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Marvin Olasky

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## THE WHITE HOUSE FAITH-BASED INITIATIVE: WHAT'S GOING RIGHT, WHAT'S GOING WRONG?†

MARVIN OLASKY\*

It is significant that the faith-based initiative has received more attention than much more costly governing ideas. And what jumps out at me, in looking at what is going right and what is going wrong with the faith-based initiative, is a certain surprise that we are discussing this topic at all, with religion at center stage. After all, the funeral of the religious impulse, and particularly the funeral of Christianity, has been scheduled many times. Thomas Jefferson predicted two centuries ago that belief in the Bible as God's word would die out in America. Clarence Darrow predicted the same thing in the 1920s following his rhetorical victory in the Scopes trial.

In the middle of the 20th century, the Supreme Court and then others discovered that the First Amendment had a few extra words written in ink that had been invisible for 160 years: "wall of separation" between church and state.<sup>1</sup> In 1980, the mayor of Los Angeles favored banning Bible studies in private homes. And here, in the year of our Lord 2001, we are talking about the White House promoting religious faith, with a strong biblical emphasis, as the way to fight poverty.

This all reminds me of the story of an elderly man who lay dying in his bed. He suddenly smelled the aroma of his favorite chocolate chip cookies wafting up the stairs. He gathered his remaining strength, forced himself down the stairs, and gazed into the kitchen. Spread out upon platters on the kitchen table were literally hundreds of his favorite chocolate chip cookies. Mustering one great final effort, he threw himself toward the table. He reached out, but—smack!—a spatula came down on

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† The text of this speech was originally delivered as a lecture at The King's College dinner in New York City on May 14, 2001.

\* Editor-in-Chief, *WORLD*; Professor, University of Texas at Austin; Senior Fellow, Acton Institute for the Study of Religion and Liberty; Author, with foreword by George W. Bush, *COMPASSIONATE CONSERVATISM: WHAT IT IS, WHAT IT DOES, AND HOW IT CAN TRANSFORM AMERICA* (2000).

1. *Everson v. Bd. of Ed. of the Township of Ewing*, 330 U.S. 1, 16 (1947) (citing *Reynolds v. United States*, 98 U.S. 145, 164 (1878) (quoting Letter of Thomas Jefferson to the Danbury Baptists)).

his hand. "Stay out of those," his wife growled, "they're for the funeral."

Well, the funeral is still a ways off. That is what stands out to me: the faith-based initiative's prominence, with all its problems, shows one thing that is going right. But a few things have gone wrong. I was originally planning to present you the rights and wrongs in a more theoretical way, but as I was writing this out a couple of days ago my historian's instincts took over: Over the next half-hour I would like to take you on a quick time machine tour with nine stops.

Our first stop is the 1770s and 1780s. Just before the American Revolution, the British were pushing hard to make Anglicanism, the Church of England, the established denomination wherever in their American colonies they could do so without provoking an uprising. As the established denomination, the Church of England received official preference and was the sole religious recipient of tax revenues, taken from Anglicans and non-Anglicans alike. In Virginia, James Madison and others grew to hate the corruption of the Anglican denomination and its persecution of dissenters, which included sticking whips down the throats of Baptist preachers.

That dislike of persecution led to the First Amendment. In 1789, Madison led the U.S. Congress to an agreement on the sixteen words that make up the section on religion of the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . ." The amendment could be summarized in two words: Never again! The Founders never wanted to see again what had prevailed in colonial days, where one religious viewpoint received preference. The founders were not proceeding in the abstract but on what they had seen and never wanted to see again. One problem we have is that this is not at all understood: the press often interprets the religion part of the First Amendment as something aimed *at* religion rather than something designed to protect a diversity of religions from domination by one.

Our second stop could be at almost any point in the 19th or the first half of the 20th century. A theistic consensus gradually came to include Catholics and Jews, as well, and it dominated the United States. It was seen as completely appropriate for Christians or Jews or anyone else with good manners to proselytize. (The word "proselytize," by the way, originated with Jewish missionary efforts 1800 years ago). I mention manners, because force, bribes, or badgering for purposes of conversion were seen as remnants of Europe and out of place in a sweet land of religion and liberty.

