

from British Labour Party leader Tony Blair. In an interview with *Bond Buyer* magazine recently, Martinez blabbed: "Some believe that the answer to meeting our social needs is to rely solely on the federal government; others say that government only has a limited role in solving these complex problems and would totally rely on the private sector.

I think the president has outlined a third way, a better way."

This from the head of an agency renowned for turning many American urban neighborhoods into hellholes? Do compassionate conservatives want to solve urban problems or just recycle liberal rehtoric and boost spending for failed programs? ♪

Defunding God

Taking the faith out of faith-based initiatives

BY JEREMY RABKIN

Senate leaders have decided to postpone action on the most controversial part of President Bush's new "faith based and community initiative"—the part that would offer expanded federal funding for social services run by religious groups. Instead, Congress will now focus on measures to encourage greater private donations to such

istration's efforts to meet these objections could do much harm to some of the very programs it has set out to help.

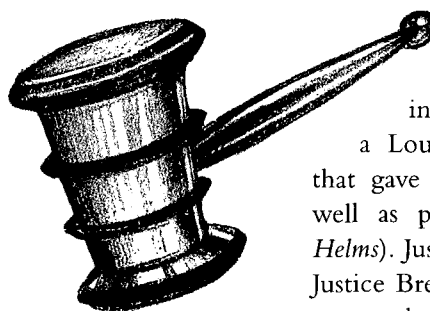
It is true that over the past decade the Court has become more accommodating toward government funding of religious institutions. In 1993, the Court held that the First Amendment was no bar to the provision of a tax-

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groups. Given all the constitutional objections raised by the ACLU and others against the direct funding proposals, the delay is justified.

One may think—as I do—that most of the constitutional hair-splitting on this issue is childish and unnecessary. We are in no danger whatever of having a narrow religious orthodoxy or a sectarian preference imposed by any government. We could return to the very relaxed constitutional standards followed by courts before World War II, with no harm at all.

Nevertheless, under current case law, the critics have a point. The admin-



remedial reading teachers into Catholic schools, rather than requiring the students to seek remedial services at an outside, "neutral" location (*Agostini v. Felton*).

All these cases, however, were decided by the slimmest of margins, rallying a mere five justices and provoking firm dissents from the other four. And even that bare majority goes only so far—before Justice O'Connor gets squeamish.

Last year, for instance, the Court approved a Louisiana school aid program that gave computers to parochial as well as private schools (*Mitchell v. Helms*). Justice O'Connor, along with Justice Breyer, relied on safeguards to ensure that the computers would not be used for religious instruction. Justice Thomas's opinion strained to loosen past restrictions: "If the religious, irreligious and areligious are all alike eligible for government aid, no one would conclude that any [religious] indoctrination that any particular recipient conducts has been done at the behest of the government. For the attribution of indoctrination is a relative question."

But only three other justices (Rehnquist, Scalia, and Kennedy) signed on. The majority does not think the "attribution of indoctrination" is so "relative" that the Court can ignore public funds sponsoring religious instruction. And even the four conservatives can't quite bring themselves to say that government sponsorship of "indoctrination" is altogether a non-issue.

The prohibition on funding for "indoctrination" or "proselytizing" is a real problem for the faith-based initiative. The Bush administration itself views the prohibition as unalterable. In the first press briefing on the faith-based initiative, Bush spokesman Ari Fleischer reassured reporters: "I think the American people recognize we need to be sensitive that there is no

payer-funded sign-language interpreter for a deaf student attending a Catholic school, even though the interpreter would follow the student into religion classes (*Zobrest v. Catalina Foothills School District*).

In 1995, the Court held that it would improperly burden free speech for a public university to deny funding to a student-run magazine devoted to evangelical Christianity, when the same student activities fund was giving money to other student magazines (*Rosenberger v. University of Virginia*).

In 1997, the Court directly repudiated an earlier ruling to allow the New York public school system to send

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proselytizing” in programs funded by the government. The president reinforced the point two days later: “Government, of course, cannot fund and will not fund religious activities.” Steve Goldsmith explained at a separate White House briefing that faith-based organizations would be eligible for funding only “when a secular alternative exists, so there is no compulsion to go through a religious provider” of the service. And, oh yes, “no government funds” would support “proselytizing or inherently religious activity.”

Faith-based organizations could, for example, seek funds for “improving rehabilitation of prison inmates” or “helping the children of prisoners” (two missions highlighted at White House briefings). They would have to ensure, however, that their help was cleansed of religion. Religious groups could get funding to help these despairing or embittered people “see the light” only if it were not a heavenly light. Fine for the Salvation Army to get funding for its services, as long as it doesn’t talk about salvation.

Thus a program justified in the first place by the unique contributions of faith-based organizations would end up

stipulating those organizations could not rely on their clearest comparative advantage—their faith.

Proposed changes in the tax law could help to spur private contributions to faith-based efforts. Most notably, the administration proposes to help people claim tax credits for charitable contributions even if they don’t currently make itemized deductions on their tax forms (as some 70 million taxpayers currently do not). Another proposal would allow individuals approaching retirement to make contributions from their tax-sheltered Individual Retirement Accounts, while still another would make it easier for business firms to donate equipment and supplies to charitable services.

None of these proposals should raise any constitutional difficulties. The Supreme Court long ago acknowledged that churches can receive tax exemptions (and donors to churches can receive tax deductions) even if the churches actually do practice religion and nothing more. But we shouldn’t set out on a direct aid program that makes Prison Ministries stipulate that it is not engaged in “ministry” in any religious sense of the term. ➤

Just Say “Yes”

In the tax plan, a presidency is at stake

BY GROVER NORQUIST

George W. Bush’s is wagering his entire presidency on his tax plan, because he understands that tax cutting is the one major issue that energizes all Republicans and can hold together his Center-Right coalition.

The modern Republican Party is a coalition of groups and individuals united by a single idea. They want to be left alone, whether they are taxpayers, property owners, home schoolers, or

gun owners. Issues that energize crucial parts of the coalition bore or trouble others. But there is no faction or tendency in the Republican Party and the conservative movement that does not support a tax cut.

Washington understands the stakes. A tax cut that approximates Bush’s plan will be a victory that erases the doubts of Florida and gives Bush momentum to maintain his goal of limiting discretionary spending to four percent