit Trenton Thunder, *The Trenton Thunder Baseball Team* (visited Apr. 22, 2000) <<http://www.trentonthunder.com/>>.

*Education*⁵⁹ in 1954, intended for integration only to be a one-way bus that took children out of urban communities, into suburban communities, without the government making necessary investments in the communities out of which those children were coming.

Now, as we see the changes that have occurred in busing, we also realize that we have moved to a test-based society.⁶⁰ I do not believe in lowered standards, but in high expectations. The challenge must be to find a way to deliver education to those children who are left behind. The resources that we do not spend in building educational institutions that are capable of educating our children will ultimately be spent in building of jails. It is spent in the building of jails because our public education system is an uneven one.

At the top tier, suburban kids are receiving a good quality education for the most part. In the second tier are the many students who were able to ride the buses to the suburbs or parents found other means of getting them educated. That third tier, which is public education in urban communities, is a tier where the majority of its students are not passing, not graduating, or being pushed along through social promotion, only to discover when they sit to take the Stanford,⁶¹ the California,⁶² the Iowa,⁶³ the SAT,⁶⁴ the LSAT,⁶⁵ that they do not have the skills to compete and move forward.

I do not think that this nation should see any pride in the fact that it is paralyzing generations of children that will never be able to be competitive unless there are special programs for them. I do not argue for the special programs. Coming out of the segregated south, I went to a black school with four teachers teaching eight grades. They made us expunge words like “can’t” from our vocabulary and challenged us to

⁵⁹ *Brown v. Board of Educ. of Topeka*, 347 U.S. 483 (1954). To read the case online, visit Touro College Jacob D. Fuchsberg Law Center, *Brown v. Board Of Educ. of Topeka* (visited Apr. 22, 2000) <<http://www.tourolaw.edu/patch/Brown/>>.

⁶⁰ For a comprehensive list of educational standards across the country, visit Putnam Valley Central Schools, *Developing Educational Standards: Overview* (visited Apr. 22, 2000) <<http://putwest.boces.org/Standards.html>>.

⁶¹ For a description of the Stanford Achievement Test, visit Harcourt, Inc., *Stanford 9 Overview* (visited Apr. 23, 2000) <<http://www.hemweb.com/trophy/achvtest/sat9view.htm>>; Publishing 20/20, *Testing: What is the Stanford-9 (STAR) Test, and is it Fair?* (visited Apr. 23, 2000) <<http://www.schoolwisepress.com/smart/browse/test/test4.html>>.

⁶² For more information about the California Basic Educational Skills Test, visit its web site at National Evaluation Systems, Inc., *CBEST Home Page* (visited Apr. 23, 2000) <<http://www.cbest.nesinc.com/>>.

⁶³ For a breakdown of the Iowa Achievement Test, visit BJUP Press, *BJUP – Testing – Iowa Achievement Test* (visited Apr. 23, 2000) <<http://www.bjup.com/testing/category1/iowa.html>>.

⁶⁴ For information on the Scholastic Aptitude Tests, visit Educational Testing Service, *Information on the College Board SAT Program* (last modified Jan. 6, 2000) <<http://www.ets.org/satets.html>>; College Entrance Examination Board, *The College Board: Educational Excellence for All Students* (visited Apr. 23, 2000) <<http://www.collegeboard.org/>>.

⁶⁵ For more information on the Law School Admissions Test, visit the official web site at Law School Admission Council, Inc., *LSAC.org - Official LSAT Site of the Law School Admissions Council* (visited May 8, 2000) <<http://www.lsac.org>>.

understand that our color would not be the ultimate determinant of our success. Our success would be determined by what we got, as they say, between our ears and whether or not we had the drives to try to achieve.

Our challenge must be to go back to that kind of teaching. These Choice alternatives are necessary in many communities because I am not convinced that the public system as we know it will be able to solve the problems in the near future. If they cannot solve it in the near future, it means further generations of our children will not have quality education and will not be able to compete.

Lastly, there is a category called special education - and it is an area that we really do not talk about in public education - funded by the federal government.⁶⁶ It has become a dumping ground for many kids who never have an opportunity to come back into a normal classroom setting and who usually wind up in the streets committing acts of crime. They are the ones who help to significantly increase the jail population.

