

**Social Responsibility, Accountability and U.S. Welfare Reform:
The Context of America's Faith-Based Initiatives**

Sheila Suess Kennedy
Assistant Professor
Law and Public Policy
School of Public and Environmental Affairs
Indiana University–Purdue University Indianapolis
801 W. Michigan Street
Indianapolis, IN 46202-5152
shekenne@iupui.edu

Prepared for delivery at the Transatlantic Consortium for Public Policy Analysis and
Education, Pittsburgh, PA September 20-22, 2001

This manuscript is work in progress. Please do not cite or circulate it
without the author's permission. Comments and criticisms are welcome
and may be directed to the above address.

The history of welfare in the U.S. is a history of ambivalence about the nature of our social obligation to the poor, the identification of appropriate vehicles through which we should discharge those responsibilities, and the degree of accountability we should demand from nongovernmental social service providers. Accountability is problematic when there is not clarity of expectations or agreed-upon goals, and that lack of clarity has long been a characteristic of social welfare in the United States.

Background and History

Since the American experience has been greatly informed by its English origins, it may be useful to quote a key section of England's 1349 Statute of Laborers.

“Because that many valiant beggars, as long as they may live of begging, do refuse to labor, giving themselves to idleness and vice, and sometimes to theft and other abominations; none upon said pain of imprisonment, shall under the color of pity or alms, give anything to such, which may labor, or presume to favor them toward their desires, so that thereby they may be compelled to labor for their necessary living.”

This prohibition of almsgiving was one of the earliest measures designed to force beggars to work, and it represents an approach to poverty that remains potent in contemporary welfare theory. As Handler and Hasenfeldt have noted, “the first statute dealing with “social security” [the Statute of Laborers] was not about poverty and destitution. It was about forcing individuals to seek work rather than welfare.” (Handler and Hasenfeldt, 1997. p.21)

Basic English poor law principles heavily influenced welfare in colonial and 18th Century America. Welfare laws typically made a sharp distinction between those who were able-bodied and those who could not work—between the deserving and undeserving poor. Poverty was not believed to be structural or economic in origin; it was seen as moral failure, and the cure for that poverty was therefore believed to be moral reformation.

Although contemporary American welfare policy is couched in terms of labor markets, wage rates, incentives and demographics, it remains heavily laden with those moral judgments (Handler and Hasenfeldt, 1997. p.34). The result has been a vacillating and highly ambivalent approach to social welfare policies dealing with the poor.¹

The 1996 Welfare Reform legislation (the Personal Responsibility and Work Opportunity Reconciliation Act, or PRWORA) reflected both that ambivalence and the growing political discomfort with welfare's entitlement status. The bill converted the program known as Aid to Families with Dependent Children (AFDC) to a block grant — called the Temporary Assistance to Needy Families (TANF) — with essentially fixed funding. States receive a fixed level of resources for income support and work programs based on what they spent on those programs in 1994, without taking subsequent changes in the level of need in a state into account. The legislation did provide for additional "contingency funds" if a state's needs increase, but at a level critics assert is unlikely to be adequate should an economic downturn occur. (Between 1990 and 1992 when unemployment rose, federal AFDC expenditures increased by \$6 billion above the amount expended in 1989. The bill's "contingency fund," however, is only \$2 billion)

Other provisions of PRWORA allow states to withdraw substantial amounts of *state* resources from basic income support and work programs for poor families with children and to divert federal TANF block grant funds to other uses. The bill allows states to withdraw or divert approximately \$40 billion between 1997 and 2002 without such action affecting the level of federal block grant funds they receive. The new welfare legislation also allows states to deny aid to any poor family or category of poor families. In addition, with some exceptions, the legislation prohibits states from using block grant funding to provide aid to families that have received assistance for at least five years. Moreover, states are given the authority to set time limits shorter than five years; those limits can be of as short a duration as a state wishes.

The bill also included \$28 billion in food stamp reductions, a nearly 20 percent decrease.

