

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 5/22/00

BILL NO. AB 533

OR

SUBJECT \_\_\_\_\_

KEVIN LEWIS  
(NAME)

(Street Address or Route Number)

(City and Zip Code)

DUES

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:  W/ AMENDMENTS

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 2-22-00

BILL NO. AB 533

OR

SUBJECT \_\_\_\_\_

Bernice Popelka  
(NAME)

(Street Address or Route Number)

(City and Zip Code)

7415 N. Breaburn Ln

Glendale WI 53209

The Interfaith Alliance  
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms  
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P.O. Box 7882  
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**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 2/22/00

BILL NO. \_\_\_\_\_

OR

SUBJECT AB 533

ALBERTA DARLINS  
(NAME)

(Street Address or Route Number)

(City and Zip Code)

1325 West Grand Rd

MILWAUKEE WIS 53209

2016  
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms  
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**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: Feb. 22, 2000

BILL NO. AB 533

OR

SUBJECT \_\_\_\_\_

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 2/22/00

BILL NO. AB 533

OR

SUBJECT Behavioral Justice

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: David Lerman

BILL NO. AB 533

OR

SUBJECT \_\_\_\_\_

Kathy Markland

(NAME)

30 W. Mifflin St. Ste. 302

(Street Address or Route Number)

Madison 53703

(City and Zip Code)

Wisconsin Catholic Conference

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

E. MICHAEL McEAMON

(NAME)

MILWAUKEE CO. DA

(Street Address or Route Number)

821 W STATE

(City and Zip Code)

MILWAU W

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

ASST DA

(NAME)

(already spoke)

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: Feb. 21, 2005

BILL NO. 48 533

SUBJECT \_\_\_\_\_

Saif Jensen

(NAME)

850 S. Springdale

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 2/22/06

BILL NO. AB 533

SUBJECT FAITH - BASED

SARRIS TIONS

(NAME)

JOHN EMBERSON

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms  
Room 109-LL One East Main  
P.O. Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: February 23, 2005

BILL NO. AB 533

SUBJECT Programs for

juvenile justice

(NAME)

Margaret McLane

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O. Box 7882  
Madison, WI 53707-7882

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 2/22

BILL NO. 533

OR  
SUBJECT \_\_\_\_\_

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 2-22-00

BILL NO. AB 533

OR  
SUBJECT \_\_\_\_\_

**SENATE HEARING SLIP**

(Please Print Plainly)

DATE: 2-22-06

BILL NO. AB 533

OR  
SUBJECT \_\_\_\_\_

JEFF PERCY  
(NAME)

1233 N. WAFAIR RD  
(Street Address or Route Number)

WAUWATOSA, WI 53224  
(City and Zip Code)

WLT APPORTIONS ALLIANCE  
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O.Box 7882  
Madison, WI 53707-7882

DENNIS COYLER  
(NAME)

2866 Alydar Way  
(Street Address or Route Number)

Cottage Grove WI 53527  
(City and Zip Code)

American United of H and S  
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms  
Room 109-LL One East Main  
P.O.Box 7882  
Madison, WI 53707-7882

Annie Laune Seylor  
(NAME)

2400 Fox Ave  
(Street Address or Route Number)

Madison WI 53711  
(City and Zip Code)

Myself  
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms  
State Capitol - B35 South  
P.O.Box 7882  
Madison, WI 53707-7882

**Senate Committee on Judiciary and Consumer Affairs**  
**Request for Paper Ballot Executive Action on 1999 Assembly Bill 533**

Due to the difficulty of getting all of the members together in one place, the Senate Committee on Judiciary and Consumer Affairs is unable to hold an Executive Session on Assembly Bill 533 as planned. We would like to conduct a paper ballot on the bill. **Please return your ballot to Sen. George's office (Room 118 South) by noon Friday March 10, 2000.**

**Introduction and Adoption of Substitute Amendment (LRB s0348/1):**

\_\_\_\_\_ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)

\_\_\_\_\_ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)

\_\_\_\_\_ **Aye** (In Favor of Adoption of the Substitute Amendment)

\_\_\_\_\_ **No** (Oppose Adoption of the Substitute Amendment)

**Concurrence in Assembly Bill 533 As Amended:**

\_\_\_\_\_ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill as Amended)

\_\_\_\_\_ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill as Amended)

\_\_\_\_\_ **Aye** (In Favor of Concurrence in the Bill as Amended)

\_\_\_\_\_ **No** (Oppose Concurrence in the Bill as Amended)

Signed: *Allen Clausing* March 10, 2000

Please return to Sen. George's Office by noon Friday, March 10, 2000.

**Senate Committee on Judiciary and Consumer Affairs**  
**Request for Paper Ballot Executive Action on 1999 Assembly Bill 533**

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**Introduction and Adoption of Substitute Amendment (LRB s0348/1):**

- \_\_\_\_\_ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)
- \_\_\_\_\_ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)
- \_\_\_\_\_ Aye (In Favor of Adoption of the Substitute Amendment)
- X   No (Oppose Adoption of the Substitute Amendment)

**Concurrence in Assembly Bill 533 As Amended:**

- \_\_\_\_\_ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill as Amended)
- \_\_\_\_\_ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill as Amended)
- X   Aye (In Favor of Concurrence in the Bill as Amended)
- \_\_\_\_\_ No (Oppose Concurrence in the Bill as Amended)

Signed:   Jane B. Schubert  

March 10, 2000

Please return to Sen. George's Office by noon Friday, March 10, 2000.

