

Can an Office Change a Country?

THE WHITE HOUSE OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES, A YEAR IN REVIEW

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INTRODUCTION

America is rich materially, but there remains too much poverty and despair amidst abundance...In this blueprint, I outline my agenda to enlist, equip, enable, empower and expand the heroic works of faith-based and community groups across America.

President George W. Bush
"Rallying the Armies of Compassion" January 30, 2001

Amid great fanfare, President George W. Bush signed two executive orders that formally established a White House Office to expand opportunities for faith-based and community organizations.¹ The creation of this office not only represented the fulfillment of a campaign promise, but was the cornerstone of "compassionate conservatism." In addition, the new president's personal attachment to this issue could not be overstated. Bush truly believed this initiative could "fundamentally change our country."²

On January 29, 2001, these executive orders created the White House Office of Faith-Based and Community Initiatives (OFBCI) and executive department centers for faith-based and community initiatives within five cabinet departments (Justice, Education, Labor, Health and Human Services and Housing and Urban Development).³ The quest to ease restrictions on government funding for faith-based institutions was initiated almost five years earlier, when then-Senator John Ashcroft, R-Mo., introduced an amendment to the 1996 Welfare Reform Act.⁴ While this provision went relatively unnoticed throughout the Clinton administration's second term, presidential candidates Al Gore and Bush

¹ Research sources for this report included public documents, relevant secondary sources, newspapers, magazines and interviews with executive and congressional officials.

² See Marvin Olasky, "In From the Cold," *World*, February 10, 2001, p. 20, in which the author recounts Bush's remarks to leaders of faith-based organizations at a White House event.

³ See Executive Orders 13198 and 13199 for full text.

⁴ See Julie A. Segal, "A 'Holy Mistaken Zeal': The Legislative History and Future of Charitable Choice," in Derek Davis and Barry Hankins (eds.), *Welfare Reform and Faith-Based Organizations*, Waco, TX: Baylor University, J.M. Dawson Institute of Church-State Studies, 1999, pp. 9-28.

heralded the expansion of government support for religious charities during the 2000 presidential campaign.

After his inauguration, Bush demonstrated his enthusiasm and support by not only issuing two executive orders, but by subsequently promoting HR 7, the “Community Solutions Act of 2001.” It was one of the first legislative proposals of his administration. The bill sought to broaden opportunities for religious groups to compete for federal dollars that, in turn, would pay for a variety of assistance programs (e.g., drug treatment, after-school programs). In addition, the bill included broader tax deductions for Americans who make regular charitable donations. Supporters and critics alike were stunned by the magnitude of Bush’s commitment to this issue; rarely in American politics is campaign rhetoric buttressed by a formidable allocation of presidential resources.

To students of the presidency, these actions are all the more interesting as they not only “break new ground,” but raise a number of important questions. Why did Bush need to issue an executive order to establish such an office?⁵ Why not simply allow the White House Domestic Policy staff to promote such an issue? Alternatively, why not create a “war room” that coordinates legislative strategy, communication, public outreach, political outreach and cabinet efforts? The Clinton administration utilized such a strategy in the early days when it sought support for health care reform and the economic package.⁶ While options were clearly available, the White House adopted a different course of action, one that would be momentous and reflect an important presidential priority.

Given the unique features of this office, assessing its performance adds a new dimension to studies of the presidency. More specifically, it addresses the question, to what extent does the institutional presidency affect policy change?

⁵ The issuance of an executive order to create a White House Office is unusual and possibly unwise, as it can only be eliminated by issuing another executive order. E-mail correspondence with Bradley Patterson, July 2001.

⁶ See Kathryn Dunn Tenpas, “Promoting President Clinton’s Policy Agenda: DNC as Presidential Lobbyist,” *The American Review of Politics*, Volume 17, Fall 1996, pp. 283-298.

Put differently, can a White House Office promote and, ultimately, change social policy?