¹ There has been far less ambivalence about massive social welfare expenditures benefiting the middle and upper classes. Social Security, Medicare and a host of other programs enjoy widespread support, unlike welfare for the poor. (Coontz 1992)

Finally, PRWORA included Section 104, more commonly known as “Charitable Choice.” Section 104 was virtually ignored when originally passed (Bane 2001); however, it has become the center of a highly contentious debate since President Bush made its expansion a centerpiece of his domestic policy. Section 104, entitled “Services Provided by Charitable, Religious or Private Organizations,” provides that States may enter into contracts to deliver services with charitable and faith-based organizations (FBOs) “on the same basis as any other nongovernmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance.” It restates and clarifies prior law prohibiting discrimination against religious nonprofits in the contracting process, prohibits requiring FBOs to adopt a specified organizational structure (primarily the requirement that such contractors be exempt from federal taxation under the Internal Revenue Code’s Section 501c3), and explicitly allows them to display religious icons and other symbols where government services are being provided. Finally, in the only provision that actually effects a change to prior law, Section 104 allows FBOs to impose religious tests when hiring personnel, even when the jobs are funded by tax dollars. (While religious organizations have always enjoyed an exemption from civil rights laws, that exemption had not previously extended to jobs funded by government.)

There are as many explanations of what Charitable Choice was intended to accomplish as there are supporters and detractors. Many proponents believe the measure was necessary to ensure a “level playing field” for FBOs. They point to the many excellent programs being conducted by such organizations, and the need to assure inclusion of those programs in the mix of government-funded services. Other proponents believe that allowing more explicitly religious programming will effect the sort of personal value transformations that they believe the poor require.

Some observers see Charitable Choice as an effort to shift government contracts from more traditional religious providers like Catholic Charities, Lutheran Social Services, the Salvation Army and other long-time government contractors to more evangelical religious organizations, noting that religious organizations have historically played a major role in the provision of governmentally financed social services and no new funds

are being made available. In this view, the issues involved are particularistically Protestant and theological, pitting “witnessing” Christian organizations who act out of a religiously-motivated duty to feed the hungry and clothe the naked against “evangelical” Christians who believe that the poor require moral transformation. (Sullivan 2001; Chavez 2001)

Civil liberties groups who oppose the initiatives argue that Charitable Choice is an effort by the Christian Right to weaken America’s constitutional separation of church and state. Other opponents charge that the impetus for Charitable Choice is wholly political, and see it as a Republican attempt to co-opt heretofore critical African-American ministers (at whom much of the outreach effort has been aimed), or to play to the Christian Right, an important Republican constituency.

Even among those who strongly support Charitable Choice and a greater partnership between government and religious organizations, there is little consensus upon the goals of the legislation, making any evaluation of success difficult. If the intent is simply to “level the playing field,” success would be defined as a lack of barriers to entry, and increased participation by FBOs in government programs. If it is to increase the effectiveness of social services, success would be measured by comparing outcomes. If it is intended to transform individuals, it is difficult to envision appropriate accountability measures.

Legislative support for Charitable Choice was based on three assumptions: That existing legal barriers prevented FBOs from partnering with government on an equal basis with secular nonprofits; that the faith community represented new and untapped social service resources; and that FBOs were more effective—produced better results for the money—than secular organizations. However, faith organizations have long been a vital part of the social service delivery network in the United States, and recent research suggests that they have experienced relatively few barriers to that participation (Monsma 1996). Other research rebuts the assumption that such organizations represent substantial untapped resources (Chaves 1999). There has been no research at all on comparative efficacy (Kennedy).

In September of 2000, in the absence of policy research to either rebut or confirm claims made for Charitable Choice and the President's initiative, and with the support of the Ford Foundation, I put together a group of scholars from the School of Public and Environmental Affairs at Indiana University Purdue–University Indianapolis, and we began a three-year study of Charitable Choice implementation, using three states as proxies for the national effort. We proposed to look at three discrete facets of this policy initiative: accountability and capacity issues; constitutional issues; and comparative efficacy. While it is too early to draw definitive conclusions, we have been able to identify a number of the accountability issues involved.

