

David L. Franz Lecture
Gordon College
April 2003
On Rocky Soil: Charitable Choice and the Faith-Based Initiative

1. Greeting:

It is truly a great honor to become part of the circle of intellectual heavyweights who come annually to honor the work and community of Gordon College, by honoring Professor David L. Franz. I suspect that I must have been invited as a result of clerical error. I am reminded of Vaclav Havel's first months in office as President of the Czech Republic. He confessed to feelings of dread--one day the security forces will burst into the office, announce that Havel is here as a result of a colossal mix-up, and ask who he thought he was to sit in the President's chair all this time.

Professor Franz has dedicated his life to helping the Christian community understand history, understand Europe, and understand the Christian intellectual tradition--three of the things that American Christians most need to grapple with in the difficult days and weeks that lie ahead of us. His life represents a worthy pursuit of a worthy calling.

It is a special honor for me to be, however temporarily, a part of your economics faculty. I expect your economists' natural humility obscures your view of their actual role in my profession. What Plantinga and Wolterstorff have been doing for Christian scholarship in Philosophy, Mason Smith and Webb have been doing for Christian scholarship in Economics. Together they have provided all of the administrative trusteeship of the Association of Christian Economists, and all of the intellectual and editorial leadership in the Association's scholarly publications; they provide much of the initiative for the Association's public profile at academic conferences, and all this while authoring a substantial body of peer-reviewed scholarship in economics. Humanly speaking, there would be very little space for public Christian witness in the discipline, absent their ingenuity and sustained hard work.

2. Introduction:

We are gathered to think about Charitable Choice legislation and President Bush's Faith-Based Initiative (or "FBI" in this paper), and through them to think about what it means to be Christian intellectuals. Let me explain why Charitable Choice and FBI are important:

Imagine that Gordon College has a combined Faculty and Student Senate, and that this is a meeting of that Senate. Imagine that I have just passed out the agenda for our meeting, and you notice that Item #3 will be a visit from Rev. Barry Lynn, executive director of Americans United for Separation of Church and State, former legislative counsel for the American Civil Liberties Union. When his time arrives, Rev. Lynn explains that he has experienced a profound conversion. He had dedicated his life to the central teaching of modernism, that we must separate the subjective, internal realm of belief from the factual, external world of the public square. Rev. Lynn now sees that this fundamental premise of modernism is a dead end: It provides no defensible basis for personal morality or meaning, and so crashes in relativism and inaction. It also provides no adequate basis for knowledge of the external world, and so crashes in post-modern nihilism. And, most profound for Rev. Lynn, modernism provides no stable basis for political culture; historically, it has oscillated between libertarianism and totalitarianism.

Rev. Lynn further reports that, now that he sees his own errors clearly, he can also see that we evangelicals involved in politics, his former foes, have actually been experiencing the same problems. Conservative evangelicals, in reacting unwisely to modernism, have excelled at imitating it: They retreated from the public square in the 1920s, making faith a simple subjective, internal project involving Jesus in their hearts, unconnected to the formation of civic culture; when they tried to re-enter the public square in the 80s, they simply reproduced these tendencies on a larger scale, seeking to legislate their personal convictions. They haven't much of a theology of the public square. Less-conservative evangelicals, seeing no alternative, made more drastic, wholesale accommodations to Brand Name Modernism, offering Christian baptism to the likes of Marx, Freud, and Derrida.

Rev. Lynn knows that the Christian tradition must be capable of better. He turns to this august gathering for a proposal: one that would re-clothe the public square with the rich traditions and knowledge that faith brings, without violating the respect for individual conscience that faith also brings. Do we have any suggestions?

Put briefly: In the conversation about the place of faith in forming public culture, in the poker game that is sometimes referred to as The Culture War, if the cultural mainstream called our bluff, what cards are we Christian scholars actually holding?