**Senate Committee on Judiciary and Consumer Affairs**  
**Request for Paper Ballot Executive Action on 1999 Assembly Bill 533**

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**Introduction and Adoption of Substitute Amendment (LRB s0348/1):**

\_\_\_\_\_ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)

\_\_\_\_\_ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)

\_\_\_\_\_ Aye (In Favor of Adoption of the Substitute Amendment)

\_\_\_\_\_ No (Oppose Adoption of the Substitute Amendment)

**Concurrence in Assembly Bill 533 As Amended:**

\_\_\_\_\_ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill as Amended)

\_\_\_\_\_ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill as Amended)

\_\_\_\_\_ Aye (In Favor of Concurrence in the Bill as Amended)

\_\_\_\_\_ No (Oppose Concurrence in the Bill as Amended)

Signed: Alberta Darling March 10, 2000

Please return to Sen. George's Office by noon Friday, March 10, 2000.

**Senate Committee on Judiciary and Consumer Affairs**  
**Request for Paper Ballot Executive Action on 1999 Assembly Bill 533**

Due to the difficulty of getting all of the members together in one place, the Senate Committee on Judiciary and Consumer Affairs is unable to hold an Executive Session on Assembly Bill 533 as planned. We would like to conduct a paper ballot on the bill. **Please return your ballot to Sen. George's office (Room 118 South) by noon Friday March 10, 2000.**

**Introduction and Adoption of Substitute Amendment (LRB s0348/1):**

- OK Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)
- OK Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)
- ✓ Aye (In Favor of Adoption of the Substitute Amendment)
- \_\_\_\_\_ No (Oppose Adoption of the Substitute Amendment)

**Concurrence in Assembly Bill 533 As Amended:**

- \_\_\_\_\_ Moved (Optional -- Please check if you wish to Move Concurrence in the Bill as Amended)
- \_\_\_\_\_ Seconded (Optional -- Please check if you wish to Second Concurrence in the Bill as Amended)
- ✓ Aye (In Favor of Concurrence in the Bill as Amended)
- \_\_\_\_\_ No (Oppose Concurrence in the Bill as Amended)

Signed:  March 10, 2000

Please return to Sen. George's Office by noon Friday, March 10, 2000.

## *Wisconsin Alliance for Addictions Public Policy & Education*

### **Alliance Members:**

*Wisconsin Association of  
Alcohol and Other Drug Abuse*

*Wisconsin Certification Board*

*Wisconsin Alcohol & Drug  
Treatment Providers  
Association*

*Wisconsin Prevention Network*

*Wisconsin Alcohol, Drug  
& Disabilities Association*

*Wisconsin Association of Alcohol  
& Drug Abuse Counselors*

Good Morning Senator George and Committee members. Thank you for the opportunity to address your committee this morning. I am here representing the Wisconsin Alliance for Addictions Public Policy & Education. This is a coalition of six state-wide organizations involved in the delivery of AODA services in Wisconsin.

We are opposed to 533 as it is currently written. I want to be clear at the outset we are not opposed to this legislation based on the inclusion of faith based treatment alternatives. In fact, there is a long standing tradition of faith based treatment alternatives being available for AODA services in Wisconsin. So much so, that I am puzzled over the need for this legislation at all. Organizations like the Salvation Army, Lutheran Social Services, Catholic Social Services, all the member hospitals of the Covenant Behavioral group and others too numerous to mention currently contract for services through DHFS on the same basis as other non faith based organizations. I have not been aware of these organizations having any difficulty in qualifying for the provision of these services. I admit I am less aware of how these services are provided under Department of Corrections contracts.

It is the understanding of the Alliance following calls to Legislative Council staff that the legislative intent is for faith based organizations to meet the same standards of quality and staffing requirements as other organizations receiving contracts. We were referred to Section 13, (c) that "religious organizations are eligible, on the same basis as any other private organizations" to receive grants. We would like to know if that indeed is the intent of that language. Under current DHFS grants, there is currently a level field for private, public, and religious organizations; it is important that this bill not tip in favor of one over the others.

If that is the intent of the language in the bill then our opposition resides with two areas that the assembly attempted to address with amendments.

The first is the requirement that funding for alcohol and drug abuse services is distributed based on the effectiveness of the service. Originally, the bill required each department to set performance standards and the clinics to provide information as requested. The amendment now requires that the responsibility for evaluations shifts to the AODA services rather than the department and that they provide results of their own evaluation of services.

In the process of receiving grants clinics are currently required to have an evaluation component. There currently is no mechanism for a comparison of apples to apples. The business of evaluation of behavioral health services is extremely complex due to the wide variable in the treatment population. As defined by the federal government through the National Institute of Drug Abuse (NIDA) "Addictions is a treatable brain disease manifested in a variety of behaviors with psycho-social variations". Each of these variations would require a separate set of outcome measures. If the intent is to compare one program to another this requirement will not achieve that outcome. If the State wants to move to that kind of comparison it needs to shoulder the fiscal responsibility for the studies necessary to evolve those outcome criteria, instruments, analysis, and ongoing adaptations. To simply place this fiscal burden on the clinic is unfair. It will not accomplish its purpose and will provide misleading and useless data.