So, I come to you this morning to make a passionate plea that you understand that we cannot simply talk about religion not being involved in government or government not in religion. I think it is the right of the people to receive the government resources and the responsibility of religious institutions to leverage by whatever means necessary those funds they can access to meet the needs of all people.

Thank you very much.

(Applause.)

MR. GLOVSKY:

Mr. Scott.

MR. SCOTT:

I am very pleased to be here this morning on such a distinguished panel. I am very thankful to the ADL for inviting me to come and speak about the work that we are doing in Boston. I just wanted to say before I start that there are some partners that we have in Boston for which the work that we are doing and the success that we have experienced would not have been possible were they not involved in the effort. The Jewish community in Boston is one of those partners. Without their involvement, the work would not have gone forward. It is that simple.

What I hope to do is to provide sort of an example or a bit of a case that we can talk about and ask some questions in terms of something that is happening on the ground and in the field.

I want to talk about, as by way of introduction, some of the institutions that I am affiliated with in Boston. There is the Azusa Christian community, which is a very small faith community, a small church, membership somewhere a number less than twenty.⁶⁷ There is the Ella J. Baker House, which is a house that sits in the Four Corners section of Dorchester, the very poor, very young, very black community in Dorchester, and seeks to

⁶⁶ Visit U.S. Department of Education, *ED/Office of Special Education and Rehabilitative Services (OSERS)* (last modified Apr. 7, 2000) <<http://www.ed.gov/offices/OSERS/index.html>>.

⁶⁷ *The NewsHour with Jim Lehrer* (PBS television broadcast, Dec. 12, 1998) (describing work of Azusa Christian Community in Boston).

be of service to, primarily, the young people in the neighborhood. There is the Boston Ten-Point Coalition,⁶⁸ which is the coalition of churches working to combat youth violence; the National Ten Point Leadership Foundation,⁶⁹ which is trying to replicate that work across the country; Operation 2006,⁷⁰ which I will get into in a bit more detail as sort of a case.

I am a member of Azusa as well as the Director of the Ella J. Baker House. I also labor for both the National Ten Point Leadership Foundation and Operation 2006.

Picking up on some of the Rabbi's comments, I would describe the type of organization that I am talking about as a free-standing, small, faith-based organization, community-based organization, providing social services.

We have to look at asking the right questions. The question may not be so much what is the relationship between government and religious institutions, but rather can people of good will work together to forge creative solutions to urban problems? Secondly, how will those solutions be evaluated and sustained? Our focus should be on those who are in need, to question whether they have options.

Operation 2006 was started in response to demographic data that indicates that there would be an increase in the juvenile population in the country by the middle of the next decade.⁷¹ I am going to read from an editorial that was in the Boston Globe written by my boss, Eugene Rivers, on October 5, 1999. The Office of Juvenile Justice and Delinquency Prevention indicates that "there will be more than 13 million teenagers between the ages of 15 and 17 by the year 2010 – a 31 percent increase from 1990. . . . [but] children between the ages of 10 and 14 there will be a 21 percent increase during

⁶⁸ The Boston Ten-Point Coalition – Operation 2006 combines the efforts of the church clergy and laity and the Boston Police to reduce violence among at-risk youth. *Boston Ten-Point Coalition – Operation 2006 – Boston, MA* (visited Apr. 23, 2000) <http://ojjdp.ncjrs.org/pubs/gun_violence/profile46.html>.

⁶⁹ See *id.* Also visit *The National Ten Point Coalition* (visited Apr. 23, 2000) <<http://www.yesamerica.org/ntlf.html>>.

⁷⁰ See *supra* note 68. Attorney General Janet Reno had only good things to say about the creation of this coalition:

This new coalition of religious organizations to combat crime is very good news. "Operation 2006" is a national effort to mobilize black churches as partners in the effort to end crime in some of our most dangerous neighborhoods. Modeled on Boston's Ten Point Coalition, it provides just the sort of active involvement that can make a real difference in reducing crime and giving young people a future free of violence. I know how effective the Ten Point Coalition has been. I have seen it work. Reverend Rivers and his partners in other churches around the country are taking a very positive step to create safer neighborhoods and a brighter future for all Americans. We want to work closely with Operation 2000 and all grassroots efforts to fight crime.

