

The Coalition Against Religious Discrimination

March 30, 2004

OPPOSE THE SANTORUM AMENDMENT TO INSERT GOVERNMENT FUNDED RELIGIOUS DISCRIMINATION IN THE SOCIAL SERVICES BLOCK GRANT PROGRAM

Dear Senator:

We, the undersigned religious, civil rights, labor, education, health and advocacy organizations are writing to urge you to oppose the Santorum Amendment or any attempt to insert government funded religious discrimination in the Social Services Block Grant (SSBG) program during the welfare reauthorization debate.

The Social Services Block Grant program is the largest federal social services program. It addresses the needs of children and families, the elderly, and vulnerable adults. For years, SSBG has worked well in providing these essential services at the local level. Religious organizations have always served as key partners in providing government services through these programs. Indeed, religious organizations are already among the main providers of services with federal SSBG dollars.

The Santorum Amendment does not address a substantive issue of increasing SSBG services. It does not provide any increase in help for people in need. Instead, it would allow federally funded service providers to discriminate against their employees in federal programs. It will expose more American workers to discrimination paid for by federal dollars.

The Senate voted overwhelmingly last year to increase the funding for the SSBG program, when it passed the "CARE Act." The CARE Act was the successful product of hard-fought negotiations over faith-based funding and resulted in overwhelming bi-partisan support. The CARE Act provides comprehensive assistance to charitable organizations, including religious organizations. It was the result of lengthy discussions among all Senators interested in the issue--and all stakeholders among outside organizations. Unfortunately, however, the Administration immediately withdrew its support for the SSBG increase, and opposed the increase when the CARE Act was considered by the House. Instead of the nearly consensus approach taken by Senator Santorum and others in crafting the CARE Act, the Santorum Amendment on SSBG represents a return to a divisive, discriminatory approach to these sensitive issues.

In addition, the Santorum Amendment also would undermine local civil rights protections. The Amendment provides explicitly that it would not preempt state laws affecting the participation of religious organizations in government programs, but it is silent on whether the discriminatory amendment would preempt local civil rights laws. However, the position of the current Administration is clear that the White House has promised to assist in undermining local civil rights laws. Local civil rights laws should not be placed at risk. The potential harm to the enforcement of local civil rights laws--passed by hundreds of elected county boards and city

councils--is severe. Supporters of the Santorum Amendment have adamantly refused to explicitly protect local civil rights laws against preemption.

The insertion of charitable choice provisions in TANF in 1996 had no hearing and almost no debate. The Senate has had only one hearing ever on the faith-based initiative. It took place in June 2001, about five years after the TANF vote.

Since TANF was last reauthorized, and particularly over the past three years, the discrimination problems included in the faith based initiative have become much more clear. Senator Santorum's amendment squarely raises, once again, the divisive fight over government-funded discrimination and the preservation of our nation's longstanding commitment to civil rights protections.

Indeed, over the past year, there have been three major battles on the House floor regarding whether longstanding civil rights protections should stay in place in other government programs (such as Head Start, the Workforce Investment Act, and the Community Services Block Grant), or whether existing civil rights protections in those programs should be placed on the chopping block. The Senate has refused to go along with any of those proposed rollbacks of important civil rights protections.

No one in the Senate or the House is arguing that religious organizations should not participate in federal programs, nor are they arguing that religious organizations should not be able to avail themselves of an exemption under Title VII of the Civil Rights Act of 1964 that allows religious organizations to hire co-religionists with their own money. Instead, the debate is whether federal dollars should fund discrimination by the very few religious organizations that refuse to follow the same rules that all other religious organizations participating in federal programs follow. Indeed, although the Santorum Amendment appears to provide an array of rights to religious organizations participating in federal programs, most of these protections already are provided by federal agencies through regulations.

The Santorum Amendment is an attack on fundamental civil rights, religious liberty and the ability of state and local government to enforce their own laws. We urge you to reject this Amendment.

Sincerely,

American Civil Liberties Union
American Federation of State, County and Municipal Employees, AFL-CIO
American Humanist Association
Americans United for Separation of Church and State
Anti-Defamation League
Baptist Joint Committee on Public Affairs
Central Conference of American Rabbis
Episcopal Church, USA
General Board of Church and Society of the United Methodist Church
Hadassah, the Women's Zionist Organization of America

Human Rights Campaign
Jewish Council for Public Affairs
NA'AMAT USA
National Association for the Advancement of Colored People (NAACP)
National Association of Social Workers
National Education Association
National Council of Jewish Women
National PTA
OMB Watch
People For the American Way
Planned Parenthood Federation of America
Presbyterian Church (USA), Washington Office
Service Employees International Union (SEIU), AFL-CIO
Texas Faith Network
Texas Freedom Network
The Interfaith Alliance
The Secular Coalition for America
Union for Reform Judaism
Unitarian Universalist Association of Congregations
United Church of Christ Justice & Witness Ministries