This report places the White House OFBCI in the context of the institutional presidency and identifies the myriad challenges it faced, some endemic to the institution of the presidency and other, idiosyncratic obstacles reflective of the controversy surrounding charitable choice. I proceed in three stages. Part I examines the campaign creation and transition planning pertaining to the OFBCI. Part II identifies the various challenges confronting this new entity. Part III assesses the future prospects and plans of the OFBCI.

I. FROM THE “OFFICE OF FAITH-BASED ACTION” TO THE “OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES”: The Politics of Creation

The establishment of White House offices to address new problems or issues is by no means a new phenomenon. Simply put:

No president is confined by the organization charts of the past... If a president wants to begin important new initiatives, to dramatize the extent of his personal commitment, to respond quickly to today’s crisis or tomorrow’s threat, he will be pressed to create new organizational forms to support his efforts.⁷

President Dwight Eisenhower created 10 such specialized offices.⁸ During his tenure, President Bill Clinton established a number of specialized offices, including the National AIDS Policy Coordinator, the Office of the President’s Initiative for One America (to study race relations in America) and the Assistant to the President for Environmental Initiatives.⁹

During his presidential campaign, Bush pledged to create a specialized office dedicated to faith-based action. Having sponsored laws in 1997 that expanded faith-based institutions’ ability to provide social services in Texas, Bush’s record

⁷ Bradley Patterson, *The White House Staff: Inside the West Wing and Beyond*, Washington, D.C.: The Brookings Institution, 2000, p.263.

⁸ Bradley Patterson, *Ring of Power*, New York: Basic Books, 1988, p.272.

⁹ *The White House Staff*, Chapter 17.

as governor demonstrates his commitment to these issues.¹⁰ Candidate Bush was convinced that federalizing these programs would bring even greater good. Though not without its problems, the Texas experience was a strong impetus for the establishment of the OFBCI, but specific planning for what this new office would do at the federal level was conspicuously absent.¹¹

The cauldron of a presidential campaign gives birth to many half-baked ideas, but the establishment of an “Office of Faith-Based Action” was not perceived as problematic. Planning the specifics of the office was reserved for the truncated transition period that lasted fewer than 40 days.¹² The transition team for this office consisted of two individuals – Don Willett and Don Eberly – with periodic consultation from a number of other individuals.¹³ While it may have been reasonable to begin planning during the transition period and open the office well into the first year, Karl Rove and other senior staff members had decided that the second week after the inauguration would be devoted to promoting faith-based programs. They determined that this week would feature three high-profile events, including the issuance of two executive orders.

Adding to these already formidable transition tasks was the uncertainty surrounding the appointment of a director. The former mayor of Indianapolis, Stephen Goldsmith, was the leading candidate, but he eventually made it clear that he would not run the office. Predominant among the reasons purportedly accounting for this decision was the fact that he was unable to create the job he wanted. John DiIulio, a campaign adviser on the faith-based initiative and a

¹⁰ The Texas initiative was called “Faith in Action: A New Vision for Church-State Cooperation.” See Hanna Rosin, “George W. Bush: The Record in Texas,” *The Washington Post*, May 5, 2000, p. A1.

¹¹ Certainly it is not unusual to find the federal government adopting a program that has been tested at the state level. However, in the case of the Bush administration, it did not appear that there was much planning in terms of how the federal government would go about implementing such a program nationwide, nor how they might prevent court challenges to the initiative.

¹² Recall that the Florida recount delayed final election results for 35 days (from Election Day on November 7 to the December 12 Supreme Court decision) after the presidential election. As such, the Bush team’s attention was devoted to recount politics instead of transition planning. Typically, the transition period lasts for a full two-and-a-half months.