#144: *04-09-97 Statement by AG Reno on the Creation of Operation 2006* (visited Apr. 23, 2000) <<http://www.usdoj.gov/opa/pr/1997/April97/144ag.htm>>.

⁷¹ The Office of Juvenile Justice and Delinquency Prevention estimates that "[b]etween 1995 and 2015, the population of persons under age 18 is expected to increase 8%." *The Number of Persons Under Age 18, 1970-2030* (visited Apr. 23, 2000) <<http://ojjdp.ncjrs.org/ojstatbb/qa092.html>>.

the same period.”⁷² The editorial continues, “Moreover, there will be an 8 percent increase in the number of white juveniles and a 26 percent increase in the number of black juveniles. We have a significant challenge before us.”⁷³

Operation 2006 was conceived in August of 1996 in a post-welfare-reform era and at the beginning of Charitable Choice. What is it doing? In March of 1998, the commander of the Youth Violence Strike Force for Boston,⁷⁴ formerly known as the Gang Unit, came into the Baker House and sat down with a couple of clergy members who just happened to be there. He happened to come by at that time, and they were there. He explained that the police, or some elements in the police department, had become aware of the beginning evolution and entrenchment of the Bloods, Crips, and Folks gangs in Boston.⁷⁵ Those are the LA-based gangs that have caused so much destruction on the West Coast. He was concerned while, at this point, it seemed like they were just playing, they were younger kids, maybe they were “wannabe’s,” that they were playing with fire, and that they might be able to organize, entrench, and really cause a major increase in juvenile violence in the city. The city at this time would have been experiencing a significant drop in crime in general and particularly among juveniles.

He requested that the clergy go with the police to visit all of the high schools and all of the middle schools in the city, and talk to children who have been identified as being possibly at risk of being involved in this kind of activity, and sort of give them 1) a warning not to get involved in this kind of activity, and 2) to offer them alternatives. There were seventy-eight plus schools that were visited and about 7000 students that were reached. That work continues. He also asked the clergy and police to visit the homes of young people who are identified as being at risk and share the information with the parents so that we would have a collaborative relationship with parents. Perhaps the parents were not aware of what was going on.

Then, in December of 1998, the same police officer came to the same Baker House and said they noticed there has been a real increase in violence in one particular neighborhood in Boston. In the Bow and Geneva area, there were seventy-five shootings in a four-month period. Nobody necessarily was shot, but lots of gunfire. So, again, he asked if the clergy would be able to work with us to do outreach to the community to

⁷² Eugene F. Rivers, III, *Boston can lead the nation in saving high-risk youths*, BOSTON GLOBE, Oct. 5, 1999, at Op.Ed.17.

⁷³ *Id.*

⁷⁴ Kristan Trugman, *A sweeping youth violence battle plan; City hopes to copy Boston’s success*, WASHINGTON TIMES, Mar. 25, 2000, at A1 (describing Operation Cease Fire, which combines efforts of the Boston community and the police department’s Youth Violence Strike Force to reduce youth violence); Elizabeth Mehren, *NATIONAL PERSPECTIVE; CRIME; BOSTON’S YOUTH VIOLENCE PROGRAM BECOMES MODEL FOR NATION; COLLABORATIVE EFFORT BETWEEN COMMUNITY AND POLICE CREDITED WITH REDUCING HOMICIDES*, LOS ANGELES TIMES, at A5 (describing success of Boston’s violence-reduction projects).

⁷⁵ For general information about gangs in America, visit the Institute for Intergovernmental Research, *National Youth Gang Center (NYGC)* (visited Apr. 23, 2000) <<http://www.iir.com/nygc>>.

again warn young people to divert away from the violent activity, 1) because there are alternatives available, and 2) because the law was coming.

So that is how this work began, and it continues today. Up to this point, two guns have been retrieved. There has been a dispute that has been mediated between two rival groups where there has been a stabbing. One young person whose life was threatened has been relocated, moved out of the city.