Management Issues

If Charitable Choice is intended to make government contracts more “user friendly” to FBOs who have not previously partnered with the public sector, so as to encourage their entry into social service partnerships (DiIulio 2001), the first task for public managers will be to inventory their current procurement processes in order to identify and remove existing barriers.

In a federated system where states have considerable independent authority, and where the political emphasis of the past several years has been on devolution, the identification of barriers disadvantaging FBOs has elicited different responses from different states. Massachusetts, for example, significantly revamped its procurement processes in 1995, with the express purpose of making the government contracting process more accessible and transparent to all potential bidders. Massachusetts officials believe the revamped process does not contain barriers to FBO participation; furthermore, the state points to its long history of contracting with Catholic, Lutheran and Jewish agencies. (Jensen 2001)

While the Center for Public Justice (an independent nonprofit that strongly supports Charitable Choice) gave Massachusetts an “F” on its recent “report card” rating the states on implementation of Charitable Choice (Center for Public Justice 2000), state officials took the position that the legislation was intended to “level the playing field” and Massachusetts’ field was already level.

North Carolina, a southern and heavily rural state, has approached implementation primarily through an existing effort: the Communities of Faith Initiative of the North Carolina Rural Economic Development Center. Launched in the early 1990’s, the program worked across denominational and racial lines to address the needs of rural inhabitants of North Carolina, particularly those living in or near poverty. The most numerous and powerful institutions in rural North Carolina were the churches; accordingly, it was through an alliance of those churches that the Rural Center proposed to deliver services. Subsequent to enactment of Charitable Choice, the Center has held two conferences, and has entered into a contract with the North Carolina Division of Social Services to initiate a church-based pilot program to support rural families as they move from welfare to work. “Faith Demonstration Awards” were made to five faith-based projects, most of which serve more than one county but none of which are statewide in scope. Communities of Faith also does training for FBOs; in 2000, organizations from 42 North Carolina counties attended its Faith With Works seminars.

Indiana has been the most ambitious of the three states we are studying. The state established an initiative called FaithWorks, designed to reach out to smaller faith-based

organizations that had not previously contracted with the state, and to assist them with capacity-building and technical assistance. FaithWorks' short-term goal is to give such organizations the tools, access and information needed to become competitive with traditional providers. Its long-term goal is the creation of networks and links that will allow the faith community to sustain an effective presence in the area of social service delivery. As part of an overall outreach effort to the faith community, six informal meetings were held around the state in February of 2000. Invitations were sent to houses of worship and nonprofit service providers affiliated with religious organizations, although any interested organization was welcome to send representatives.

Approximately one thousand people attended. During the year, four hundred organizations received technical assistance, either through state-paid consultants or by attending state-sponsored workshops. Workshops included descriptions of the Charitable Choice legislation, state procurement procedures, the contracting process, effective proposal development, TANF program requirements and fiscal management and accountability.

“Affirmative action” outreach programs like Indiana’s FaithWorks or North Carolina’s Community of Faith Initiative are one method of increasing participation by FBOs, and publicizing the existence of a level playing field. Complete revamping of the procurement process, similar to the Massachusetts effort, is another. Both sets of states must confront a threshold issue, however: establishing appropriate criteria for bidders. Supporters of Charitable Choice have criticized insistence upon professional credentials and norms. In a recent article in *Commentary*, Les Lenkowsky argues for “elimination of

arbitrary rules that allow, for example, the use of professional therapy but not pastoral counseling.” (Lenkowsky 2001, 23) If an agency is putting together an RFP for counseling services, and requires that successful bidders employ licensed social workers, has the state discriminated against FBOs offering unlicensed “pastoral counseling”? Lenkowsky clearly believes it has, although other religious spokespersons disagree². On the other hand, states are accountable for the quality of the services they provide, and have a legal obligation to evaluate the ability of bidders to provide services at an appropriate level. If the bidder offers “pastoral counseling,” in lieu of professional certification, how is the probable efficacy of that counseling to be assessed? If the state appears to relax or discard professional standards when the bidder is an FBO, secular nonprofits and current state contractors may justifiably object that an unconstitutional preference is being shown to religious organizations in violation of the Establishment Clause. In his recent testimony on Faith Based Solutions before the Senate Committee on the Judiciary, John L. Avery of the Association for Addiction Professionals focused upon precisely that issue.