3. Charitable Choice and FBI: Definitions

Charitable Choice legislation and the FBI constitute the main fresh offering in answer to these questions. I'd like to first define "Charitable Choice" and "FBI." Then I will talk through three reasons why Charitable Choice seemed to prosper under President Clinton. Then we will consider three reasons why President Bush's Faith-Based Initiative has fallen on hard times. Finally--since economists can't resist making predictions about unknowable things—I'll have a few comments about the future of the FBI. Along the way we will encounter Richard Nixon, Abraham Kuyper, Al Gore, Pat Robertson, and Senator Bob Packwood.

Before we begin, a word about sources:

Stravinski said that good composers borrow from others, but a great composer steals. I am in debt to many teachers, but especially to the careful interviews of policy makers by our colleague Amy Black of Wheaton and Doug Koopman of Calvin. The interviews form part of the basis for their forthcoming book on FBI. Many were confidential, and yielded information that is not available elsewhere.

The definitions:

"Charitable Choice" refers to a small component of the 1996 Welfare Reform legislation (which also devolved income support programs to the states, funded them with block grants, instituted work requirements for recipients, set time limits for support, and restricted benefits to recent immigrants). Charitable Choice was signed into law by President Clinton with bipartisan support, was expanded several times under him by bi-partisan majorities, and was endorsed by both 2000 presidential candidates. The law seeks to improve the quality of social services for the poor, but also to bring fundamental change in the place of faith in the American public square, by "leveling the playing field" for faith-based providers of social services in several Federal programs:

- In brief, when federal/state/local governments contract with outside providers, FB organizations must be allowed to compete for funds on the same basis as other providers, subject to the same program evaluations. (No outside contracting is required; no funds are "set aside" for FB providers; the law only applied to welfare-to-work programs initially, and was expanded later in the '90s to drug-treatment and community-action grants.)
- To protect the faith-based character of FB providers: they may maintain their religious atmosphere, choose their governing board, and retain their Civil Rights Act Title VII protections to hire with religious preference. (They still must observe all other Civil Rights Act hiring protections.)
- To protect the liberty of recipients: they must be served without reference to their beliefs, not forced into inherently religious activities, offered a secular alternative if they object.
- To protect church/state separation: public funds may only be used to fulfill the public social-service goals; none may be used for inherently religious activities; funds are subject to audit, but the rest of the organization can be shielded by keeping the public funds in a separate account.

President Bush's Faith-Based Initiative was meant to be a fairly straightforward expansion of the Charitable Choice instinct:

- Bush proposed expanding the law into several additional federal programs: after-school literacy and aid to children of prisoners. No expansion in total funds was initially available, and no funds were earmarked to FBOs
- Bush proposed pro-active implementation of the existing laws, encouraging new, small providers to participate. This was to happen in two ways: 1) Special offices were created in the main executive-branch departments that oversee the relevant programs, to lower administrative barriers to participation. 2) The Compassionate Capital fund was to provide money for technical assistance and administrative relief for small providers--secular or religious.
- Bush proposed expanding private funding for all charities through new tax incentives, such as a charitable deduction for non-itemizers and expanded incentives for corporations and those with large retirement savings.
- Bush wished to expand Individual Development Accounts, which encourage savings among the poor for education or the creation of businesses.

This apparently straightforward set of modest changes to Government contracting procedures ran into the Beltway Buzz Saw during the first months of the Bush administration. As one former White House staffer confidentially puts it, "This was an unbelievable misfire, the ultimate policy dud." Let us first unpack the reasons for the apparent success of Charitable Choice, then the story of the decline of the FBI.

4. 1996--2001: Origins and Early Success

Charitable Choice legislation moved forward between 1996 and 2000 for three reasons: judicial migration, legislative stealth, and executive bait-and-switch marketing.

a. Judicial migration: Religious charities have always been major providers of American social services. But their relationship to the welfare state has changed over the years, in part because of changing judicial practice. In the 1947 *Everson v. Walls* decision, the Supreme Court claimed that the establishment clause of the First Amendment required a wall of separation between church and state--a phrase from a personal letter by Jefferson, not the Bill of Rights. The first amendment requires that Congress make no law concerning establishment of religion, originally intended (according to Justice Thomas) to prevent the disestablishment of Massachusetts. But in *Everson v. Walls*, the court held that the state (not merely Congress) must not only avoid supporting a particular religion; instead, the state must not take any action that touches upon generic religion.

