US House sanctions anti-gay discrimination by religious groups

License for bias in Bush "faith-based" bill

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The US House of Representatives voted July 19 to approve the Bush administration's "faith-based" initiative, which funnels billions in federal funds to church-based charities, while giving such groups the legal right to engage in discrimination on the basis of religion, sexual orientation or marital status.

The bill passed the House by a 233-198 vote, largely on party lines. Republicans backed the bill 217-4, while Democrats opposed it 193-15. The two independents split their votes, one for and one against. An amendment to strike the pro-discrimination language from the bill was defeated by a 234-195 margin.

There was little debate over the main thrust of the bill, which allows federal funds to be used by religious organizations in a wide variety of social services, from youth recreation to drug counseling and housing for the elderly. That in itself is an indication of how far both parties have moved from the long-standing democratic principle of separation of church and state.

While the political establishment promotes religious groups, churches actually exercise a diminishing influence on the American population as a whole, according to recently released census and election polling figures. These report that the percentage of the population saying it regularly attends church has remained essentially constant over the last 30 years, at about 37 percent. During the same period the percentage saying it never goes to church has risen sharply, from 14 percent to 33 percent. The proportion of the population professing either no religious beliefs or beliefs outside the Judeo-Christian canon has tripled from 5 percent in 1972 to 16 percent in 1998.

This decline in popular support is one of the factors impelling churches to seek government aid, in the form of a law that provides not only financial subsidies, but also the ability to command authority over more people by providing food, shelter or counseling, and thereby placing vulnerable sections of the population under an obligation to organized religion.

Many fundamentalist Christian groups that were mobilized in the 1980s and 1990s behind the Republican Party are now looking to cash in on their political connections with the Bush administration.

Whatever reservations may still exist in Congress about blurring the separation of church and state have been expressed, not in open or principled opposition to the Bush policy, but in a sharp reduction in the level of funding proposed by the administration. The total has declined from an initial $83 billion over 10 years to a relatively modest $6.3 billion, to be financed by making donations of up to $25 to religious charities tax-deductible for all taxpayers, regardless of their income levels.

The controversy over religious and anti-gay discrimination erupted after the *Washington Post* obtained and published internal documents of the Salvation Army showing that the group had given its support to the Bush initiative in return for language in the bill which would exempt church groups from local and state anti-discrimination laws.

Church groups are already exempt from federal anti-discrimination laws, like the 1965 Civil Rights Act, when it comes to hiring, promotion and other employment-related activities. In recent years, however, a dozen states and more than 100 cities have passed laws either banning discrimination against gays and lesbians, or requiring employers to provide medical and other benefits to unmarried couples or the partners

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of gay employees on the same basis as married couples.

The Salvation Army hires gay people, but rejects them for the ministry. According to a spokesman for the church group, it opposes granting domestic partnership benefits "whether for homosexual or unmarried heterosexual couples" on the grounds that sex outside of marriage is immoral. In 1999 the Salvation Army forfeited a $3.5 million contract to provide free meals to AIDS patients in San Francisco rather than comply with an order by the San Francisco Human Rights Commission to provide domestic partnership benefits.

The Salvation Army saw an opportunity in the Bush "faith-based initiative" to gain federal sanction for its bigotry. The church leaders hired several high-powered Washington lobbyists to press its case, including Stephen M. Minikes, a member of the Bush election campaign's "Pioneers"—those who raised at least $100,000 apiece for the Republican candidate—and Mark Holman, former chief of staff to Pennsylvania Governor Tom Ridge and a longtime personal friend of Bush political counselor Karl Rove.

Minikes' lobbying firm, Thelen Reid & Priest, is on a $25,000-a-month contract with the Salvation Army, while Holman's law firm, Blank, Rome, Comisky & McCauley, was described in the Salvation Army report as the church's "direct liaison with the White House staff."

According to the Salvation Army documents, Karl Rove was the first White House official contacted in the campaign to strengthen the church's right to discriminate against gays and unmarried couples, followed by Don E. Eberly, the deputy director of the White House Office of Faith-Based and Community Initiatives. Salvation Army leaders then met personally with President Bush.

Eberly promised the church that if the Salvation Army supported the legislation incorporating the faith-based initiative, the Bush administration would issue a regulation by executive order enabling it to practice anti-gay bias in the workplace.

The text of the Salvation Army document explicitly links its support for the legislation with the sanction for discrimination, saying that Bush administration officials "first want to move the charitable choice provisions in the legislation and use the political momentum of this effort to push forward religious exemptions to domestic partnership benefit ordinances and municipal contract clauses that protect against any form of sexual orientation discrimination."

Within a few hours of the *Post* making this promise public, the White House announced that it would drop the proposed federal regulation. But within days House Republicans had incorporated a similar provision into the text of the legislation itself, making the federal protection for discrimination even stronger.

J.C. Watts, chairman of the House Republican Conference and chief sponsor of the bill, responded to criticism from Democrats and a handful of Republicans with a suggestion that the pro-discrimination language might be weakened in a future House-Senate conference after the Senate takes up the legislation. But he rejected any change in the language in the bill being considered by the House.

As now written, the bill states that a religious group "shall have the right to maintain its autonomy from federal, state, and local government, including such organization's control over the definition, development, practice and expression of its religious beliefs." Nearly all fundamentalist Christian groups describe anti-gay bigotry in such terms—the Salvation Army, for instance, calls its hostility to gay relationships part of its "theological foundations."

Other fundamentalist groups joined to support the bill and oppose efforts by civil rights, civil liberties and gay rights groups to delete the pro-discrimination language. The Family Research Council sent out a legislative alert warning that the bill was "in danger of being hijacked by homosexual groups" after one Republican congressman, Mark Foley of Florida, proposed an amendment to require all recipients of federal funds to observe state and local anti-discrimination ordinances.

After the defeat of this amendment, Andrea Lafferty of the Traditional Values Coalition boasted, "This was an issue of the church versus homosexual activists, and the homosexuals lost."

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