The second area of opposition is the lack of funding for the expansion of programs. Clinics operating within the current system are working on a shoestring. If the intent of this legislation is to broaden the range of treatment options and the availability of services then it is bound to fail unless additional dollars are available for the additional services. We do not disagree with the effort to increase the availability of services, but to only broaden the offerings without additional funding will have a detrimental impact on existing agencies. It will have the effect of making the pool a mile wide but only an inch deep when all available literature supports that effective treatment depends on the length of time clients are within the treatment system and amount of counseling available. The pool needs to be wide, but it also needs to be deep.

Again, our opposition to this bill is not to its intent for the inclusion of faith based services. The opposition is to the poorly thought through provisions included in the legislation and the potential adverse impact on AODA services in Wisconsin. Thank you for the opportunity to bring these concerns to your attention this morning.



# The League of Women Voters of Wisconsin, Inc.

122 State Street, Madison, Wisconsin 53703-2500

608/256-0827 FX: 608/256-2853 EM: genfund@lwvwi.org URL: <http://www.lwvwi.org>

## STATEMENT TO THE SENATE COMMITTEE ON JUDICIARY AND CONSUMER AFFAIRS REGARDING AB 533

**February 22, 2000**

The League of Women Voters of Wisconsin supports alternative dispositions to detention and incarceration for juvenile offenders when appropriate, as well as programs aimed at the prevention of juvenile delinquency. League therefore approves several sections of AB533 which are innovative proposals with these objectives. The sections referred to are those providing funds for assistant district attorneys in Dane, Milwaukee, and one other county to implement restorative justice programs, and grants for agencies to assist neighborhoods in establishing neighborhood organizations. Provision has been made in the bill for record keeping and evaluation of these pilot programs so that their effectiveness can be judged. The League of Women Voters supports these initiatives, and urges their passage in a separate bill.

The League of Women Voters has serious concerns regarding other sections of AB533, in particular those authorizing counties to contract with sectarian agencies for services to juveniles. We note that without rigorous separation of the religious functions of these agencies from their publicly funded service functions, the contracts with sectarian agencies would be unconstitutional. The bill seems to make a good faith effort to assure separation of the religious activities of the agencies from their services on behalf of juveniles. Nonetheless, League questions the public funding of programs for juvenile offenders administered by sectarian agencies. Our first concern regards the qualifications of those rendering, or supervising, the services. There is no provision requiring that personnel have the degree of professionalism and specific training appropriate to the programs for juveniles they are carrying out. Second, we question whether public funds used to finance services by sectarian agencies might not more effectively be used for innovative programs administered by established agencies. Youth Aids to counties for juvenile services is already stretched thin, having been reduced from 65% of county costs to 45% over the past half decade. Contracts with private agencies, if used, should be limited to programs in which these agencies are uniquely qualified to be effective.

The League of Women Voters strongly opposes the section of the bill creating a state office of government-sectarian facilitation. This office is one-sided; the job description specifies promotion of the use of sectarian agencies. The League of Women Voters believes that a sectarian oriented office has no place in the state government. If a state office to coordinate services of public and private agencies is thought desirable, it should, at the least, include all private agencies, sectarian and non-sectarian. However, the League of Women Voters believes that coordination can best be accomplished at the county or community level.

The League of Women Voters recommends the separation from the bill and support of

those sections of AB533 dealing with restorative justice (Sections 22 and 23), and neighborhood organizations (Section 12). We urge your committee, on the other hand, to reject the sections authorizing counties to contract for services with sectarian agencies (Sections 13 and 18), and establishing a state office of government-sectarian facilitation (Sections 1 through 5, and associated paragraphs on funding the office).

Thank you for your consideration of these comments.

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Legislative Committee Contact: Meg McLane, 920/922-0546; [meom@execpc.com](mailto:meom@execpc.com)



# AMERICANS UNITED

for Separation of Church and State

## SOUTH-CENTRAL WISCONSIN CHAPTER

P.O. Box 55134  
Madison, WI  
53705

Senator John Ashcroft (R-MO) has introduced a new proposal, termed the “Charitable Choice” proposal, that will become one of the lasting struggles in church/state legislative activities, along with vouchers and government-sponsored school prayer. Senator Ashcroft has already included the “charitable choice” proposal in legislation such as welfare reform, the Substance Abuse and Mental Health Reauthorization Act, the Older Americans Act, and a community renewal bill. He plans to include the proposal in every public health and social service bill in Congress.

**“Charitable choice” violates the separation of church and state** by allowing “pervasively sectarian” institutions, including houses of worship, to receive federal funding to administer social services and public health benefits on behalf of the government. Under current law, “religiously affiliated” organizations, such as Catholic Charities, are generally permitted to provide social services with government funds. However, the Supreme Court has ruled that the government cannot fund pervasively religious institutions.