Later decisions gradually created two different meanings of "separation"--"strict separation" (or "no aid to religion") and "state neutrality" (or "equal treatment" or "a level playing field"). These phrases were applied to various contexts in ways that seemed inconsistent. For example, the 1971 *Lemon v. Kurtzman* decision indicated that government involvement in religion may be acceptable for programs with a *secular purpose* that neither *advance nor inhibit religion* and which involve *no excessive entanglement* between government and religion, especially with "pervasively sectarian" organizations. The court has never defined "pervasively sectarian." Applying this Lemon Test in practice became murky. For example, Congressional chaplains may open each session with prayer, but public school teachers may not conduct even a moment of silence if prayer is listed as an optional activity. Public school employees may administer hearing and eyesight tests at church-related schools, but must give any resulting therapy at a public site. Parochial-school children may ride public school busses to school, but not on a field trip.

To add to the confusion, Title VII of the 1964 Civil Rights Act explicitly grants all religious organizations an exemption from the law's provision that hiring must be done without respect to religious belief. The exemption holds for all employment within religious organizations—including their social-service providers. And all organizations, religious or otherwise, are exempted from the Civil Rights Act provisions if they employ fewer than fifteen persons. These provisions have been unanimously upheld in Supreme Court decisions. Yet Government must normally live by the Civil Rights Act in its hiring.

This all makes for a very insecure existence for FBOs that provide government-funded social services. When may the state contract with them? With which strings attached?

In this uncertain legal environment, two predictable things happened: 1. When government solicited contracts with FBOs, administrative guidelines often exceeded the clear requirements of the law, making funds unavailable to some legitimate, effective programs--especially the small, urban, church-based ministries that are disproportionately African-American or Hispanic. 2. Large, nation-wide FBOs seeking government funds often (though not always) secularized their operations to avoid the threat of lawsuits; over time, they frequently influenced the contracting process to help assure that they would be favored and newcomers disfavored for future grants.

As the courts gradually moved from emphasizing strict separation toward neutrality, this situation grew ripe for a Congressional clarification of the law surrounding government funding of FB social services.

b. Legislative Stealth: Charitable Choice legislation came about in this way: Newly-elected Senator John Ashcroft had successfully experimented with faith-based social service provision as Governor of Missouri. In mid-1995 he asked a newly-hired staffer, a recent U of Missouri law school graduate named Anne Billings White, to investigate how federal welfare reform could include provisions to help FBOs working with the poor. She turned to her former law professor, Carl Esbeck, who had presented a February 1995 conference paper on the secularizing effects of government funds on religious agencies. In the paper he had presented draft legislation to correct the problem. After the conference, Esbeck had adjusted his draft legislation during consultations with the Christian Legal Society and CPJ staff persons Jim Skillen and Stanley Carlson-Thies.

It is worth mentioning that the CPJ is a Christian think-tank, but one of a different sort than the "standard" Beltway lobbyist. CPJ focused largely on one or two topics throughout the 90s, and was restrained in its fundraising. Groups can sometimes benefit by proposing legislation that is unconstitutional or unreasonable. When the proposal is shot down, they can tell donors they are "fighting the good fight" in Washington, and just need a few more donations to continue representing Truth and Justice. CPJ, by contrast, had convened a three-year-long discussion among evangelical scholars and practitioners in the early 90s, among them my mentor John Mason. This process resulted in position papers on welfare reform, which fed directly into the Charitable Choice legislative language. And CPJ entered the policy process grounded in a long confessional tradition--the Kuyperian wing of the Reformed tradition, where "Kuyperian" is a reference to Abraham Kuyper, the turn-of-the-twentieth-century Dutch theologian, Prime Minister, and founder of the Free University at which Professor Franz has studied.

Let's use a very simple model of civilization to summarize Kuyper's diagnosis of Western culture. Imagine that culture consists of four components: individuals, the state, the church (meaning religious institutions in general) and civil society, the web of non-governmental communities that mediate between the individual and state--political parties, unions, neighborhoods, firms, and clubs among them. If we drew an organizational chart, how should these three four components be related to each other?