“NAADAC’s concern is not with who provides care, but rather by what clinical standards that care is provided. We are committed to the application of science-based best practices, perhaps as most succinctly stated in the National Institute of Drug Abuse (NIDA) publication, ‘Principles of Drug Addiction Treatment, a Research-based Guide.’”

² In testimony to the Senate Judiciary Committee on Faith Based Solutions, Rev. Eliezer Valentin Castanon presented the position of the General Board of Church and Society of the United Methodist Church, saying “We cannot agree, however, in the establishment of *faith* as a separate category that sets religious groups apart from requirements which others are obligated to meet in order to provide social services.” (U.S. Senate Judiciary Committee 2001).

Avery emphasized that, for his organization, the “salient issue is the clinical competency of the treatment provider” and concern for consumer protection and public safety.

If FBOs believe insistence on evidence of “clinical competency” is discriminatory, and the professional organizations believe that failure to require such evidence is malpractice, it is no wonder that many public administrators feel caught in an untenable situation.³

The states we are studying have also taken different approaches to classification of FBOs. Massachusetts, as indicated, considers religious providers essentially fungible, both with other sectarian organizations and with secular providers: Catholic Charities, The Good News Garage and secular agencies—all are officially considered equal, and evaluated solely with respect to the responsiveness of their bid. If lack of prior experience operates to disadvantage some bidders, that is considered to be unfortunate but irrelevant. In Indiana, the state “counts” as FBOs only those participating in its Indiana Manpower Placement and Comprehensive Training (IMPACT) program. IMPACT is Indiana’s welfare reform demonstration project; it includes cash assistance and employment services programs for needy and eligible families with dependent children, and is funded with TANF dollars. This approach to categorization has generated anomalies: a homeless shelter created and supported by a group of churches and other nonprofits, whose Executive Director is an ordained minister, is not considered “faith based” for

³ *American Jewish Congress v. Bernick, Bolden, and Sakomoto*, Superior Court, State of California, County of San Francisco (June 2001).

programmatic purposes; however, a for-profit corporation which participates in IMPACT is classified as an FBO, and self-identifies as faith-based.

In his recent testimony before the Judiciary Committee, Douglas Laycock, a noted scholar on religious liberty issues, reminded the Committee that “choosing someone to deliver social services is more complex than picking the low bidder on a pencil contract. How do you keep thousands of government employees, federal state and local, from discriminating on religious grounds when they award grants and contracts?” Laycock endorsed a “reporting requirement” that would require “explanation” of any “obvious over-or-under representation” of religious providers. Whatever the merits of such a requirement, it would be yet another bureaucratic task requiring at least some level of resource allocation. Whether such a mechanism would minimize claims of bias is an open question; as Richard Foltin of the American Jewish Committee has noted,

“It seems almost inevitable that, whatever claims may be made that contracts will be allocated on the basis of merit, in any given community the religious groups most likely to receive funds will be those associated with ‘mainstream’ faiths. And, even if the contracts are allocated on a totally objective basis, there is likely to be sharp distrust and suspicion that this is not the case.”

Once contracts have been awarded, performance must be monitored. Early experience in Indiana suggests that monitoring first-time FBOs requires considerably more resources, more “hands-on” help, than is needed with more experienced providers (Raibley). This

situation can be expected to diminish as such providers become more sophisticated about government's expectations, but that will take some time.

There is also a significant constitutional issue involved in monitoring, since the Free Exercise Clause of the First Amendment protects religious organizations against unwarranted intrusion, and what is "unwarranted" is a fact-based inquiry. Even if audit and accountability measures are perfectly appropriate constitutionally, elected officials have expressed concerns that, should state agencies find FBO compliance inadequate, charges of bias will be leveled and may well resonate politically. To the extent Charitable Choice focuses upon inner city churches, race will inevitably become a part of the political equation in such situations, a prospect that concerns even strong supporters of Charitable Choice and vigorous outreach efforts to involve religious providers.⁴

If government oversight is not to be viewed as racially or religiously discriminatory, great care will need to be exercised to eliminate any disparities in the monitoring process.