¹³ Don Willett is a lawyer who had worked in the Bush administration in Austin, Texas, and in the presidential campaign. Don Eberly had worked in the Reagan administration, consulted with the Bush campaign on the faith-based initiative and is known for his work on civil society.

political science professor at the University of Pennsylvania, was selected and immediately jumped on the fast-moving train.¹⁴

One of the early sticking points was determining a name for the office. Some maintained that the “Office of Faith-Based Action” sounded too religious, while others thought the “Office of Community and Faith-Based Initiatives” deviated from the original intent. While the campaign promise had them on the hook for the “Office of Faith-Based Action,” senior staff ultimately decided that the “Office of Faith-Based and Community Initiatives” was acceptable.

Given the hasty assembling of this office amid various conflicts, staffing the OFBCI and obtaining a sufficient budget was an afterthought. According to one account, the two-member transition team for the OFBCI was the last to move to the Old Executive Office Building. Ultimately, the OFBCI was granted a director and three commissioned staffers¹⁵ because the personnel office had reached the maximum allotment; it was a far cry from the 25 staff members some had initially hoped for. Understaffed, under-funded and without a firm grasp of their responsibilities, the White House OFBCI forged ahead in what would soon become very rough waters.

II. ADVANCING POLICY PREFERENCES THROUGH THE INSTITUTIONAL PRESIDENCY: Endogenous and Exogenous Obstacles

The motives for establishing a specialized White House Office are many – an attempt to gain national recognition for a pet issue, the pursuit of support from an important constituency or an effort to create a legacy. In this case, it was primarily the result of a campaign promise coupled with a president deeply devoted to the concept of faith-based initiatives.

¹⁴ Interestingly, DiIulio’s enthusiasm for such a position was by no means apparent. While he firmly believed in the value of the initiative, he had no aspirations for a White House job. Perhaps his skepticism was best illustrated by his condition of acceptance: the requirement that he only serve for six months. He expressed a desire to get the program “off the ground” and then return to his family and the university.

¹⁵ The three commissioned staff members included Don Eberly, Don Willett and Stanley Carlson Thies.

Clearly, an administrative innovation dedicated to addressing a specific issue is by no means a panacea, but it is nevertheless worthwhile to explore the possible costs and benefits of such an endeavor. Generally speaking, an office in the White House heightens public awareness of a particular issue, appeases supporters of that issue and may very well aid in the achievement of goals associated with the issue (e.g., legislative victories, increased public support, creating a favorable legacy). At the same time, such an office cannot guarantee public or congressional support. In many respects, the OFBCI was hindered by classic organizational problems: shifting priorities, lack of autonomy for the director, the absence of internal White House coordination and inflated expectations. Each of these factors, in addition to the hasty establishment of this new entity (discussed in the prior section), played a critical role in the performance of the OFBCI.

A. INSTITUTIONAL CHALLENGES

Shifting Priorities. Eager to rebound after the disputed election and prolonged recount, the Bush administration sought to implement its agenda with great speed and efficiency. Though touted as Bush's top issue, ultimately presidents must prioritize their goals and, in the end, the faith-based initiative took a back seat to tax cuts and education-accountability proposals.¹⁶ In retrospect, the faith-based initiative proved to be far more controversial than anticipated, prompting White House strategists to shift their focus rather than further deplete their political capital.

The president's faith-based initiative was one of the earliest entries on his list of six top goals and is the one to which he is most personally attached.... White House officials say the faith-based plan began to founder while the administration was

¹⁶ Jeanne Cummings and Jim VandeHei, "Faith-Based Charity Initiative Takes Worldly, Rocky Path," *The Wall Street Journal*, August 16, 2001, p. A16.

focusing on winning passage of the tax cut that the president signed June 7.¹⁷

The pursuit of tax cuts represented the path of least resistance, and with the summertime refunds expected to boost presidential approval, strategists were banking on high public approval ratings that would widen the window of opportunity for passing the remainder of their agenda.