Modernism promised *popular sovereignty*, putting individuals at the top of the pyramid, with other institutions owing a debt of existence to a voluntary social contract. But in practice this libertarianism frequently has unraveled into *state sovereignty* not unlike the tyranny it meant to replace. The French Revolution quickly became the Reign of Terror; small, self-governing Russian Soviets were quickly replaced by a repressive Politburo; the Weimar Republic's political splintering gave way to National Socialism.

In other cases, people around the world have reacted to modernism by reverting to *church sovereignty*, in which the state and civil society must answer to an institution that believes it is receiving direct, theocratic leadership. And even where popular sovereignty is intact, it often degenerates into ceding power to one element of civil society--in America, the market; in other places, the political party, or the labor union, or the family.

Kuyper offers an alternative to these hierarchies. Each sphere of culture comes directly from God, and is answerable directly to Him for its actions; this is *sphere sovereignty*. Each sphere has a distinctive internal moral order that must be respected, and none should lord over the others. Thus Sphere

sovereignty obviously gives an alternative to political collectivism. And against libertarianism, Kuyper argues that the state has responsibilities toward the other spheres. A just ordering of society will not necessarily emerge from an undirected social contract. In particular, the state must do at least three things: 1) Maintain respect for the boundaries between spheres when they clash, without taking over the duties of the other spheres. (For example, the state may regulate opening hours to prevent commerce from smothering the family. But the state does so without taking over ownership of firms) 2) Defend the weak ones within spheres against abuses of power (as in antitrust law or income support for the poor) and 3) Raise taxes to finance its duties. Thus not all support of the poor need be voluntary philanthropy, and taxation is not by nature essentially coercive. Yet it is likely not appropriate for the state to monopolize provision of care for the weak. Civil society and religious institutions will likely be more gifted, more trusted, and better positioned than the state to provide these supports to the weak. Government should strengthen, not replace, the communities through which citizens properly care for each other. Charitable Choice law seems an obvious implication of this theological tradition.

Well, we must return to our main plot. Esbeck sent a copy of his revised conference paper to Billings White. Several months later, Senator Ashcroft's office began promoting essentially the same legislation on Capitol Hill. Coming late in the legislative term, Senator Ashcroft lobbied Finance Chairman Dole to include charitable choice provisions in the Senate welfare-reform bill. This came after committee markup in a "chairman's substitute" version, and thus accidentally avoided the public scrutiny of committee hearings and discussions. Groups like the ACLU noticed the provisions, but in the massive welfare-reform bill they had difficulty drawing attention to them. Senator Bob Packwood agreed to offer an amendment striking the Charitable Choice language, but several days later resigned from the Senate under sexual harassment charges. In conference with the House (whose bill included no Charitable Choice language), several small adjustments were made (e.g.: the Federal preemption of state/local laws to the contrary was limited to programs including Federal funds). But the 1995 conference bill was vetoed in early January by the President.

The summer 1996 campaign brought new pressure on the President to deliver on his campaign promise to "end welfare as we know it." In the last day of Senate debate on the bill the President had committed to signing, in a parliamentary maneuver, the charitable choice provisions were removed from the bill. In last-minute debate, Senator Ashcroft moved to overturn the decision by supermajority of sixty, which passed 67-32. The president signed, to the disappointment of many party elite but with the approval of moderate swing voters. Charitable Choice became law.

Though "legislative stealth" may have aided passage of the legislation, the quiet also meant that no natural constituency formed to defend the initiative if it hit an obstacle in the future.

c. Executive bait-and-switch: "Campaigning, as President Nixon put it, "is poetry; governing is prose." Campaigns are pitched to the median, centrist voter in a fly-over state; governing is directed to the more polarized party elites within the Beltway. In discussing welfare reform, Candidate Clinton had never specifically addressed Charitable Choice, positively nor negatively. He advocated the general benefits of faith-based approaches to social services, without discussing which types of groups should receive aid. After the election, the President proposed a technical correction to the bill that would effectively have repealed its Charitable Choice provisions. When this failed, he essentially voided Charitable Choice administratively. By executive order, he prohibited "religiously-affiliated organizations that are pervasively sectarian" from eligibility for federal funds (despite the very mixed application of this phrase by the Supreme Court).