Oversight methodology and criteria will need to be well-conceived, and they will need to be communicated before the fact and with clarity.

State agencies are constitutionally required to insure that government funds go only to support secular activities. Consistent with that requirement, the original Charitable Choice legislation prohibits use of tax dollars for proselytizing, and prohibits conditioning service delivery upon participation in religious activities. (This would

⁴ It is instructive that this issue has been raised with the author on several occasions, but always "off the record." It is a persistent background concern that no one wants to acknowledge publicly.

change under President Bush's proposal, which would allow more explicitly religious content in programming.) Public managers are responsible for compliance with those restrictions; however, states have limited managerial resources with which to monitor programmatic content for constitutional compliance. Middle managers hired to administer welfare service contracts cannot be expected to recognize any but the most egregious First Amendment violations, and have limited time to devote to such issues. If a violation is alleged and proven, however, the state can be held liable. As the Welfare Information Network frames the issue on a section of its Website devoted to discussion of frequently asked questions,

“State or local jurisdictions should consider these terms [“faith based organization” and “proselytization”] when working on contracting arrangements that are covered by Section 104 of the federal welfare reform law, P.L. 104-193, also known as the "Charitable Choice" provisions. Contracting with funds under the Temporary Assistance to Needy Families Program is covered by Section 104. The law does not offer definitions of "religious organization" and "proselytization," and although some states may have defined these terms in case law related to schooling or other issues, they are not familiar to many contract officers.

Given the lack of precedents, states and local jurisdictions generally have avoided legally binding definitions in their contracts, especially as to what constitutes proselytization. Instead, dialogue and "gut instinct" are guiding the implementation of the ban on proselytization when contracting with

federal funds. This approach could include: ensuring that organizations bidding on a contract know in advance about the prohibition on using the contract funds for proselytization; talking with the contracting organization about the state or local agency's expectations, and the consequences of any problems reported with proselytization; and ensuring that participants are aware of the ban and what steps they can take if they feel uncomfortable receiving services from a religious provider. For example, Section 104 provides welfare recipients the right to seek alternative providers. Religious organizations have certain rights under Section 104 as well.⁵

As Rev. Castanon of the United Methodist church warned in his testimony to the Senate Judiciary Committee on Faith Based Solutions,

“As long as government attempts to separate what is religious from secular in entities like churches, synagogues, mosques, etc. it risks becoming excessively entangled with religion, thus advancing it or hindering religion, both clear violations of the establishment clause.”

Finally, there is the law's requirement that secular alternatives be provided for welfare recipients who do not want a faith-based provider. Public managers will thus need to identify such alternatives and fund them. This should not present a major problem in

⁵ Available from <http://www.welfareinfo.org/faithbase.htm>.

urban areas, but it can be a challenge in more rural states, or rural areas of states, where alternative providers may not be convenient, or even available, or in very homogeneous communities.⁶

State agencies should evaluate the efficacy of all service providers, secular or religious. Such evaluation was problematic well before the passage of Charitable Choice; in all three of the states we are studying, the social welfare system is so radically decentralized and uncoordinated as to make sound evaluation of overall service delivery virtually impossible. In addition, welfare populations are notoriously difficult to track: poor people move frequently, often do not have telephones, and are frequently unresponsive to or intimidated by survey forms and other formal inquiries. The lack of credible data is one reason that welfare policies generally elicit such strong disagreements among scholars and policymakers.

Those who support expansion of Charitable Choice, and increased reliance by government on nonprofits generally, insist that such “mission-driven” organizations are more effective than secular providers. To date, there is virtually no data about FBO performance. Reliable scholarship can provide public managers with important answers: are FBOs more efficient and effective? Are they more effective in some areas than others? Are some FBOs more effective than other FBOs? If so, what are the characteristics of the more and less effective organizations? If evaluators are to answer

⁶ As Douglas Laycock noted in his testimony, “We have not succeeded in guaranteeing even one provider for all people who need these services. How can we plausibly guarantee a choice of providers?” (U.S. Senate Judiciary Committee 2001).

such questions, however, clarity and consistency of terminology and objectives will be required: who shall be classified as an FBO? How shall we define “success”?

