

**AN EDUCATIONAL MEMO FROM
THE SOUTHEAST LAW INSTITUTE, INC.**

To: SLI Supporters
From: A. Eric Johnston
Date: March , 2000
Re: The Government and Faith-Based Organizations; What do Presidential Hopefuls Expect?

With the coming Presidential election, presidential hopefuls look for as many votes as they can find, including those of religious persons. At this writing Al Gore and George W. Bush are the leading contenders from their respective parties. Both have suggested a government/faith-based relationship for the future.

There are several issues for religious persons. Is this a real opportunity or only political rhetoric? Who is the benefactor and who is the beneficiary? Will the sacred “garden” of religion be damaged?

There is a legal axiom that if you take support from the government it then has authority to regulate you. If faith-based organizations get involved in government programs, the government will see itself as benefactor and the church as beneficiary. There is potentially a real opportunity for the religious community to have a substantial impact on the lives of citizens. But, can it work in government relationships?

Programs such as “school vouchers” have been marginalized by claims that it violates the separation of church and state. Also, since the government cannot control a church school, it has little interest in working with it.

The recent case of *Doe v. Beaumont Independent School District*, 173 F.3d. 274 (5th Cir 1999) had an opportunity to approve a government program to work with community churches. The program was entitled “Clergy in the Schools” and was meant to have community clergymen meet with selected school students to discuss civic morality and foster a safe school atmosphere. The clergymen were asked not to pray, discuss religion or discuss such issues as abortion, but to concentrate on civic values. Perhaps, there is some value in such a program, particularly in light of recent school shootings. Even so, the court held the program unconstitutional. To restrict religion, even in appearance, marginalizes the value of faith-based organizations effectiveness.

Our constitutional law has largely secularized our “public” culture. Federal courts, the arbiters and dispensers of freedom and rights, are but agents of a secular state. Though James Madison saw the role of the federal judiciary as limited and an objective protector of constitutional rights and freedoms, his federalist predictions have been proven incorrect. History now shows us that religious values and activities have little protection under law. The usually misquoted Jefferson “wall of separation” was probably referring to protecting religion from government by building a protective wall around it, as you might for a beautiful garden.

So what makes Gore and Bush believe they can do better or make government behave? If we are trusting in politics and government and not in the power of the Lord alone, we are courting trouble. Regardless of politicians’ promises, the church should meet its own scriptural and dogma requirements without regard to federal programs or assistance. The church should set the standard and be untainted by political promises or government programs.

The goal should be for religion to be freely and openly exercised in the public square with the public and, indirectly, the government as the beneficiary. The church must be permitted, as well as willing, to really impact the culture outside of its property lines. Only then will it truly serve our needs and it will not be a watered-down “Beaumont-style” public service. Messers Gore, Bush and others should carry that message and then they might not only expect, but receive, the support and admiration of faithful Americans.

*This statement is for educational purposes only. It is not intended to provide legal advice.
We hope if you have questions or know of those who do, you will contact us and we can assist through
referral to one of our cooperating attorneys.*