Lack of Autonomy. Aside from shifting priorities, the OFBCI director suffered from a lack of autonomy. Assistant to the President and Director John DiIulio lacked budgetary authority, the ability to staff the office with his own colleagues, and the power to develop and execute political strategy.¹⁸ Unfortunately for DiIulio, the lack of autonomy manifested itself within weeks of his arrival. While DiIulio advocated a consensus-building, “go slow” approach, House Republicans had already drafted a far-reaching bill and wanted to run with it. Given the Republican majorities on the Hill, House Republicans figured that their best chance to pass a comprehensive charitable choice bill was early in the term. Soon they would realize that they underestimated the serious opposition to HR 7 – some of which would come from within their own party.

At any rate, neither DiIulio’s presence at senior staff meetings nor the commitment of Bush to this issue could save DiIulio from a pre-determined strategy. Bush’s senior confidants and Republicans on the Hill overshadowed DiIulio’s efforts.

¹⁷ Mike Allen, “Bush Aims to Get Faith Initiative Back on Track,” *The Washington Post*, June 25, 2001, p. A1.

¹⁸ After DiIulio’s departure, the staff of OFBCI consisted of seven members, including three commissioned staff members (one deputy assistant to the president, two special assistants to the president), two associate directors and two support staff (source: off-the-record interview). They also received assistance from interns and volunteers. Though seven staff members sounds amazingly small, it is not unusual for White House offices to be this size. It is important to think of the White House Office as a whole because much of the work of one office overlaps with others. The internal exchange of services and expertise for common goals enables smaller offices to pursue their agenda.

No Internal Coordination. Compounding the office's lack of autonomy was the absence of internal White House coordination. Typically, in the case of a presidential priority, legislative affairs, communications, public liaison and possibly political affairs would coordinate their efforts to ensure the likelihood of passage. In the case of HR 7, there was little coordination. At DiIulio's first hearing on Capitol Hill, no one from the legislative affairs office was in attendance. Typically, legislative affairs coordinates its efforts with policy staff in order to maximize their effectiveness. In the case of HR 7, DiIulio was not briefed nor did he work in concert with other key components of the White House organization (e.g., the offices of communications, public liaison, political affairs).¹⁹

In addition, Karl Rove's central role in assembling a reelection coalition and serving as a contact for the conservative base of the party created a scenario in which his efforts and decisions often superseded DiIulio's attempts to promote the program. One illustration was Rove's 180-day timetable, which prioritized the tax cut and education reform package and thereby determined the overall legislative strategy.²⁰

Inflated Expectations. Presidential campaign promises fostered hopes for a White House Office that could do most anything. Referring to church-run programs in July 2000, candidate Bush stated, "Wherever we can, we must expand their role and reach, without changing them or corrupting them."²¹ Of course, the establishment of any new White House Office is a risky proposition. Once a new constituency has a base in the White House, unrelenting pressure becomes the order of the day. Meeting the hopes of core supporters is no small task and the chances of moderating such expectations are minimal. In addition,

¹⁹ The White House has a tremendous public relations capacity. The Office of Public Liaison seeks support for the president's initiatives in the interest group community. The Office of Political Affairs seeks support from state and local party organizations as well as other high profile supporters of the administration (e.g., officeholders) and the Office of Communications works with members of the press in an effort to generate favorable publicity.

²⁰ Cummings and VandeHei.

²¹ Rosin.

for those outside the Washington community, the establishment of a “faith-based” office encouraged numerous phone inquiries and even requests for money from churches and charitable organizations. With little knowledge of the federal government in general, and the White House more specifically, some assumed that an office in the White House would fulfill their every financial need.

Perhaps if Bush and his senior advisers had not succumbed to the temptation of taking fast and momentous action by issuing two executive orders, expectations might have been tempered. It is certainly worth speculating whether the bad publicity might have been less severe had the issue not become so visible. One wonders whether DiIulio and his staff might have been better served if the issue was promoted from within the White House Domestic Policy staff, allowing for a less visible, but nevertheless effective, promotional effort.

Beyond these institutional challenges likely to confront any policy-based office, unique problems associated with the issue of “charitable choice,” an administration misstep that led to an explosion of negative press coverage, leadership issues, and unforeseen tragedies worked in concert to undermine the best efforts of the OFBCI.