Public managers must measure success—once defined—without intruding upon the constitutional prerogatives of the religious organization. This can be especially difficult when the FBO has chosen not to form a 501(c)(3) affiliate (named for the provision of the Internal Revenue Code governing tax-exempt entities), because monitoring and evaluation of fiscal performance will require review of books and records, and program costs may not have been segregated from other financial information. Even if there is a separate 501(c)(3), some inquiry into the finances of the religious organization may be necessary if, for example, a church or synagogue is providing substantial in-kind support. Any analysis of the cost of providing services will include the value of volunteer time, use of church equipment and facilities, and similar accommodations. Valuing those accommodations may require more review than the FBO feels is constitutionally appropriate.

These are thorny management issues, but their resolution is important. Equally thorny are some of the constitutional issues involved.

Constitutional Accountability

In the United States, constitutional rights are negative. While statutes may create additional rights or entitlements, constitutionally guaranteed rights are rights to be free of state interference: the right to speak one's mind without official suppression, the right to refuse unwarranted searches, the right to be free of governmental discrimination. The definition of government, the ability to identify which actions are attributable to the state and which are not, is crucial to this constitutional framework.

The increasing reliance upon private entities—faith based or secular—to provide government services thus raises an important question: are these partnerships creating a new definition of government? Is privatization extending, rather than shrinking, the state? Does the substitution of an independent contractor for an employee equate to a reduction in the scope of government, as proponents believe? Or, as Donald Kettl has suggested (1993), does the substitution operate instead to shift the locus but not the scope of government activity, and thereby blur the boundaries between public and private, making it difficult to decide where “public” stops and “private” begins? If we are altering traditional definitions of public and private by virtue of these new relationships, what is the effect of that alteration on a constitutional system that depends upon the distinction as a fundamental safeguard of private rights?

However we understand government, a central tenet of democratic regimes is that the state must be accountable to its citizens. Contracting out complicates accountability in a number of ways (Gilmore and Jensen 1998). In an important book published in 1993,

Nonprofits for Hire, Steven Rathgeb Smith and Michael Lipsky explored a variety of issues raised for government and the nonprofit sector by virtue of the increasing reliance upon government contracts.

“American social policy is in the midst of a dramatic restructuring of the way public social services are provided. Although government funding of nonprofit service organizations dates to the colonial period, only in the last 25 years did this government-nonprofit strategy emerge as a widespread and favored tool of public service delivery. But entrusting the most vulnerable citizens and the most delicate service tasks to private agencies is not simply a matter of choice between “making” or “buying” services. This might be the case when one considers contracting out for pencils, computer services, or strategic weapons. But when it comes to purchasing the care and control of drug addicts, the safety and nurturing of children, the relief of hunger and the regulation of family life (through child protective activities) from private agencies, other values than efficiency are at stake. We contend that the impact of this transformation on the future of the American welfare state has not received adequate attention” (1993, 11).

Among the issues Smith and Lipsky explore is the transfer of state power to private providers.

“Like teachers, police officers and welfare workers, service providers in the nonprofit sector manage scarce resources by coping with their jobs in such a way as to render them not simply implementers of public policy, but ‘makers’ of public policy” (1993, 116).

Smith and Lipsky contend that workers in nonprofit agencies executing government contracts must be considered agents of government, and express concern that accountability has been compromised by the lack of transparency which is an inevitable component of such arrangements.

When the government contractor is a religious organization, there are added constitutional concerns. The First Amendment to the U.S. Constitution specifically prohibits funding religion, and while the mere payment of money to a religious organization is not the same as “funding religion,” care must be taken to ensure that contract payments support only the secular services being purchased, and that government dollars not be used for support of religious proselytizing or religiously based discrimination. Finally, the Equal Protection Clause of the Fourteenth Amendment mandates equal treatment before the law; at a minimum, this means that invidious distinctions cannot be drawn between religious organizations (or others) bidding for government contracts. Public managers are accountable for adherence to those constitutional restraints. Religious organizations with a long history of government contracting tend to be larger and more sophisticated, and to have mechanisms in place to assure compliance with these constraints; the outreach to smaller, more grassroots

organizations will require added monitoring and technical assistance until they, too, can demonstrate constitutional compliance.