During most of this period, Americans fought poverty effectively through both material and spiritual means. Folks believed, as Jesus said, that the poor will always be with you—but not any particular poor. Under conditions of incredible difficulty, neighbors helped newcomers so there was always flowing fresh water among the poor, not icebergs of intergenerational dependency. Americans typically offered challenging, personal, and spiritual help, treating people as human beings made in God's image, not pets.

Our third stop is the 1960s, where religion and liberty came to be seen as opposed. In our zeal to avoid any preference for religions or religion, we established a preference: secularism. Courts removed prayer from public schools, and social service programs that included worship, prayer, or evangelism became ineligible for government funds. The result, in Richard John Neuhaus' memorable phrase, was "the naked public square": not neutral, but naked.<sup>2</sup> That distinction is important: If two people stand before us, one wearing clothes and the other naked, we are unlikely to think of the naked person as having a neutral position in regard to clothing. Government programs are the same way.

Our fourth stop is the 1970s through the mid-1990s, when government did attempt to provide some clothing for the naked. During this period the federal government made grants to Catholic Charities, Lutheran Social Services, Jewish Family Services, and so forth—religious groups with a great heritage, but ones that increasingly looked like secular programs because they essentially made a deal. If an implicit agreement could have words they would have been these: Do not talk about God. Do not make waves. Then you may pass Go and you may collect \$200, or \$200 million in some cases.

Let me make a theological point here, and then a constitutional one. First, the theology: It is sometimes said that some of these government-lookalikes are religious only in name, but that is a misreading of theological diversity. Those groups practice what is sometimes called the Ministry of the Deed. They do not practice the Ministry of the Word; some Christian programs don't believe that telling people about Christ is important. I believe that Jesus Himself would disagree: after all, the two times he fed people (feeding of the 5,000 and the 4,000) came after they had listened to him for a long time. But whether you agree or disagree, this is clearly a theological debate.

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2. RICHARD JOHN NEUHAUS, *THE NAKED PUBLIC SQUARE: RELIGION AND DEMOCRACY IN AMERICA* (1984).

Now, the constitutional point: Theologically liberal Christianity is a religious persuasion, and giving money to groups with those beliefs while refusing to give money to theologically conservative groups certainly violates the First Amendment's ban on establishing—giving preference to—a particular religious viewpoint. That is exactly what we are doing now, with hundreds of millions of dollars given to religious groups, as long as they practice what in the government's eyes is the right kind of religion.

Our fifth stop is 1995 and 1996. The Republican Revolution of 1995 included an assault on the bankrolling of some social service groups, and it failed. You may know the story about the Texan up north who was bragging about how everything was bigger or better in his state, so some Yankees took him to see Niagara Falls. "Ever seen anything like that in Texas?" they asked. "Nope," he responded, "but I know a plumber in Fort Worth who could fix that leak in thirty seconds."

The Republican Revolution attempted to fix some things in thirty seconds, and it failed. Had it succeeded, we could now talk about shrinking the size of government; as it is, I believe the best we can do is restructuring, with as much power as possible moved from Washington and put into the hands of individual taxpayers. I have libertarian instincts, but all that follows in this lecture is predicated on the notion that those instincts have to be checked, and that our political agenda over the next few years needs to emphasize restructuring rather than shrinking.

What did come out of the aborted Revolution, though, was welfare reform that has had a positive effect, and the "charitable choice" provision within welfare reform.<sup>3</sup> Charitable choice, at least as Republicans interpreted the measure, meant that taxpayer dollars could now go to groups that believe in teaching as well as feeding, as long as the groups would use their own funds specifically for teaching, preaching, and evangelism. Here is the logic: Since theologically liberal groups are now central in the dispensing of social services to the poor, we can now conform to the First Amendment either by eliminating governmental discretionary grants to social service agencies, or by distributing them in a non-discriminatory way.

Charitable choice is a way to be non-discriminatory. That does not necessarily make it right in practice: Evangelical groups and others have justifiable concerns about conforming to government stipulations that could push them down a slippery slope, at the end of which they would be government lookalikes. I have

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3. Personal Responsibility and Work Opportunity Reconciliation Act of 1995, 42 U.S.C. § 604(a) (Supp. 1996).

those concerns. But charitable choice is an attempt to deal with a major practical and constitutional problem, and should not be dismissed out of hand.