**“Charitable choice” permits religious institutions that receive government funds to discriminate in their employment on the basis of religion.** This amounts to federally-funded employment discrimination, and allows religious organizations to exclude people of different faiths from government-funded employment.

**“Charitable choice” violates the religious liberty of program beneficiaries** by failing to adequately provide alternative providers. Program beneficiaries receive no notice of their right to seek a provider other than the religious provider offered by the government. Furthermore, there is no requirement that the alternative provider be established within a specific time framework, nor be as equally accessible to the beneficiary as the original, religious provider.

**“Charitable choice” preempts state constitutional laws** that *directly* prohibit public dollars from funding religious institutions.

**“Charitable choice” adversely effects the religious mission of houses of worship** by funding social services that may already be performed with *voluntary* contributions. Many religious institutions have a religious mission to provide social services to their communities with the voluntary contributions of their membership. Such contributions will inevitably diminish if the religious institution can receive public dollars to provide the services. This would make the religious institution dependent on the government for money.

# The 'Charitable Choice'

# UNRAVEL

## 'Charitable Choice'

**S**pring Lake, Mich., resident Latisha King lived on welfare for five years. But she found a job — and a new relationship with Jesus Christ — thanks to a local Presbyterian church that paired her with a “mentor” who guided her through some rocky times.

In a country where religion flourishes and people are free to adopt or discard religious beliefs at will, King's conversion wasn't unusual. What is odd is that it came courtesy of the taxpayers of Michigan and the rest of the country, whose money paid for the mentoring program at Spring Lake Presbyterian, a 425-member congregation in the southwestern portion of the state, not far from the banks of Lake Michigan.

King, who told *The Wall Street Journal* last year that she had not previously attended a specific church, is now a full-fledged member of Spring Lake Presbyterian and regularly takes communion. She attends church-run parenting classes and borrows from the church library. “I've grown quite a lot in my faith,” King told the newspaper.

Michigan's program, paid for with a combination of state and federal funds, exemplifies the cutting edge of a proposal that threatens to radically redraw the relationship between church and state. Increasingly, in state capitals and in the halls of Congress, houses of worship are being lured into providing social services with tax money and being told they can get that aid with very few strings attached and while keeping their overt religious character.

Known informally as “charitable choice,” the concept was conceived by religious conservatives who argue that churches do a better job of providing social services than government agencies. But “charitable choice” is by no means the exclusive property of the Religious Right. Increasingly, liberal politicians and moderate evangelical anti-poverty activists are jumping on the bandwagon, insisting that religion and government form “partnerships” to combat homelessness, hunger, chronic unemployment, drug and alcohol addiction and other social ills.

The idea of religious organizations using tax money to pro-

### Tax Aid To Church-Run Charities Does End-Run Around First Amendment, Critics Charge

by Rob Boston

vide social services is nothing new. Groups like Catholic Charities, Lutheran Social Services and Jewish social service agencies have been doing it for decades. The difference is that in the past, religious groups that took government money for social service programs had to comply with the same regulations as secular organizations. In most cases, they set up separate entities to administer the aid and did not discriminate on the grounds of religion when hiring staff.

The new “charitable choice” scheme does away with all of those constitutional protections. Faith-based social service providers, “charitable choice” champions insist, are effective precisely because of their religiosity, and they should not be required to water that down — even if they accept public funding.

“Charitable choice” has gained a firm foothold in Congress and is starting to spread into the states. In Washington, D.C., its primary champion is U.S. Sen. John Ashcroft (R-Mo.), a Religious Right favorite who has been mentioned as a possible presidential candidate in the year 2000.

Ashcroft inserted his “charitable choice” language into the bill overhauling welfare that was passed by Congress and signed by President Bill Clinton in August of 1996. The specific provision allows states to contract with houses of worship “without impairing the religious character of such organizations.” Americans United and other organizations concerned about the separation of church and state worked to get the Ashcroft language out of the bill, but the Senate, in a procedural maneuver, voted to retain it.

In a faint nod to constitutional requirements, the federal welfare bill also states that no federal money “shall be used for sectarian worship, instruction or proselytization.” It also forbids houses of worship to require needy people to participate in religion as a condition of getting aid and says welfare recipients have the right to get help from non-religious providers if they prefer.

But critics assert that these provisions, while they sound good

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on paper, are unenforceable and ultimately meaningless. The provision barring use of tax money for sectarian activities and proselytization, for example, cannot be enforced without heavy-handed government inspections of religious providers. Yet the bill makes no arrangements for substantive oversight.

Sections outlining the rights of hurting families are also inadequate, critics say. Poor people in need of a meal or shelter are not notified of their rights under the legislation and could easily be pressured into taking part in religious activities to get help. And in rural areas or small towns, a panoply of providers, some religious and some secular, is highly unlikely to spring up.

In many ways, the push to use religious groups to provide social services represents a huge leap of faith on the part of the government. While houses of worship have a long track record of running soup kitchens or homeless shelters, the role they are being asked to take on now is unprecedented in its scope and complexity.

As the situation unfolds, certain assumptions have been made that may not be entirely accurate. For example, proponents of government funding for faith-based social services claim that religious groups do a better job of providing this assistance than government agencies. However, there is little, if any, objective research that supports this claim.