On October 27, 1998, the President signed into law a bill which extended Charitable Choice to community services block grants, but simultaneously issued an executive opinion that negated the charitable choice language by again judging that it is constitutionally impossible to fund "pervasively sectarian" providers.

Candidate Gore introduced his views on these topics in a May 24, 1999 speech at the Salvation Army in Atlanta, a large organization that had for years received federal support without Charitable Choice

protections. Gore called for a “new partnership” between government and FBOs and advocated expansion of Charitable Choice to additional federal programs. He also emphasized the need for secular alternatives, and the importance of protecting the separation of church and state:

I believe we should extend (the current) carefully tailored approach to other vital services where FBOs can play a role, such as drug treatment, homelessness, and youth violence prevention. ... The separation of church and state has been good for all concerned, good for religion, good for democracy, good for those who choose not to worship at all. It is our freedom from persecution, our absolute and unassailable choice of whether to and how to worship, that keeps religion strong.

Having become law in quiet, unnoticed back channels, Charitable Choice had been effectively from affecting policy by executive action. Not that the legislation had no effects. In states that had been moving toward contracting with FBOs, the legislation helped accelerate the process--most notably, in Texas.

By contrast to Candidate Gore, Candidate Bush made his FBI the keystone of this domestic policy agenda, offering specific, detailed proposals backed by impassioned calls to rally the “armies of compassion.” From a major campaign speech of July 22, 1999:

In every instance where my administration sees a responsibility to help people, we will look first to faith-based organizations, charities and community groups that have shown their ability to save and change lives. We will make a determined attack on need, by promoting the compassionate acts of others. We will rally the armies of compassion in our communities to fight a very different war against poverty and hopelessness, a daily battle waged house to house and heart-by-heart.

The policy white paper that accompanied the speech included a ten-page list of specific proposals.

5. FBI: Rough Sledding, 2000--2002

Most reporters interpreted the two candidates to be nominally in favor of the same policies regarding Charitable Choice, and thus the topic fell from public view during the campaign. But the nominal agreement on Charitable Choice was about to be blown apart by a bruising election followed by several executive and legislative missteps. We come now to the three reasons for the eclipse of the FBI:

1. The election and race

Until the 2000 presidential election, Republicans could take some legislative credit for Charitable Choice, with some marginal appeal to minority voters they sought, and Democrats could share this credit, appearing to come closer to the cultural mainstream after suffering from a reputation for growing secularism and, in the President's case, immoral and predatory personal behavior. At the same time, Democrats could quietly hem in implementation of the laws, to please large parts of their traditional base which were suspicious of Charitable Choice.

The election broke this quiet truce. Many Democrats believed Bush had stolen the election, especially among African-Americans, who voted nine-to-one for Gore and experienced roughly 10 percent ballot rejections in the contested Florida districts. This eroded support for Bush's FBI from the community most likely to naturally support it.

2. Lack of a clear constituency for FBI

In fact, consider the five likely constituencies that might support FBI: the Religious Right, the Republican Party elite, bipartisan supporters from the Democratic party, ethnic religious leaders, and FBOs. In each case, events worked to erode support for the initiative. Let's consider the five in turn.

Contrary to much in the press, this was not an initiative that would court the Religious Right. Those expressing the most interest in seeking FBI funds were African-American, Hispanic, or theologically liberal groups. Many conservatives had deep reservations that they expressed in public after the election. The autonomy of religious organizations might be threatened by government involvement, and funding might eventually go to dangerous fringe religions. Many conservative Christian leaders had different priorities, and were suspicious of the President's FBI team, headed by a Democrat. By late February 2001, Pat Robertson, Jerry Falwell and Marvin Olasky had been publicly critical of the policy and/or the direction of the White House Office for Faith-Based and Community Initiatives.