Our sixth stop is 1999. Governor George W. Bush made Steve Goldsmith, who then was finishing the last of his eight years as mayor of Indianapolis, his domestic policy advisor for the campaign. Steve was a very innovative mayor who created the Front Porch Alliance, a jujitsu group within city government that helped faith-based and community groups cut their way through government red tape. Governor Bush and Mayor Goldsmith summoned a few scholars to meet in Austin in February of that year to kick around some ideas. A lot of e-mail traffic and a few position papers arose over the next five months. The culmination was a speech by candidate Bush in Indianapolis in July that explained what he meant by compassionate conservatism.

The speech was terrific. Governor Bush referred to two pervasively evangelical programs as he explained that “sometimes the idea of compassion is dismissed as soft or sentimental. But those who believe this have not visited these programs. Compassion is not one of the easy virtues . . . . At Teen Challenge—a national drug treatment program—one official says, ‘We have a rule: If you do not work, you do not eat.’ This is demanding love—at times, a severe mercy. These institutions, at their best, treat people as moral individuals, with responsibilities and duties, not as wards or clients or dependents or numbers.”<sup>4</sup>

Teen Challenge, by the way, began in New York City four decades ago, and it has now spread around the world. It is what led Governor Bush to set up his first faith-based initiative in Texas. As he recalled during his Indianapolis speech, “In 1995, Texas officials tried to close down faith-based drug treatment programs because they did not fit the regulations. When challenged that these programs were effective, one official responded, ‘We’re not interested in results, we’re interested in complying with the law.’ We solved that problem in Texas. If I am president, federal workers in every department of my administration will know that we value effectiveness above red tape and regulation.”<sup>5</sup>

Governor Bush then laid out his basic principles: “We will never ask an organization to compromise its core values and spiritual mission to get the help it needs. We will keep a commitment to pluralism—not discriminating for or against Methodists or Mormons or Muslims, or good people of no faith at all. We will

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4. *Charities in the Community*, AUSTIN AM. STATESMAN, July 27, 1999, at A9.

5. *Id.*

allow private and religious groups to compete to provide services in every federal, state and local social program . . . . And we will create an advocate position—reporting directly to the president—to ensure that charities are not secularized or slighted.”<sup>6</sup>

Please keep these statements in mind: *Never* asking groups to compromise core values. No discrimination. Everyone allowed to compete. An advocate to stand up against secularization or slighting.

Now let us move to our seventh stop, January 29, 2001, when all this campaign planning came to fruition. President Bush announced the faith-based office, with its prime goal of fighting bias against religious groups. But, in a last minute switch, Steve Goldsmith did not get the job; John DiIulio, a professor at the University of Pennsylvania and a Democrat, did. I like both Steve and John; both are smart and funny. But Steve has a lot of experience as a principled politician; John had to move from Ivy League football to the NFL—actually, make that the XFL—because in Washington there are no fair catches.

The reasons for the late switch were complex, but ideology was one of them. Paul Gigot discerningly wrote in the *Wall Street Journal* on May 4th, “On taxes Mr. Bush built a coalition from the right toward the center, and he’s on track to get most of what he proposed. But on education his aides . . . figured they could dominate from the center out, but in practice this has meant making one concession after another to the status-quo left.”<sup>7</sup> We have seen the same center-out tendency in the faith-based initiative.

One plus in John’s appointment is that he has good ties with some black church leaders. That was useful also to Team Bush because some of its politicians had come to see compassionate conservatism as a way to make grants that could help to increase the percentage of the Bush vote among blacks from that sad 7% level in November, 2000. I, by the way, agree with that political desire and even more so the social desire: I want more resources to go to effective, black-led inner city programs. But black Christians, like white ones, are divided into those who are theologically conservative and those who are theologically liberal. Both blacks and whites need the liberty to practice all of their faith.

Given the misunderstanding of the First Amendment that many Americans, particularly journalists, have, the govern-from-

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6. *Bush Wants Federal Funds for Faith-Based Groups*, THE PRESS ENTERPRISE, July 23, 1999, at A22.