Substance abuse treatment programs are an oft-cited example. People who run faith-based alcohol and drug addiction recovery programs claim high rates of success and assert that only religion can motivate addicts to change their behavior.

But critics are skeptical. "To my knowledge there is no empirical research that supports those claims," says William McColl, director of government relations for the National Association of Alcoholism and Drug Abuse Counselors, based in Arlington, Va. "There are incredible claims of 80 percent recovery rates [by religious providers], but they are not empirical studies, and they have not been done by objective researchers. We can go tit for tat with the anecdotal evidence; everyone has anecdotal evidence."

McColl does not doubt that religion can play an important role in substance abuse recovery, but he is wary of "charitable choice" schemes because they might encourage religious organizations to set up addiction programs staffed by people who do not have the proper training in the field.

Says McColl, "It's a question of providing safe, professional care to the client so they know their health care is in good hands."

Despite these problems, legislators in Congress and the states are charging full steam ahead. Ashcroft has pledged to insert "charitable choice" into other social service and public health bills, such as legislation dealing with juvenile delinquency and care of the elderly.

Other lawmakers have jumped on the bandwagon. Sen. Orrin Hatch (R-Utah) has introduced a bill to apply the "charitable choice" concept to juvenile justice programs. In the House, Reps. J.C. Watts (R-Okla.) and James Talent (R-Mo.) have introduced the "American Community Renewal Act," which expands "charitable choice" into other areas. Also pending is the "Effective Substance Abuse Treatment Act," introduced by Sens. Spencer

Abraham (R-Mich.), Dan Coats (R-Ind.) and Tim Hutchinson (R-Ark.), which would give religious groups tax aid to combat substance abuse.

Michigan will be one of the first states to implement "charitable choice." Gov. John Engler (R) has ordered all welfare officials to find ways to incorporate "faith-based organizations" into taxpayer-funded social service programs.

Some state officials had no problem with that. Gerald Miller, former head of Michigan's welfare programs, told *The Wall Street Journal* he had no objection to using state funds to bring welfare recipients into churches.

"That's fine as far as I'm concerned," Miller said. "I've always felt a little faith-based values never hurt anybody."

In Ottawa County, which includes Spring Lake, Loren Snipe, the director of the county welfare office, told the newspaper, "From my official position, the primary goal is keeping people employed. My personal belief is a spiritual component is part of that." Snipe added that if mentoring programs encourage welfare recipients into "attending a church and being religious, fine."

Michigan officials have lately backed away from some of those statements. Marva Livingston Hammons, who succeeded Miller as state director of welfare programs, told *The Journal* "there is not to be a religious component" in the mentoring programs and added that if it does occur it "needs to be dealt with."

Nevertheless, Michigan did not hesitate to plow nearly half a million in taxpayer funds into the coffers of the Salvation Army, a religious denomination known for its long tradition of social service work, and Good Samaritan Ministries, a regional group, to run pilot mentoring programs in two counties.

For a while, Good Samaritan distributed a manual to its mentors specifically encouraging them to talk about religion with their charges. "Through contact with you, they become involved in the church," said the manual. "They come to know you and other Christians better....They make a decision about letting Christ lead and govern their lives." Good Samaritan withdrew the manual, but only after *The Wall Street Journal* raised questions about its appropriateness in a taxpayer-funded program.

Margarete Gravina, a spokeswoman for the Michigan Family Independence Agency's communications office, said use of the earlier version of the manual was due to a "misunderstanding." Gravina said churches that take part in the mentoring program are instructed to tell mentors not to proselytize.

"It's strictly voluntary on the part of our clients," she said. "They are not required to have a mentor, and proselytization is not allowed....If clients voluntarily decide they want to go to the church their mentor belongs to that's fine, but the mentors are not out recruiting for membership purposes."

Texas is also charging full steam ahead with a "charitable choice" scheme. In the spring of 1996, a 16-member Governor's Advisory Task Force on Faith-Based Community Service Groups issued a report calling for a church-state partnership in the Lone Star State. Gov. George W. Bush (R) subsequently issued an executive order directing state agencies to work with

houses of worship to provide social services while allowing them to maintain their "unique ecclesiastical nature."

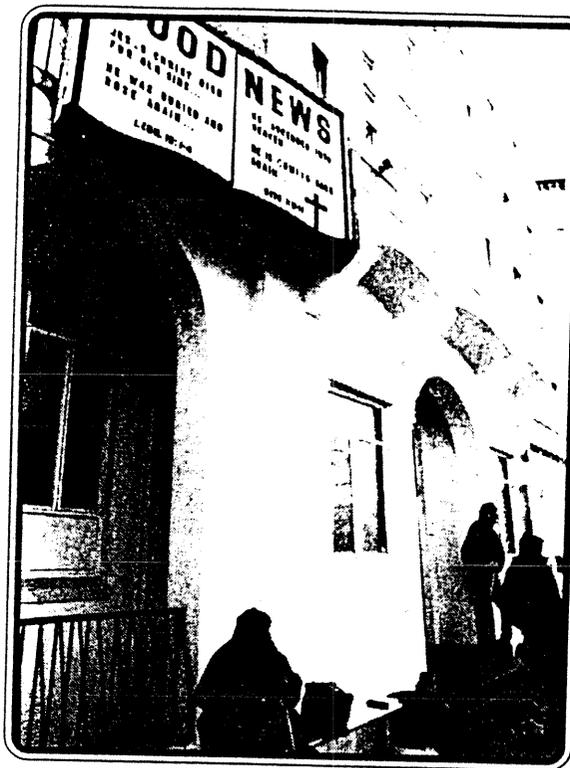
"Who better to help those who need help than people of faith who are following a religious imperative to love their neighbors, feed the poor and help the needy?" Bush asked during a December meeting with Christian ministers in San Antonio. He later told the ministers, "You can help meet social needs without losing your souls" and insisted that the churches will be "involved on their terms, not ours."