Others in the Republican party elite seem to believe their party exists to cut taxes and spending. To them, the Compassionate Capital Fund seemed just another expendable Federal program. The Republican House leadership insisted that this provision of FBI be dropped, and the White House did not mount much of a resistance. To some Republican leaders, charitable tax deductions represented resources better spent in areas with bigger political payback. In Republican House committee, the tax incentives were cut by 90% and essentially replaced by increased energy tax cuts; in conference committee, the administration agreed to drop the entire charitable tax deduction package to retain repeal of the estate tax. These moves peeled away two large constituencies--the generic philanthropic community, and many ethnic supporters who now believed they had been played for PR and then dropped for more-moneyed interests.

Potential Democratic supporters found themselves in an exactly-divided Senate and nearly-exactly-divided House. In this situation, Democrats tended to view the initiative as a raid on traditional Democratic constituencies--ethnic urban voters--and moved to frame the initiative as a form of government support for discrimination. Title VII hiring protections clearly do not view religious hiring preferences for FBOs as a form of discrimination. But those wishing to make this case were helped when, in the midst of Ways and Means consideration of the bill, the Washington Post reported on an alleged *quid pro quo*. Salvation Army lobbyists were reported to have agreed to endorse the FBI, in exchange for a promise that it would preempt state or local gay rights laws covering hiring and domestic-partner benefits. Both the SA and the administration denied the report's substance. But, just as Charitable Choice had once been framed as an end to "anti-religious discrimination," the Salvation Army incident allowed Democrats to frame FBI as "government funded religious discrimination." From then on it was difficult for urban ethnic leaders, traditional Democrats, or even moderate Republicans to endorse FBI. In the post-election climate, many leaders came to view the initiative as a cynical ploy to gain ethnic support for Republicans.

Many of the major FBOs, which had received public funds before Charitable Choice, expressed concern that expansion of Charitable Choice might cost them funding. This was usually phrased in more polite terms, as concern that an expansion of providers would dilute, duplicate, or waste services, and lead to unpredictability when planning for future services.

Those opposed to FBI now had a President with an uncertain mandate, who had made the issue a very high-profile one in the election, and who was proposing stand-alone legislation on the topic. A clearer target would be harder to imagine. The coalition against FBI that would not form in the 90s now took shape.

3. Tactical Missteps

The White House faced a choice between pursuing *new legislation* or pursuing *administrative implementation* of the existing law that the Clinton administration had hemmed in. The White House policy team (in The White House Office on Faith-Based and Community Initiatives, (WHO), the "policy shop" established by Bush's first executive order), favored administrative implementation. The WHO was staffed with experts on Charitable Choice who had no recent experience on Capitol Hill nor in communications strategy. By contrast, political advisors outside the WHO argued that the President needed a fresh legislative victory by the next election for his keystone domestic agenda item. WHO staff argued for time to build consensus and educate the public on FBI. But *House* Republican leaders then came under pressure from theologically and politically conservative Republicans who felt disenfranchised

by Bush's staffing of the WHO. These lobbyists tended to believe that public funds should be open to proselytizing by intensely religious programs (without a secondary opt-out), with minimal program oversight. (This would happen partly by converting programs to voucher systems.) Their behavior tended to reinforce impressions that religion is by nature coercive, intolerant, and uncommitted to respectful pluralism, and therefore that religion has no place in the public square. In addition, Rep. Watts, the original House sponsor, was eager for an early legislative victory before a planned April summit with African-American clergy.

The House leadership jumped the gun, apparently with the approval of parts of the political-advise wing of the White House. House leaders quickly wrote their own bill, with apparent disregard for its constitutionality, its chances in the Senate, or its effect on bipartisan relationships. They had the votes to push it through the House, and they had constituencies to please and deadlines to meet. Their version (amended to include a secondary opt-out from religious providers, in return for language encouraging use of vouchers) passed 233-198 after removal of nearly all of the tax incentives and Compassionate Capital fund. In the Senate, the parallel bill sponsored by Santorum and Lieberman was limited to charitable giving incentives and other tax credits. But because of the political ill-will created in the House, it died twice in two years. In the process, Sen. Lieberman withdrew his support for explicit religious-hiring exemptions for FBOs, and the President was forced to withdraw his request for them.