The ethnic group that is dominant in this community is Cape Verdeans, from Cape Verde Islands. They have a very long, rich, powerful history on the East Coast of this country from about Rhode Island, up through Boston. Many young people were in trouble. A Cape Verdean youth group was established, located in a church, and now has eighteen members. About seventy-five home visits were conducted in the neighborhood in the month of September, and about forty-five of those young people were worked with in court. A lot of times the youth have gotten involved in one way or another with the law enforcement community, and they have court cases. There are situations where a clergy person will come into the courtroom as an advocate for the youth.

We see the formula for success as being monitoring, mentoring, and ministering. The monitoring is, in many ways, a function of the state. The Department of Youth Services, which is the Juvenile Correction Department agency for Massachusetts, and the probation department, do a lot of the monitoring. Once a young person or a person is their client, or under their supervision, then they are monitored by those agencies. Mentoring is something with which people are very familiar, that is an adult sharing their resources, skill, knowledge, and experience with a young person, passing something on to them.

We think the next step would be to minister the young people. For example, when you go into a home and there is a young male there who is ready to begin to field his oats and get out of the house and start running the streets, not yet necessarily ready to get into a lot of trouble, but he has no father, someone needs to be able to step in in a more intense way than what we would traditionally think of as mentoring, and essentially provide fatherhood to that young man. The intersection that happens as a result of this, with the police working with the clergy in the courts, in the schools, and in people's homes is an evolution or response to the need that the violence has presented to Boston.

The Baker House has a staff of eleven people. In that eleven, some highlights on some of those people that indicate, again, the intersection between a faith-based effort organization and a government. One staff person works at the Baker House, but is actually paid by and is supervised by the Private Industry Council ["PIC"].⁷⁶ She is a career specialist. Her job and the work of the Private Industry Council is to provide career counseling, resume-writing skills, job-retention skills, and interviewing skills to young people. Another person would be paid by the City of Boston, the Boston community centers, and would serve as a case manager. He is paid by the City of Boston, but he sits in the Ella J. Baker House and works with a number of young people, monitoring them, administering to them, and mentoring them. There is also a street worker, another person who is paid by the City of Boston, but who is doing similar work,

⁷⁶ The Private Industry Council ["PIC"] is a private non-profit organization that works with "Boston's educational institutions, labor, community-based organizations, prominent businesses and small neighborhood establishments . . . to connect the youth and adults of Boston with careers in the mainstream economy." *Boston Private Industry Council* (last modified Mar. 10, 2000) <<http://www.bostonpic.org/>>.

working with young people in the streets. There is a girls' program that is largely paid for by the Department of Youth Services. A person sits in the Baker House and does work inside the DYS facilities providing services to girls.

The person who works for PIC is not a member of the Azusa Christian community, and is not necessarily identified as being Christian one way or the other. Concerns were raised when she was first starting to work as to whether or not she would be accepted into the family and whether or not issues around things like abortion or things like sexual preference would come up and would be a problem for her as an employee. They have not been so far. The person who works for the Boston community center is a recent convert to Christianity and is a member of Azusa. The street worker is actually an Israeli citizen and has been working with Azusa and the Baker House for a number of years. The person who works for DYS is a member of Azusa. There is a lot of intersection between the government and this faith-based organization.

I wanted to make a couple of comments about the role of faith in the effort. The faith factor for us is primarily a matter of motivation. The work is being done because of the faith commitment. There are some things, however, that have to do with the nature of a faith-based organization that make it a very important player in this work.

One is that it is very flexible. It is very easy for a member of a faith-based organization to move from the school, to a court, to a home in a way that they just are simply more nimble. Faith-based organizations also have very, very deep community roots. All of the effort that I described grew right up out of the neighborhood that the church is located in and in which many of the members live. Other institutions are in the neighborhood that are providing very, very valuable services. They are Community Development Corporations. They are Community Health Centers, YMCA, Boys' and Girls' Clubs. Then there are also the government institutions out there, the police department, the court, Department of Youth Services, schools.

However, the church has some things that are unique. One of which I will close on, but one which I want to mention now, in that it is a very sustainable effort. As the rabbi mentioned, we have been at it for two thousand years, and are going to be at it until we reach the astrological age. It is a very sustainable effort.