B. NEW CHALLENGES

No Natural Coalition. In terms of policy, there was no natural coalition for HR 7. This fact was starkly illustrated by the barrage of criticism that emanated from the left and the right. The opposition was so broad as to defy generalization. For example, while those who favor the separation of church and state declared HR 7 unconstitutional, conservative Christians feared that government involvement would cause waste and corruption, and civil rights groups thought it would lead to employment discrimination. At the same time, a number of religious organizations believed that government intrusion would potentially hinder their efforts.

Fortunately for the Bush administration, support for the issue also came from a broad spectrum of citizens. Some inner-city black churches perceived the initiative as a means to procure additional funding for their impoverished parishioners. Various Protestant churches seemed open to the idea of charitable choice as an additional means of assisting the needy, while some Christian conservatives concerned with restoring moral values praised the initiative.

An issue like charitable choice makes the passage of the tax cut look like a cakewalk. Generally speaking, Republicans as a whole will favor legislation that aims to cut taxes. In stark contrast, the expansion of charitable choice was not an “easy” issue that guaranteed Republican support, let alone the bipartisan support that was ultimately necessary for the bill to become law. Illustrative of the intensity of this legislative battle was the initial opposition of House Judiciary Committee Chairman James Sensenbrenner, R-Wis. At the committee level, the chairman objected on constitutional grounds, but finally, after much stroking from the White House and from Attorney General Ashcroft, Sensenbrenner agreed to vote for the measure. In short, throughout the legislative battle, normally predictable sources of support turned out to be critical bystanders, while the opposition remained vocal and expanded its ranks.

Some religious groups (e.g., the Baptist Joint Committee, the American Jewish Committee and the United Church of Christ) mobilized in opposition. In April, 2001, the *New York Times* reported that “More than 850 members of the clergy signed a petition this week saying they opposed the president’s initiative because they wanted ‘to keep government out of the churches, temples, synagogues and mosques.’”²²

²² Elizabeth Becker, “Republicans Hold Forum With Blacks In Clergy,” *The New York Times*, April 26, 2001, p. A20.

Public opposition from expected allies complicated the OFBCI's efforts and drained limited resources.²³ According to one observer, "President Bush's faith-based initiative is in deep trouble because it lacks a constituency committed to its success, and because every move the administration makes to appease the idea's opponents weakens support from its likely allies."²⁴ For example, while liberals needed to know that there would be restrictions to ensure that the funds would not be used to support religion, conservatives feared such restrictions would threaten the spiritual character of religious institutions. Needless to say, any Republican president willing to pursue a program that lacks support from his philosophical allies is in for an enormous challenge.

Salvation Army Flap. Compounding the legislative battle, a public relations disaster occurred just before the House vote when *The Washington Post* revealed the contents of an internal memorandum from the Salvation Army. The memo indicated that the White House had made a "firm commitment" to protect religious charities from state and city gay rights statutes. "To secure this commitment, the charity proposed spending nearly \$1 million on lobbyists and strategists. . . ."²⁵ These revelations led to the bill being pulled from the House floor on July 18, fueling opponents' initial suspicions and setting supporters on edge. The event became all the more controversial due to the initial insistence from the White House that the administration was not involved with the Salvation Army's request. While HR 7 ultimately passed in the House on July 19, it likely devoured far more political capital than strategists expected, as staffers

²³ The White House Web site indicated that Bush made 16 public endorsements of the faith-based initiative, including speeches to the National Leadership of the Hispanic Faith-Based Organizations, the Conference of Mayors and an excerpt in the Address to a Joint Session of Congress, in addition to various remarks and statements. This allocation of presidential resources is indeed substantial. It is also important to recognize that the Web site likely underestimates Bush's attention to this issue as it does not include informal visits, gatherings or "drop-bys" related to the faith-based initiative. Given this extensive amount of attention to a single issue, supporters regretted the various missteps as they likely diminished the president's ability to expand support for this initiative.

