

Charitable Choice and the Faith-Based Initiative: Implications for Discrimination

The Issue

Under the Bush Administration, the role of religious institutions receiving federal funds was vastly changed through a series of Executive Orders and agency regulations. “Charitable choice” provisions, which are provisions in law that allow faith-based institutions to receive federal funding and circumvent certain civil rights laws, were used by the Bush administration to redefine how faith-based groups can use federal funds. Under the umbrella of the “Faith-Based Initiative”, the Bush administration began allowing discrimination with federal money for the first time since the 1960s.

For decades, religious organizations have been providing social services, sometimes using government funds, without the Faith-Based Initiative. But the shifts made under the Bush administration presented a radical change by allowing discrimination in hiring while using federal money. Any program that could be federally funded under the Faith-Based Initiative could have been funded without it, if the sponsoring organization agreed not to discriminate in employment.

Recent Developments

During the 2008 campaign, President Obama said that he would not allow discrimination with federal money, unlike the Bush Administration. Joshua DuBois, who leads the White House Office of Faith-Based and Neighborhood Partnerships, now states that claims of discrimination will be investigated "on a case-by-case basis."¹

In the 1960s anti-discrimination civil rights laws were passed, because people believed that discrimination against protected classes, such as race, religion or sex, is inherently reprehensible. But with the expansion of the Faith-Based Initiative, taxpayer-funded discrimination is legitimized. If we fail to enforce civil rights in federal programs, we lose our moral authority to impose those laws on private employers who may be devoutly religious, or employers who just don't want to hire members of a certain race or national origin. We can not impose policies of non-discrimination in private employment while government-sanctioned employment discrimination under the Faith-Based Initiative is explicitly allowed. Additionally, there is another implication for discrimination that occurs under the guise of religious discrimination. Insofar as many churches and faith-based institutions are virtually all white or all black, where religious discrimination is allowed, that discrimination will necessarily have racial overtones. And so if we are going to be free from discrimination in the private sector, we must insist on civil rights in the public sector.

¹ The New York Times, Feb. 6, 2009, http://www.nytimes.com/2009/02/06/us/politics/06obama.html?_r=2