Many other states are experimenting with different forms of faith-based programs as well. Although no nationwide tabulation of programs exists yet, the Washington-based American Public Welfare Association issued a report last October that found faith-based mentoring programs operating in eight states. Given the range of programs that could operate under "charitable choice," a full accounting is unlikely.

The concept even has an echo in the Clinton administration (although Clinton is on record as opposing Ashcroft's approach). Last November the Rev. Joseph Hacala, a Jesuit priest, joined the staff of the Department of Housing and Urban Development, charged with running HUD's Center for Community and Interfaith Partnerships. *The Dallas Morning News* reported that Hacala was "hand-picked" by HUD Secretary Andrew Cuomo for the job. Said Hacala, "I want to give community and faith-based groups greater access to the table."

One factor that gives "charitable choice" such momentum is that it draws support from all sides of the political spectrum. Although conceived by Religious Right conservatives, "charitable choice" has been embraced by many moderates and liberals. As a result, religiously affiliated public policy organizations from the right and left are also joining forces to push "charitable choice."

Last December a coalition of Christian groups held a press conference in Washington to demand that more states contract with religious groups to provide social services. The coalition, calling itself the "Christian Roundtable on Poverty



**While houses of worship have a long track record of running soup kitchens or homeless shelters, the role they are being asked to take on now is unprecedented in its scope and complexity.**

millions of taxpayer dollars into the coffers of religious groups with little accountability as to how that money is spent," Lynn said. "Those two concepts — church-state separation and a massive program of government funding of religion — simply cannot be reconciled."

Americans United also notes that some Roundtable participants seem to have no problem employing rhetoric about church-state separation that sounds strikingly similar to the invective used by Religious Right organizations.

In a Dec. 8 commentary piece, Stanley Carlson-Thies, senior fellow of the Washington-based Center for Public

and Welfare Reform," charged that many states are ignoring "charitable choice."

The Roundtable includes representatives from various Protestant groups from both ends of the political spectrum, ranging from the conservative National Association of Evangelicals to liberal organizations such as the National Council of Churches and Call to Renewal, an evangelical group headed by Jim Wallis that has been critical of the Religious Right. A handful of Catholic officials also participated. The coalition subsequently sent letters to all 50 governors requesting meetings with them to discuss ways to implement "charitable choice."

Speaking at the Dec. 16 press conference, Wallis urged lawmakers to "think outside the box" and find ways to involve religious groups in welfare reform. In a press statement issued that same day, Wallis called church-state separation "foundational to American democracy." However, he added, "But that essential doctrine must not be used to deprive Americans of the full contribution of the religious community to the current crisis of poverty and welfare reform."

Barry W. Lynn, executive director of Americans United for Separation of Church and State, said Wallis and his supporters have simply glossed over the church-state problems inherent in "charitable choice" schemes.

"If church-state separation is truly foundational to American democracy, then we cannot just pour hundreds of

Justice and one of the originators of "charitable choice," blasted Thomas Jefferson's "wall of separation between church and state" metaphor, calling it "misleading" and "a myth." Separation, Carlson-Thies asserted, "isn't even in the Constitution." He went on to demand that government give religious groups tax aid to run social service programs and wrote, "Cooperation, not separation, is the right metaphor."

But not all religious leaders are buying into the "charitable choice" concept. Some are concerned that the religious missions of churches will be corrupted if they accept too much government aid.

"I think that strings and regulations are absolutely inevitable," says Phil Strickland, director of the Christian Life Commission of the Baptist General Convention of Texas. "What 'charitable choice' is about is contracts between the state and the church for performing certain services. The state is going to be responsible for seeing that the church adheres to the conditions of the contract. They have to be sure that the church is performing and not ripping them off. How do they do that? Audits of church budgets, inspections, reviewing hiring policies. That state will have a responsibility to see that the contracted funds are being well used."

Strickland sees an additional threat in the rush to turn social services over to religious groups: It could lead congregants in the pews to stop giving as generously to the church, if they believe that the government is picking up the slack.

The Rev. Rudy Pulido, senior pastor of Southwest Baptist Church in St. Louis, raises similar concerns. Pulido also worries that competition for funding could hurt relations among churches. He notes that with a limited amount of funding to go around, every church cannot participate. "Who will decide which churches can and which cannot?" he asked. "That will create some strained relationships between churches who receive government contracts and those that do not."