²⁴ E.J. Dionne, Jr., "The Dwindling 'Armies of Compassion,'" *The Washington Post*, July 13, 2001, p. A21.

²⁵ Mike Allen and Dana Milbank, "Rove Heard Charity Plea on Gay Bias," *The Washington Post*, July 12, 2001, p. A1.

expended their energies controlling the damage and struggling to maintain a winning coalition in the House.²⁶

Democratic Director. The appointment of DiIulio as director of the OFBCI, who proclaimed, “I am not a legislative person. I am clearly not a Republican,” generated a steady stream of criticism.²⁷ Though his intellectual prowess and commitment to the issue were never in doubt, the fact that he had not worked in Austin or paid his dues slogging away on the campaign trail placed him in an unfamiliar circle of colleagues. In addition, his consensus-building approach to the issue set him apart from his White House and Capitol Hill allies, who preferred a “move it or lose it” approach. Compounding his leadership problems were a series of candid responses to the press that infuriated Jerry Falwell, Pat Robertson and others on the right.

Though roundly criticized, however, his leadership and outreach efforts to groups that may have been hostile to the OFBCI’s efforts created a valuable reservoir of good will and defused the harshest opponents. Finally, his August departure, after working for Bush for six months, raised concern about the office’s future. While many were searching for the hidden meaning behind his departure (e.g., discontent with the administration, being forced out), his frank admission of health problems and the need to be with his family, coupled with his early declaration to stay until the program “got off the ground,” satisfied most observers. Nevertheless, speculation about the office’s future without a fervent supporter like DiIulio permeated the period immediately following his departure.

Unforeseen Events. Last, but certainly not least, unforeseen events relegated the faith-based initiative to the political side-lines. Beginning with the shift in the U.S. Senate’s majority status triggered by Senator Jim Jeffords’s defection from

²⁶ In an effort to put out the fire, the White House issued a statement by the Press Secretary on July 10, 2001, indicating that “The White House will not pursue the OMB regulation proposed by the Salvation Army and reported today.” Statement by the Press Secretary on the Request by the Salvation Army for an OMB Circular, <http://www.whitehouse.gov/news/releases/2001/07/20010710-12.html>.

²⁷ See Cummings and VandeHei.

the Republican Party, the Bush agenda faced an uphill climb. In addition, the shocking terrorist attacks of September 11 changed the Bush presidency like nothing else. While the May defection forced the Bush administration to rethink its legislative tactics, the events of September 11 derailed the entire legislative agenda. The repercussions of this event were many and vast, leading to waning enthusiasm for OFBCI's central initiative (passage of HR 7 in the Senate). The administration's initial legislative agenda vanished as programs related to "wiping out" terrorism dominated the time and attention of the White House.

In short, the opportunity and momentum that may have been created by the passage of HR 7 quickly disappeared.²⁸ Though the office continued to promote the implementation of charitable choice while reaching out to thousands of religious organizations and charities, the highly visible legislative battle that would have greatly expanded the role of faith-based institutions was destined for defeat.²⁹ The passage of this legislative initiative would have marked a major success in the first year of the Bush administration, satisfied the president's personal commitment to the issue and captured the good will and support of key constituents and members of Congress. Instead, the OFBCI altered its focus, paying attention to efforts to prevent discrimination against Muslims, organizing the post 9/11 National Day of Prayer and Remembrance and advocating more modest legislative proposals.

One example of the shifting focus is the "Armies of Compassion" initiative. It included a variety of programs such as new tax incentives for charitable giving, reform of the excise tax on private foundations, the establishment of individual development accounts and maternity group homes. On February 8, 2002, key

²⁸ Note that even before September 11, 2001, insiders expressed concern that the Senate was unlikely to endorse the legislation. Majority Leader Tom Daschle (D-SD) opposed HR 7 because of the hiring provisions that allowed religious charities to hire only members of their faith. Meanwhile Senator Joe Lieberman (D-CT), a vocal proponent of the initiative in the past, indicated he would write his own version of the bill in order to remove those portions that Democrats found objectionable.