In terms of whether or not I would be interested in receiving government money, I mentioned that there are eleven staff members. We have to have money to be able to make payroll and to keep the lights on. Being able to fund these efforts, it is very, very difficult. The role of faith and faith-based institutions has been very celebrated recently, but there has not been lots of money to accompany the celebration. So there is a need for funding, in figuring out how to fund these kinds of efforts. Any kind of government money that we would receive, I would expect that it would be very focused, that they would be expecting measurable outcomes, that whatever services we provided would be open to all, and that in terms of people needing to receive any kind of religious instruction in exchange for the services is something that I would not be at all interested.

I have experienced people coming to church hoping to do it as a quid pro quo or and exchange for some kind of service. I am not at all interested in seeing that kind of person show up at services for those reasons because they never stay. They never make a serious commitment. They come, they hope they get a little something out of you, and then that is going to be it. So, it is not at all what I would be interested in.

There is another form of church outreach that goes on that will go on independently of whatever funding or government things that happen. That is what I would call the rally effect. You will have an evangelical rally, many people will come to it, and you hope to win souls in the process. It is a very different kind of work, important kind of work, but a very different kind of work, than the sort of day in and day out presence in a neighborhood.

There are two just final comments. As we have gone through this work with the young people in trouble, people in jail, one thing that comes up over and over again is substance abuse and addiction. The problem is, if you go into the Suffolk County House of Correction in Boston, and you say, "Well, what do we have to do to make sure that you men do not end up coming back here?" The guys will say, "My problem is going to be, when I get out of the door, I am going to have to use, and I am coming back because it is the drug use that is going to bring me back." What we do not have in the City of Boston is enough options and beds for people who are addicted to substances.

The one thing that the faith-based community offers, that CDCs and health centers and YMCA's do not offer, that we can talk about, is the language of transformation. We can at least speak a language, talk about someone being able to transform from being addicted to some substance, to being free of that addiction. The crime and broken families, that problem will not be solved until we can address the issue of transformation and getting people off of substance abuse.

(Applause.)

MR. GLOVSKY:

Okay. First, do any of the panelists have any questions for each other?

(No response.)

MR. GLOVSKY:

If not, we will take questions from you, the audience. If you want to come to a microphone or just raise a hand.

AUDIENCE MEMBER:

I have a question first for each of the panelists. There was a study in 1998 that found that many groups most willing to accept money were predominantly African-American churches, with politically liberal congregations.⁷⁷ At the same time we all recognize the conservative politicians are those who are most in favor of faith-based social programs. Similarly, or on the other hand, churches with more politically conservative members were least likely to accept funds. I am wondering if any of the panelists have any comment on that, was the study wrong, or can you make some sense out of that for us?

REVEREND FLAKE:

⁷⁷ The editors assume that the audience member is referring to the McCarthy and Castelli study discussed above in note 17. See the following note and accompanying text for confirmation.

I think it happens in the African-American community because of the dearth of available resources. The church is viewed by many as the only source available. However, there is a lack of resources. I am in an unusual situation, the kind of money we raise in tithes and offerings is not consistent with what most churches raise, but even it is not enough to meet those kind of needs that we have identified. I think in African-American communities, there has always been a sense that there is no clear distinction between the sacred and the profane. Therefore, the African-American church community sees its responsibility as extending itself to meet those needs that are not being properly met by any other source.

RABBI SAPERSTEIN:

I think that the study you are talking about is the one I have referenced before, the Castelli and McCarthy study, that did a look to see how widely used would Charitable Choice be if it were, in fact, widely available.⁷⁸ The results are somewhat surprising. Far fewer churches indicated they would intend to use it than might be expected.

As part of that study, they did do this analysis of who does provide social services. It found that larger, higher-income churches - were more likely to provide social services; African-American churches, as opposed to predominantly white churches, were likely to provide social services; the more liberal a congregation is, the more likely it was to provide organized social services.⁷⁹

While I have seen other research that says the more conservative it is, the more likely it is to have very effective programs addressing the needs of the members of its own church or people who identified with the church, in the main religions that have placed a greater emphasis on community, rather than on personal faith, tend to be more involved in providing social services.