6. The Future of FBI

Finally, two questions about the future:

a. Can FBI be saved?

I am actually fairly optimistic. The President certainly has proven his commitment, continuing to press the Senate for a version of FBI throughout its troubled history. It will no doubt remain high on his agenda throughout his presidency. A re-introduced version was passed in February by the House. The Senate's version was introduced soon after, again co-sponsored by Sens. Lieberman and Santorum. The bill included six main features: 1) Charitable-giving tax incentives, 2) increased oversight of FBOs that receive public funds (such as expanded disclosure statements and financial monitoring), 3) An increase in funding for social-service block grants (of \$1.375 billion), 4) expanded Individual Development Accounts, 5) a \$150 million Compassionate Capital fund, and 6) an explicit requirement that publicly-funded FBOs be allowed to maintain their religious atmosphere and Title VII governing-board-selection exemptions. (The bill contains no expansion of Charitable Choice provisions to new Federal programs.)

The sponsors have worked for broad bipartisan support for intensely and vocally religious social service providers. Late last week, Sen. Santorum agreed to drop the sixth proposal (the explicit guarantees regarding FBO atmosphere and hiring), because of Democratic objections. These atmosphere and hiring rights are currently guaranteed by executive order, but this could be overturned by a different President; legislation would have been harder to undo in the future. Given recent history, this is probably as favorable a result for FBI as could be hoped for. Though explicit Title VII exemption language would have provided more permanent security, there is anecdotal reason to think that many FBOs do not view this as a major concern, especially since the Civil Rights Act does not apply to organizations with fewer than fifteen employees. Grand legislation may in the end be less significant than administrative changes in regulation and grant-review processes.

I should add that not all news in the last two years has been bad news for FBI. The pre-existing law has finally been implemented through administrative measures, and several important judicial decisions have favored FBI in church-state cases. These were actually served, to some extent, by the legislative meltdown, which pushed the administrative and judicial issues out of the headlines. In addition, the Senate debate focused not on church-state issues, but on the relative effectiveness of FB programs. This generated some significant good news for FBI. The discussion and related studies indicated that church-state issues--like freedom to leave FB providers for secular alternatives--are very rarely problems in actual practice. The quality of services provided by FBOs seems to be at least as high as those of secular providers. It appears that FBI may indeed be saved in the long run.

b. Can Evangelicalism be saved?

Here I am also fairly optimistic. This story shows us Christian citizenship at its best, and nearer to its worst. Thoughtful, focused, generous Christian action formed Charitable Choice legislation, and less-thoughtful, partisan, conquest-oriented Christian action helped to derail FBI. Legislation in the last Congress was harmed by some leaders who pressured the House for quick action on proposals that weren't sustainable in the Senate. Once again, evangelicals stormed into the political process with an unwise agenda, pressed for immediate gratification, and walked away in self-pity when their initiative lost momentum. This reinforces the self-serving concept that we are involved in a cultural war in which diplomacy is a waste of time.

But this story shows that these tendencies are not essential to evangelicalism. They are symptoms of poor leadership, not fatally flawed theology. This is not a two-year legislative defeat, but one exchange in a decades-long recalibration of the place of faith in the public square. In my view, the renegotiation is going in the right direction.

I've suggested several areas that require attention. Let me summarize them:

- Evangelicals must develop a robust, principled *public theology*, an integral, coherent Christian public policy vision, expressed in language that is not easily made a stepchild of a political extreme. Kuyper is one place to start, but we need more.
- Evangelicals must develop a *strategy for diplomacy* that takes the long view, raises evangelicals' moral standards for fundraising, and aims for strategic goals rather than tactical victories that are more parliamentary than substantial. The diplomatic strategy should value persuasion over power.
- And evangelicals must emphasize thoughtful development of reasonable proposals, by promoting cooperative, communal, extended *Christian scholarship*.

In all three of these areas, Gordon College and its peer institutions have a special ability and responsibility to rise to the occasion-- to teach, learn and lead in ways that re-clothe the public square and genuinely improve the lives of our most marginalized brothers and sisters.