²⁹ In an effort to encourage groups to implement charitable choice, the White House sent a team to Texas to brief over 2,000 religious activists. See Marcia Davis, "White House Pushes Faith-Based Initiative Among Grass-roots Activists," Religion News Service, December 3, 2001.

senators reached an agreement and introduced S 1924, “CARE” (Charity Aid, Recovery and Empowerment Act). A much different bill than HR 7, CARE would aid religious and secular charitable organizations primarily through a host of financially-related provisions (e.g., creating new tax breaks for citizens and corporations that give to charity and restoring funding for social services block grants to the states).³⁰ Although the CARE Act appears to be more promising than HR 7, many senators continue to express concern both over the level of funding that the legislation would require and over church-state issues.

Numerous factors affected the performance of OFBCI during its first year, some that were endemic to working in the White House and others that were unique to the OFBCI. Taken together, these obstacles seriously hindered its mission.

III. THE FUTURE OF THE OFBCI

Despite the many obstacles noted in this report, the OFBCI managed to score some important successes. First, the House passed HR 7. Though somewhat of an anemic victory with a vote of 233-198, the initial opposition coupled with various controversies makes a victory of any size all the more amazing. In addition, the agreement of key senators on “CARE” has also proven to be a partial victory.³¹ Despite this progress, however, it is not at all clear when Senate Democratic leaders will bring this bill to the floor or how House conservatives will react to a piece of legislation that dismantles much of HR 7.

Oddly enough, the disproportionate attention focused on HR 7 overlooked what may be the most important success of the OFBCI – the five cabinet-based centers (Justice, Education, Labor, Health and Human Services and Housing and Urban Development) that promote and assist with implementation. HR 7 aside, charitable choice provisions currently exist in four separate public laws,

³⁰ See Dana Milbank, “Charity Bill Compromise Is Reached,” *The Washington Post*, February 6, 2002, p. A1.

³¹ Upon reflection, the Senate bill is essentially a vindication of one of the OFBCI’s early strategies of pursuing a moderate bill that would pass both houses.

providing ample opportunity for the administration to work within the departments to encourage faith-based organizations to participate.³²

The five cabinet-based centers have small staffs ranging from one to three members and most staff members were not in place until the summer of 2001, leaving little time to make significant accomplishments by the one year mark. Nevertheless, four of the five departments appear to be actively involved in reaching out to faith-based groups; whether it be conducting retreats across the country to demystify charitable choice and existing laws, or providing funding for technical assistance to various faith-based groups. The Justice Department's faith-based office is unlike its counterparts in that it exists primarily to offer legal advice to the other four centers. Though there has been little headway to date, in the long run, these cabinet centers will have a profound impact by facilitating and coordinating the rewriting of hundreds of regulations – ultimately shifting the flow of federal funds to religious groups.

To complement these efforts, members of the OFBCI were involved in formidable outreach efforts to mobilize various groups across the country. These less visible, less controversial efforts to encourage faith-based organizations may well prove to be more effective than any additional legislation, as they may be able to remove a number of restrictions through regulation alone. And, avoiding the media spotlight, as bureaucratic efforts typically do, can only enhance their prospects for success.

On another level, the OFBCI supervised an expansive agency audit (pursuant to Executive Order 13198) designed to highlight “barriers” to the provision of social

³² Note that the private Bradley Foundation has been working at the grass-roots level to promote the involvement of religious organizations. “On June 1, [Michael S.] Joyce opened Americans for Community and Faith-Centered Enterprise with a stable of consultants and lobbyists and an office on Pennsylvania Avenue.” See Mike Allen, “Bush Aims to Get Faith Initiative Back on Track,” *The Washington Post*, June 25, 2001, p. A5. For a discussion of restaurateur Paul Fleming's non-profit efforts to assist the Bush administration, see Mary Jacoby, “Bush's faith-based charity initiative gets private boost,” *St. Petersburg Times*, June 25, 2002. For existing charitable choice provisions in public law, see David M. Ackerman, *CRS Report for Congress*, “Charitable Choice: Constitutional Issues and Developments Through the 106th Congress,” updated December 27, 2000.