It is a dilemma. In terms of that first criterion that I talked about, the criterion I talked about of should the government fund programs that have religious content, the courts have held - and you will hear more about this later - that if the institution is a “pervasively sectarian” institution, that it is deemed to be government funding of religious activity, even if it is funding within that pervasively sectarian institution is targeted at the social service part of their work.⁸⁰

Now, Reverend Flake, as I was listening to you here, you indicated that you had set up separate corporations. I did not know that. I would like to know a little bit more about that. That is the way that most of the national religious groups have dealt with this. We have a major congregation in Los Angeles working with an Episcopal church. They wanted to build an \$8 million low-income housing program. They set up with their members a separately incorporated entity here, and they made a commitment that there would not be religious content that they would be providing in this effort and they would

⁷⁸ McCarthy & Castelli, *supra* note 17.

⁷⁹ *Id.*

⁸⁰ *See, e.g.,* Aguilar v. Felton, 473 U.S. 402, 414 (1985) (stating that “neither the State nor Federal Government shall promote or hinder a particular faith or faith generally through the advancement of benefits or through excessive entanglement of church and state in the administration of those benefits”). *See generally* Debate 4: *Have Recent Court Holdings Enhanced or Eroded Religious Freedom for All Americans?*

not discriminate in whom they hired and whom they served. The members of the churches - synagogues who set up a separate incorporated entity, ran it. That entity would be allowed to get money.

I am curious to know a little bit more about the corporations that you set up. Do they deliver religious content, other than the social services? Do they discriminate in who they hire and who they do not?

REVEREND FLAKE:

No. Actually, the corporations that we have outside of the primary corporation for the church itself, 5013-C⁸¹ corporations are set up for specific needs. We have a corporation that deals with all of our health care concerns. We have a clinic, the prenatal/post-natal clinic, psychiatric services, all of which fall under one umbrella; therefore, they are provided outside of that 5013-C.

We also have a corporation that deals with our housing. We have two housing corporations; one mandated by the state Housing Development Fund Corporation, which is actually the one that provides the senior citizens' housing and direct services that are tied to the building itself, and then another one that provides for the feeding of senior citizens on an everyday basis, which is a separate corporation.

The religious corporations are the church itself and the Allen Christian School. The interesting thing about when we get into this debate on religion and education, is that when you look at what we do, our kids are scoring 86-96% on science and math and reading tests in a community where the other kids are scoring less than 40%. What I tried to get people to understand, as you know with my involvement, amid all the press that came to the school, what they discovered is we are not proselytizing all day. We are not teaching religion all day. We are teaching math, science, reading, and literature. The bottom line is, people have this skewed definition of what religious institutions do. The corporations basically provide what I consider to be the firewall that separates the role of your outreach and evangelism ministry, and from your role as a provider of education.

RABBI SAPERSTEIN:

⁸¹ The editors assume Reverend Flake is referring to 26 U.S.C. § 501(c)(3) of the Internal Revenue Code. This section provides that certain organizations are exempt from taxation:

(c) List of exempt organizations.--The following organizations are referred to in subsection (a):

.....

(3) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection (h)), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

26 U.S.C. § 501(c)(3) (1994).

So, in what we heard today from Mr. Scott in terms of the wonderful programs, the Ten Point Coalition, the Azusa community, the way you were describing it, and in the programs that Reverend Flake runs out of his church, this is all religiously motivated activity in setting up these corporations to deliver these services. They are models of exactly how the religious community, when it wants to engage in a partnership involving government financing and support of these activities, should go about that work. I will leave it to another panel to deal with the school issues.

MR. GLOVSKY:

Mark, do you want to comment on that?

MR. SCOTT:

Part of the question related to your first one is also that many the conservative churches already have money. Whereas, in the African-American church community, there is little money. There is a lot of money that is available in larger, more conservative churches. One of the questions I think that is probably a subject for another conference is a real transformation in how the church goes about doing its business.

We have a deeper sense of how our faith motivates us to serve our fellow man, and not to set up a situation where we are trying to serve not the neighborhood that is around us, but to serve ourselves; to be a membership organization, provide membership services. That may account for some of why you see those kinds of disparities.