Conclusion

America's current conversation about the role of faith-based organizations in social service provision cannot be understood without reference to its very conflicted approach to social welfare generally. More than other western nations, the United States begins its public policy discussions by emphasizing a highly individualistic tradition—a tradition that greatly values personal responsibility and is inherently suspicious of government interventions.

The current welfare system in the United States hardly deserves the designation of “system;” it is fragmented, decentralized to the point of incoherence, and torn between competing premises about the causes of poverty and the proper role of the state.

Whatever the merits of Charitable Choice, it represents only a proposed, modest enlargement of the faith community's already considerable role in service delivery.

Whether that enlarged role represents a realistic expectation remains to be seen, but even enthusiastic proponents readily concede that religious organizations cannot fill the unmet needs of America's poor. Government involvement is a given. A public discussion of poverty, its causes, the role of government, and the mechanisms chosen for service delivery is long overdue.

References

- Bane, Mary Jo, Ronald Thiemann, and Brent Coffin. 2001. *Who Will Provide? The Changing Role of Religion in American Social Welfare*. Cambridge: Harvard University Press.
- Chaves, Mark. Interview by author. Chicago, IL, April 2001.
- _____. 1999. Religious Congregations and Welfare Reform: Who Will Take Advantage of 'Charitable Choice'? *American Sociological Review* 6(4): 836-846.
- Charitable Choice Compliance: A National Report Card. 2000. Annapolis, MD: The Center for Public Justice. Available from: [http://www.cpublicjustice.org/stories/storyReader\\$296](http://www.cpublicjustice.org/stories/storyReader$296). Accessed August 1, 2001.
- Coontz, Stephanie. 1992. *The Way We Never Were: American Families and the Nostalgia Trap*. New York: Basic Books.
- DiIulio Jr., John J. Know Us by Our Works. *Wall Street Journal*, 14 February 2001, 237 (32):A22.
- Gilmour, Robert S., and Laura S. Jensen. 1998. Reinventing Government Accountability: Public Functions, Privatization, and the Meaning of 'State Action'. *Public Administration Review* 58 (3): 247-258.
- Handler, Joel F. and Yeheskel Hasenfeld. 1997. *We the Poor People: Work, Poverty and Welfare*. A Twentieth Century Fund Book. New Haven, CT: Yale University Press.
- Jensen, Laura. Interview by author. Indianapolis, IN, May 2001.
- Kennedy, Sheila Suess and Wolfgang Bielefeld. (2002, February). Government Shekels without Government Shackles? The Administrative Challenges of Charitable Choice. *Public Administration Review* (forthcoming).
- Kennedy, Sheila Suess. Privatization and Prayer: The Case of Charitable Choice. (Currently under review.)
- Kettl, Donald. 1993. *Sharing Power*. Washington, D.C.: Brookings Institution.
- Lenkowsky, Leslie. 2001. Funding the Faithful: Why Bush is Right. *Commentary* 111 (6). Available from: <http://www.commentarymagazine.com/0106/lenkowsky.htm>. Accessed August 1, 2001.
- Monsma, Stephen V. 1996. *When Sacred and Secular Mix: Religious Nonprofit Organizations and Public Money*. Lanham, MD: Rowman and Littlefield Publishers.

Raibley, Matt. Interview by author. Indianapolis, IN, July 2001.

Smith, Steven Rathgeb and Michael Lipsky. 1993. *Nonprofits for Hire: The Welfare State in the Age of Contracting*. Cambridge, MA: Harvard University Press.

Sullivan, Winnifred Fallers. Interview by author. Chicago, IL, April 2001.

U.S. Senate Judiciary Committee. *Faith Based Solutions: What are the Legal Issues? Hearing before the Judiciary Committee*. 107th Cong., 1st sess., 6 June 2001.