services by religious and community groups. Released at a public forum at The Brookings Institution in August, 2001, Bush administration officials discussed a 25-page report that identified 15 obstacles to expanding faith-based and community works.³³ Though critics claimed that the audit's results were merely a formal justification for the policy and the OFBCI's stated goals, administration officials concluded that the federal grants process "does more to discourage than to welcome the participation of faith-based and community groups."³⁴ Regardless of these varying perspectives, the OFBCI, under the leadership of Stanley Carlson-Thies, can be credited with supervising a formidable undertaking – conducting an audit of five cabinet departments and compiling a comprehensive report in a period of less than six months.

In addition, the OFBCI was clearly successful in raising public awareness and sparking debate about the faith-based initiative. While both presidential candidates addressed the issue in the 2000 campaign, the OFBCI's political outreach efforts were considerable and resulted in debate and discussion at many levels. Such an achievement is all the more impressive when one considers that since former Senator John Ashcroft's introduction of the term "charitable choice" in 1996, roughly five years passed before politicians and the citizenry were actively debating the pros and cons.

Finally, in the last few weeks of its first year of existence, the OFBCI was affected by a number of new developments. First, the president's January 29th State of the Union Address announced an ambitious new volunteer program, the USA Freedom Corps, thereby creating another White House entity to oversee the national service initiative.³⁵ Bush appointed John Bridgeland, formerly his Senior Domestic Policy Adviser, to be the executive director of the USA Freedom Corps, and his duties will include oversight of the OFBCI. According to one report, "The

³³ See "Unlevel Playing Field: Barriers to Participation by Faith-Based and Community Organizations in Federal Social Service Programs," August 2001, The White House.

³⁴ *Ibid.*, p. 25.

³⁵ Interestingly, the announcement of this new program occurred on the one year anniversary of the signing of the executive order establishing the OFBCI (January 29, 2001).

linkage provides the White House with a way to revive its effort to boost charities after legislation that Bush supported stalled in Congress last year.”³⁶ In fact, some expect that the integration of national service with the faith-based initiative will shift the OFBCI’s focus from primarily assisting religious charities to promoting volunteerism.

Last, but not least, after roughly six months without a director, Bush appointed a successor to DiIulio. The new director, Jim Towey, is a lawyer who has been an advocate for the poor and aging. Appointed Deputy Assistant to the President (a less senior rank than Director DiIulio), Towey can expect a very different experience from that of his predecessor. The potentially explosive congressional negotiations over two very different bills (HR 7 and the S 1924), the altered structure of the OFBCI, and new leadership will likely pose distinct challenges.

Looking back on the first year of the OFBCI, it is clear that doing business in the White House is fraught with peril. Perhaps occupants should have expected a rough year given the hasty assemblage of the office and the uncertainty surrounding its mission. This inauspicious beginning laid a weak foundation that only grew weaker over time. But perhaps it is not solely the responsibility of the OFBCI.

It may well be that creating a White House Office to advance a specific policy initiative is simply not a good idea. While the desire to showcase a presidential priority was understandable, removing it from the auspices of the Domestic Policy Council isolated both the office and its efforts. In order for the OFBCI to flourish, it needed the support of the entire White House (e.g., legislative affairs, communications, political affairs, etc.), but because of its independent status, it was never fully integrated. Though the goals of the OFBCI will change, the president and his staff would be wise to heed the lessons of the first year, taking

³⁶ Dana Milbank, “President Hits the Road To Pitch Service Initiative,” *The Washington Post*, January 31, 2002, p. A1.

into account the perils of policymaking and promotion as they carve out a new role in its second year of life.