

Compromise would satisfy all in faith-based debate

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ABSTRACT (ABSTRACT)

The governor claims that without this change, the wise policy of the state to award grants to religious institutions to provide services to all people independent of their faith will be in jeopardy. Indeed, the governor's lawyer points to an old Georgia Supreme Court case (Bennett v. La Grange from 1922) that has some language in it that could be understood as prohibiting such funding, (although everyone seems to agree that no one is suing now to stop the practice of providing grants to religious institutions for the purpose of providing social services).

On the other hand, the governor's proposed change would seem to go much further than needed to undo the effects of the fossilized precedent from 1922. [Sonny Perdue] would permit Georgia to make grants to charities to provide social services that are linked to one's faith. If this constitutional change were to take place, the state could provide money for a soup kitchen that feeds hungry Catholics only, or to social service agencies that provide assistance only to Jews, or requires an attestation of evangelical faith by a poor person to get a free Thanksgiving dinner. Furthermore, such organizations could refuse to hire as employees those who are not members of their own faith.

FULL TEXT

Georgia, like many states, has a Blaine amendment to its constitution that seems to prohibit the state from engaging in the funding of any "church, sect, cult or religious denomination." Blaine amendments became the law in close to 40 states in the late 1800s in response to bitter controversy between the Protestant majority and the Catholic community, which sought equal rights to government funding of Catholic schools.

Recently, Gov. Sonny Perdue proposed adding to Georgia's Blaine amendment the words "except as permitted or required by the United States Constitution, as amended."

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dinner. Furthermore, such organizations could refuse to hire as employees those who are not members of their own faith.

That type of government funding of religious communities is bad for our state, dividing our community, and will exacerbate religious tensions on many different fronts. Such discrimination is also bad for the economy, and will make it harder for people in need to get the services that they need, when they need them the most. The state constitution should not be changed to permit such discrimination.

On the other hand, if those who support this change to the state constitution are really just interested in making sure that religious organizations can compete for social services, subject to the same restrictions as any secular organization, that is a good idea. Such a change would clarify the law to permit something that is already happening and that we all support.

Thus, the middle ground — so far not staked out by supporters or opponents of the current proposed change — would seem better than either simple opposition or support of the proposed change.

Let me propose an amendment to the Georgia Constitution that accomplishes both goals. It now states, "No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect, cult or religious denomination of any sectarian institution."

The governor should propose, the Legislature should ratify and the people of Georgia should support a constitutional amendment that adds the words "except when such expenditures of public funds is provided to maintain social services to the public at large, independent of the religious affiliation of the recipients, and without any discrimination in the religious identity of providers or their employees." Making sure that all who want to help can, while preventing discrimination, is certainly a positive change in the law of our state.

This proposed amendment addresses everyone's concerns: It would not allow faith-based hiring or service distribution, but would allow religious institutions to continue to receive contracts from the state to provide social services.

Through this compromise, every social service agency (religious or not) can participate in helping to solve society's problems and provide services for those in need. That is a worthwhile goal for any society.

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Illustration

Photo

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