7. Paul Gigot, *Beltway 101: Teddy Takes George to School*, WALL ST. J., May 4, 2001, at A14.

the center-strategy had a hard time coexisting with an emphasis on creating a level playing field for all religions. It also did not take into account that the conservative evangelical base was not secure concerning the faith-based initiative. Given the bad experiences many evangelicals have had with governmental programs, they needed reassurance that the initiative would create a level playing field rather than a slippery slope in which they would be pressured to give up key parts of their religious activities in order to be participate.

Our eighth time machine stop is the two months following the January 29 announcement of the faith-based initiative. John DiIulio did an excellent job of telling liberals that they had nothing to fear from the faith-based initiative—but each time he did so, conservative concerns grew. For example, he told Peter Jennings that “I certainly wouldn’t be a part of it [the faith-based initiative] myself if I thought for a minute we were—we were going in the direction of, you know, funding groups that were going to proselytize.”<sup>8</sup>

Jennings then asked about a program “where you’re taught that God is your savior or Jesus is your savior. Will those organizations get money?”<sup>9</sup> John responded, “No, they would not get money.”<sup>10</sup> This was directly contrary to the Bush campaign emphasis on judging by results, not religious belief. Comments of that sort struck directly at the central mission of evangelicals, which is—surprise!—to evangelize, to tell people that Jesus can save them. The narrator, in a great children’s book, *I, Mouse*, says at one point, “I like to eat cheese. Is that a crime?” Evangelicals felt that the faith-based initiative was discriminating against them.

Journalists throughout February and March kept asking who would get money and who would not, and that made many people think the faith-based initiative’s major purpose was the disbursing of funds. The two more important emphases are regulatory reform and tax code reform—removing some of the regulatory barriers that faith-based groups face and creating additional incentives for making contributions to such groups. But those did not receive much attention.

As evangelicals became upset about funding discrimination, the faith-based office offered a half-way covenant: Programs involving “religious instruction or worship” would not be “disqualified so long as they’re able to compartmentalize or segre-

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8. *ABC Evening News*, January 29, 2001 (on file with author).

9. *Id.*

10. *Id.*

gate those components and show that no taxpayer funds support those activities.” That formulation created new problems: Segmenting of that sort is precisely what the strongest, most biblical Christian groups cannot and will not do. They, like orthodox Jewish and Muslim groups, see all of life as religious.

Ironically, Teen Challenge, the organization Governor Bush went to bat for six years ago, the organization he praised in his Indianapolis speech in 1999, would not be eligible under the segregation standard. Teen Challenge does not just have a sermon or a Bible lesson at a designated time, so that accountants can readily segment its cost from the cost of the whole program. Teen Challenge’s faith is that people stop being addicts when Christ fills the holes in their souls. It cannot separate counseling and evangelism: Evangelism is its counseling.

By mid-March the situation was also becoming personally ugly. Jerry Falwell, Pat Robertson, and Richard Land (of the Southern Baptist Convention), had all criticized the direction of the faith-based initiative, and John responded by attacking his “predominantly white, ex-urban evangelical” opponents. He said their critiques “would persuade more and rankle less if they were backed by real human and financial help.”<sup>11</sup>

Richard Land responded with a listing of Southern Baptist charities and a comment that he was “stunned by Dr. DiIulio’s uninformed, offensive remarks.” Land accused John of “caricaturing and stereotyping my denomination and the worst aspects of our past in a way that amounts to playing the race card.”<sup>12</sup> But there was no “amounts to” about it when minister Eugene Rivers, who has done excellent work in Boston, got started a week later. “This has become an issue about race and class,”<sup>13</sup> Rivers said. “The white fundamentalists . . . are infuriated because John DiIulio wants resources to go to people who are poor, black, and brown.”<sup>14</sup>

It is ironic that the faith-based alternative was leading to attacks on theological conservatives and to race-baiting, because the compassionate conservative idea in George W. Bush’s hands was a uniter, not a divider. President Bush often reminds me of the farmer who encountered a man who had driven his car into a ditch in a desolate area. The farmer hitched up to the car his big, strong horse Buddy and yelled, “Pull, Nellie, pull!” Buddy

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11. Mary Leonard, *Faith-Based Office Chief Under Fire: White House Responds to Conservatives*, THE BOSTON GLOBE, Mar. 17, 2001, at A1.