AUDIENCE MEMBER:

Thank you for coming in and sharing with us. I have a question about the practical aspects of the way the money is presented to the people who use the services. You talked about that one of the counselors was ministering to the people there, transformation. What kind of systems do you have set up in terms of practically what you tell your counselors when they can proselytize, what kind of monitoring do you have with that? Do you have any connection between those kinds of messages and the money that is coming in, or is it all coming into one pile and it is not paid attention to? I am a little confused about how those ideas, the proselytizing and not proselytizing, works.

MR. SCOTT:

Well, as Rabbi Saperstein said, as Reverend Flake said, you are talking in our case about two the incorporated corporations. The Azusa Christian Community is a church, incorporated as such, and the work of the Ella J. Baker House happens under a different corporation. All of the work that we do as part of the Ella J. Baker House is really to serve a particular need that a young person may have.

If last night, when I went into someone's home, and when the other people were going doing this work, and the work is also done not just by the Baker House, but by a collaborative of other ministers, the first thing is, we will knock on the door, we will go into the house, we will introduce ourselves to the parent and say we are here to express our concern. There are police officers there, probation officers there. So, it is monitored and watched because of the presence of other people.

One home that we visited last night was actually a Moslem home, so when I introduced myself as a Reverend, her first reaction was, "We are Moslem, we are not

interested in that.” I said, “Actually, we are here just out of concern for the young people in the neighborhood and our concern for your son.” We had a good exchange.

All of the emphasis is placed on serving and being of service. If, in the process of doing that, a young person says, “Well, what else is going on here, right? These guys are actually here on Sundays at eleven o’clock doing something else. I am going to go check that out.” Then that is how the young people have ended up being a part of our religious work. They, on their own, really just sort of stumbled into the worship service. They are aware of who we are, that we will talk about praise the Lord, and that we will seem to think that if we begin a day in prayer, we will have a good day. If we have a bad day, we should close it in prayer. However, all of the effort is really focused on service. There is not any kind of a piece of it that involves proselytizing.

I said there are not many resources, and I do hope the resources that are available are available for doing very service-oriented work. There are a couple of places that are looking to provide financial resources to do religious work. So, when we have that person, they will work for the church, and they will be doing something in sort of a completely different wing of the institution.

REVEREND FLAKE:

In our case, what we will get is certain people who will come to the church with needs. Because we have such a vast array of programs that function under the Allen umbrella, it becomes possible for us to refer the people to those particular agencies.

As it relates to how we receive members, most of the people, of my 825 or so employees, the majority of them have no relationship at all to the church. When I was a marketing analyst for Xerox, what we used to say is, “We do not sell a product; we sell service.” What I find is that, in servicing the population of people who have no relationship to the church, ultimately the church benefits in many instances. If we provide housing for a grandmother, there is a possibility that because they know that institution is primarily responsible for providing that service, that children and grandchildren may become members of the congregation.

What I find is that as we increase the range of those services, there is an automatic response emanating from the feeling that this church is doing something to meet the needs of people; therefore, people want to be a part of it. I find the most dedicated volunteers are people who come to us, having come through one of the agencies for service, and then want to share, based on what they have experienced, their volunteerism in a way to expand what we are able to do for other people.

RABBI SAPERSTEIN:

Again, the bottom line is that so much is fact specific. From what I hear, this seems to be exactly the kind of differentiation we need to have. The bottom line is that there ought not to be a reasonable perception that the government is endorsing proselytizing activity. There ought not to be government funding of efforts that have proselytizing activity, even if the government is not paying for that part of it. I did not hear anything that indicated there was. Indeed, I heard both of the other speakers say, in their case, they do not want government funding for that kind of activity and would not be interested in it. These are exactly the kinds of distinctions we need for a robust, rich partnership between the government and FBOs.

MR. GLOVSKY:

I apologize to those who have questions. I think you will find with all the sessions today, you will continue to want to hear from our speakers and our panelists, but we are going to have to conclude this session at this point.

We are going to take a ten-minute break. We will actually come back here at a quarter to eleven o'clock.

My thanks to the panelists.

(Applause.)

(Short recess.)