But Pulido says his bottom line is that government money can pollute a house of worship's sense of mission. "There should be no question in the minds of anyone where the resources that serve people are coming from," said Pulido. "They are either coming as an expression of God's love or an expression of government service." And in a church setting, he adds, "There should be no question that they come as an expression of God's love."

Others who work for religiously affiliated social service



Photo by John Whelan

**"I would rather rely on the good hearts of thousands of citizens who send in donations because they know it's the right thing to do, not shifting government policy."**

—Ellen Maidman  
Gospel Rescue Ministries

providers are still debating the merits of government support. Ellen Maidman, director of development for Gospel Rescue Ministries in Washington, D.C., says the topic is discussed frequently in her professional circle these days.

"It would be hard given the way the United States has historically been structured for the government to move into operational support for some of the more spiritual organizations like ourselves," Maidman told *Church & State*. "That is a very serious debate. Do we have a final conclusion? No, we don't."

Maidman worries about relying on government money because the funding level can go up and down, depending on shifting political winds, and she is certain about one thing: If government money comes with strings attached, she's not interested.

"I would rather rely on the good hearts of thousands of citizens who send in donations because they know it's the right thing to do, not shifting government policy," she said. "Individuals and corporations need to realize that it is to their best interest to support us, but do not hand us an operating manual. That will destroy the essence of what we are and leads to our success."

Some critics of "charitable choice" fear that conservatives in Congress who oppose welfare and social service spending will transfer this responsibility to houses of worship by dangling money in front of them and then gradually reduce the aid given.

This concern is well founded. House Speaker Newt Gingrich and other ultra-conservatives have talked openly about getting government out of welfare entirely and leaving the issue in the hands of private charities. Gingrich has frequently cited the writings of Marvin Olasky, a University of Texas journalism professor and author of the book *The Tragedy of American Compassion*. Olasky, who edits the right-wing evangelical magazine *World*, would go way beyond "charitable choice"; his thesis is that government-run welfare programs have failed and that the country should return to a Dickensian 19th-century model, when care of the needy was left to privately run charities, most of them sectarian — and sometimes harshly judgmental — in nature.

In the book, Olasky, quoting from an 1847 report by the New York Association for Improving the Condition of the Poor, argues that it is sometimes necessary to "step away for

Continued on page 12

a time and let those who have dug their own hole 'suffer the consequences of their misconduct.' The early Calvinists knew that time spent in the pit could be what was needed to save a life from permanent debauch (and a soul from hell.)"

Elsewhere Olasky notes that many 19th-century mission workers "modeled their practice of compassion after the biblical pattern in which God frequently let the Israelites see the consequences of their beliefs and would not show compassion until they repented."

(In his writings Olasky favorably cites the works of theorists affiliated with Christian Reconstructionism, an extreme Religious Right theology that says government should be based on a fundamentalist reading of the Bible, including the draconian legal code of the Old Testament.)

Lynn said Americans United has no intention of allowing any group — Religious Right-affiliated, moderate or liberal — to run roughshod over the First Amendment. He said AU will prepare its own letter to the governors informing them that use of taxpayer dollars to evangelize welfare recipients will spawn lawsuits.

Observed Lynn, "The letter will talk specifically about the care that needs to be exercised to ensure that no person who is eligible to receive a benefit is in any way coerced or harassed because of their failure to adhere to specific religious beliefs."

Lynn added that Americans United is on the lookout for abuses of the "charitable choice" concept. He said he fully expects that there will be instances of religious coercion and said the examples will be compiled to form a basis for possible future litigation.

"Charitable choice" critics assert that some religious groups will have no problem mixing social service with aggressive proselytism. In a recent episode of "The 700 Club," for example, televangelist Pat Robertson aired a glowing report about his Operation Blessing relief agency doling out food in an inner-city neighborhood. The tape showed Robertson preaching to the recipients, and a report noted that many had converted to fundamentalist Christianity.

Under "charitable choice," Operation Blessing would qualify for tax funding. So would other religious groups known for their aggressive proselytizing such as Minister Louis Farrakhan's Nation of Islam and the Church of Scientology.

In Michigan, *The Wall Street Journal* reported that some participants in the mentoring program have pushed their faith freely. A mentor from St. Patrick's Catholic Church gave her client's children rosaries, took them to mass and allowed one child to help with communion, even though the family isn't Catholic.

In that case, the mother didn't mind, but some welfare recipients in the mentoring program have complained. The

## **Not all religious leaders are buying into the 'charitable choice' concept. Some are concerned that the religious missions of churches will be corrupted if they accept too much government aid.**

*Journal* said five participants have left the program, finding it too heavy handed. One anonymous woman told the paper, "It's getting too pushy for me — I feel like they're running my life."

Another possible legal pitfall of "charitable choice" is that it allows religious groups to take government money and still discriminate on the basis of hiring staff to run social service projects. This is a sharp break with precedent, and, critics assert, it amounts to taxpayer-funded employment discrimination.

Liberal Protestants and moderate evangelicals have traditionally been concerned about discrimination, but members of the Christian Roundtable brushed off these concerns during their

press conference.