12. *Id.*

13. *Id.*

14. *Id.*

did not move. Then the farmer hollered, "Pull, Buster, pull!" Buddy did not respond. Once more the farmer commanded, "Pull, Coco, pull!" Nothing. Then the farmer nonchalantly said, "Pull, Buddy, pull!" And the horse easily dragged the car out of the ditch. The motorist was thankful—and curious. He asked the farmer why he called his horse by the wrong name three times. The farmer said, "Oh, Buddy is blind and if he thought he was the only one pulling, he wouldn't even try!"

Our ninth and last stop is on April 10th of this year, when a subtle but vital change occurred. That is when a group called the Coalition for Compassion was ready to unveil its statement applauding the Bush principles but strongly opposing any requirement that a religious organization "surrender or suspend its constitutionally protected rights to freedom of religious belief and practice as a condition of participating in any government-financed program to aid those in need."<sup>15</sup>

The statement emphasized that "Non-discrimination with respect to religion must be maintained in all relations between government and faith-based organizations . . . . The only fair criterion for assessing the right of any provider to participate in the delivery of government-financed social service is its effectiveness in meeting the needs of the beneficiaries."<sup>16</sup>

Some heavy hitters signed onto that statement: Free Congress Foundation, the National Association of Evangelicals, the Family Research Council, Concerned Women for America, and two dozen or so other groups. That coalition captured the attention of the White House, and by the end of the day John DiIulio had agreed to a statement that included the following: "We are committed to the establishment of a level playing field, not a slippery slope. We will not in any way suggest that faith-based programs, to be eligible for federal support should they seek it, need to separate their faith from their teaching and counseling, so that some hours of the day are 'religious' and some 'non-religious.' We will not discriminate against groups from any religion that stress proselytizing, as long as those in need have the opportunity to choose secular alternatives."<sup>17</sup>

The statement to which John assented included some specific examples of eligibility: "a class that teaches about budgeting

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15. FCF's Marshner Chairs New Coalition to Support Faith-Based Initiatives: Coalition Urges Presidential Initiatives Adhere to Statement of Principles, at <http://www.freecongress.org/press/releases/010412.htm> (Apr. 12, 2001).

16. *Id.*

17. Marvin Olasky, *DiIULIO [sic] Changes Course: Anti-Discrimination Now the Norm at White House Faith-Based Office*, WORLD, Apr. 21, 2001, at [http://www.worldmag.com/world/issue/04-21-01/opening\\_4.asp](http://www.worldmag.com/world/issue/04-21-01/opening_4.asp).

and saving by citing biblical verses as normative will receive treatment equal to that of a program resting on secular wisdom. A group that believes addicts and alcoholics have holes in their souls that should be filled by Christ will be evaluated by its results on the same basis as an organization that follows some other treatment model. An after-school program devoted to teaching children Orthodox Jewish precepts as it helps them to improve reading will be examined for its success in increasing literacy on the same basis as any other reading program.”

The change was only covered by *World*,<sup>18</sup> the news weekly that I edit, and by the Associated Press,<sup>19</sup> but this is one thing that is going right with the faith-based Initiative. Since April 10th, it has once again been pushing for a level playing field, and that can reassure evangelicals.

But that does not mean that the faith-based initiative will move forward again. Despite the attempts to soothe them, liberals never got on board. It will take some time to live down the “evangelical-dissing” mistakes of the initial months, and without strong backing from that core Republican constituency the Administration has little chance of overcoming basic Democratic opposition.

What to do at this point? Some conservatives are suggesting what is in one sense a truly conservative position: conserve what we have right now. Do not expand charitable choice. Do not remove restrictions on religion. The rationale is both political and altruistic: do not do anything that might result in more people and organizations becoming addicted to government programs. But that is an untenable position, since right now numerous government programs do operate both unfairly and, I believe, unconstitutionally.

We either have to open up the programs to everyone, or get rid of them. Since I do not think we can get rid of them politically—nor should we get rid of all of them—we need to open the process to everyone, regardless of religious belief or lack thereof. Let me emphasize this: It is all very well to talk of the ideal, but we also need to deal with the already-existing grant system. To say “let’s have no new legislation in this area” is to conserve a very unsatisfactory status quo. In all programs we need to uphold the Bush doctrine: *Never* ask religious groups to compromise core values. No discrimination against pervasively religious groups. Everyone allowed to compete.

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18. *Id.*

19. See Laura Meckler, *Groups Rally for Funding to Religious Aid Services*, COLUMBIAN, Apr. 12, 2001, at A3.

Do I think we will get there? Frankly, no. Christophobia is very strong among the media and academic leaders of our society, and I am not optimistic about finding a way to satisfy both Christians and Christophobes. For example, Christian anti-poverty organizations need to be able to employ only Christians if they believe that is necessary to uphold the organization's commitments. The same thing goes for Jewish, Islamic, and other groups. The indications so far are that Democrats will not allow this, and without that OK, many of the most effective poverty-fighting groups will not participate.

There is a better way. Here is a question: If each of you were presented with \$500 that you had to give to an anti-poverty organization, but it could be any kind—religious, secular, governmental, private—how many of you would send it to Washington? How many to Albany? How many to City Hall? How many of you know a religious or civic organization that you think could do a better job with that money than government could?

A poverty-fighting tax credit would essentially allow you to do that: Send a check for \$500 to the group you believe to be effective, take \$500 off your taxes. Washington can decide that promoting the general welfare, as the preamble to the Constitution puts it, requires a certain expenditure for the poor, but it has displayed incompetence in deciding how those funds should be spent. Just about all of you, it appears, feel you could do a better job with at least \$500 of that expenditure—the average household pays over \$5,000 for various welfare programs—and you are right.

Some activists have expressed concern that tax credits would not benefit those most in need, but tax credits could be made specific to organizations that do hands-on work, not lobbying, and that work in poor areas, not affluent suburbs. Some folks are especially concerned that such a proposal would not target inner city churches, but President Bush could write the first check to a new United African-American Ministers Fund operating along the lines of the successful United Negro College Fund, and others would follow.

Others are concerned that the \$500 would be sent thoughtlessly to whichever groups had the best advertising, but I suspect most people would take this task very seriously, and you would soon see Consumer Reports-type publications springing up to assess various charities. And, if that concern does seem warranted in part, the credit could be an 80% one so that people would sink some of their own money into a project—that has a way of concentrating the attention wonderfully.

Another criticism might go like this: “We do not choose which defense component—missiles, ships, planes, infantry—we prefer, so why should we do that regarding poverty fighting?” Here, I will refer once again to the Constitution’s preamble, which notes that the federal government exists to “provide for the common defense, promote the general welfare.” There is a huge difference between providing and promoting.

An emphasis on tax credits instead of grants would push faith-based groups and others to spend on communication with taxpayers the money they would otherwise spend on grant-writing, lobbying, and kissing up to government officials. It would also take away the bitterness that could result if an Orthodox Jew felt his tax money was going to support evangelical programs, or vice versa: This way, each individual would be supporting what he thought was best.

We cannot take compassion for granted. We need to think about the giving of money and also time, for the two tend to be related. We need to think about supply-side compassion: What will help more people to commit not just an hour a year passing out food on Thanksgiving or Christmas, but at least an hour a week? Gagging them—telling them they cannot talk about the religious commitment that animates their lives—will not do it. The full name of the think tank I work with is the Acton Institute for the Study of Religion and Liberty. That is exactly what lawmakers in Washington should study: how to contribute to an environment in which religions can freely compete, with liberty to exercise beliefs freely in both public and private places ensured.

Let me close by returning to the speech George W. Bush gave in Indianapolis in 1999, when he announced and explained his emphasis on compassionate conservatism. It ended with this pledge: “We will tell every American, ‘The dream is for you.’ Tell forgotten children in failed schools, ‘The dream is for you.’ Tell families, from the barrios of L.A. to the Rio Grande Valley: ‘El sueño americano es para ti.’ Tell men and women in our decaying cities, ‘The dream is for you.’ Tell confused young people, starved of ideals, ‘The dream is for you.’”

I think in those terms as well about all those in America who sacrifice their lives not only for horizontal purposes of saving bodies but the vertical purposes of glorifying God by saving souls. We need to tell Teen Challenge and Prison Fellowship: the faith-based initiative is for you. We need to tell not just the big groups with Washington lobbyists who will snag the big grants, but the small ones whose faith carries them from day to day: the faith-based initiative is for you.