AU's Lynn said this remains a serious problem. Under the old rules, he noted, faith-based providers could be sued or government money could be withdrawn if evidence of employment discrimination surfaced. "Charitable choice" shields the groups from these sanctions, freeing them to apply any type of religious test for employment.

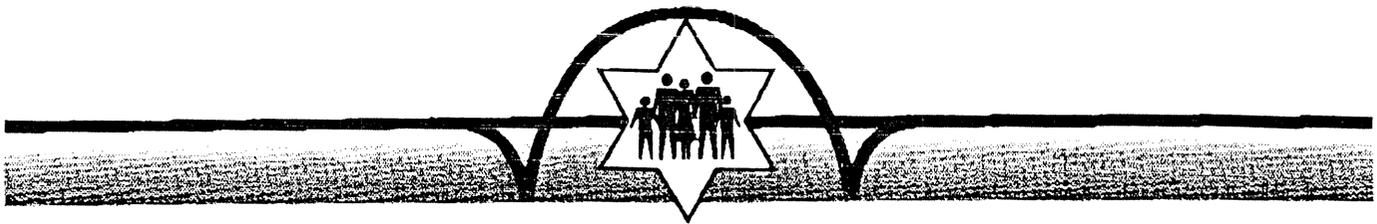
Lynn noted that Americans United is one of the few national organizations that has opposed "charitable choice" since the concept was introduced in Congress. As welfare reform swept Congress in 1996, Americans United Legislative Counsel Julie A. Segal pulled together a coalition of organizations to oppose the measure.

Called The Working Group for Religious Freedom in Social Services, the coalition includes AU, the American Civil Liberties Union, the Baptist Joint Committee on Public Affairs, the American Jewish Committee, the American Jewish Congress, the Anti-Defamation League, People For the American Way, the American Federation of State, County and Municipal Employees, the National Association of Alcoholism and Drug Abuse Counselors and other groups.

"The attempt to give religious groups taxpayer money with no strings is bound to be a failure," said Segal. "The new welfare law says that tax money cannot be used to proselytize or to fund sectarian activities, but it makes no provision for enforcement. The government would have to send monitors into every house of worship that it funds looking for violations. What's more likely is that participating churches will quickly realize that the 'no-proselytizing' rule has no teeth and will simply ignore it."

According to Lynn, the battle over government funding of religious social service providers has the potential to be as contentious as the debate over taxpayer subsidies for religious schools and probably won't be resolved until well into the next century.

"This is a critical issue, and we will not let it go unaddressed," Lynn said. "Nothing less than the integrity of the wall of separation between church and state is at risk." □



Milwaukee Jewish Council for Community Relations

**Testimony to Senate Committee on Judiciary and Consumer Affairs  
AB 533: Faith-Based Approaches to Crime Prevention and Justice  
Gary George, Chair**

**Prepared by:  
Paula Simon  
Executive Director  
February 22, 2000**

The Milwaukee Jewish Council for Community Relations regards efforts to utilize public dollars to fund social service programs operated by pervasively sectarian organizations as a critical church-state issue confronting the Jewish community. The Council speaks as the representative voice of the Milwaukee Jewish community on behalf of its public affairs and community relations issues. Twenty-seven Jewish organizations, synagogues and agencies are represented on the Council Board of Directors. A complete list of member organizations and Board members is included with this testimony.

The Council would like to go on record in opposition to AB533: Faith-Based Approaches to Crime Prevention and Justice.

The Council is particularly troubled by legislative initiatives that are blurring the clear distinction between "religiously affiliated" and "pervasively sectarian" organizations. Our concern about this issue stems from the Council's longstanding support for and commitment to the separation of church and state. The Council's opposition to AB533 is based upon the aspects of the bill that create an entanglement of religion and state by public funding or delegation of authority to pervasively sectarian institutions.

Historically, religiously affiliated organizations such as, but not limited to, Jewish Family Services, Lutheran Social Services and Catholic Charities, have been eligible to receive public funding because the primary mission of these agencies has not been to promote religious practice or belief. These institutions were not faith-based. Religiously affiliated institutions provide valuable and efficient social services to clients regardless of religious affiliation and should continue to qualify for government funding for such programs.

However, any potential use of public funds to provide through religiously affiliated organizations must contain appropriate and effective First Amendment safeguards. This includes those that prevent proselytization, coercion or indoctrination and that safeguard against discrimination on the basis of religion against beneficiaries and direct providers of funded services.

Public funding of social services through pervasively sectarian organizations, such as churches, synagogues and mosques, necessarily and unavoidably violates both the U.S.

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and Wisconsin Constitutions. Pervasively sectarian institutions include those whose primary mission is to promote religious practice or belief. Legislation that permits pervasively sectarian organizations to receive public funding inherently sanctions proselytizing, coercion, indoctrination and discrimination on the basis of religion against both beneficiaries of the service and direct providers. Because such constitutional infringements are so fundamentally unavoidable when public funds are disbursed to pervasively sectarian organizations, no form of enabling legislation, no matter how carefully crafted in a professed attempt to provide first amendment safeguards, can effectively or realistically avoid such constitutional infringements.

The Council will remain vigilant and vocal in monitoring the implementation of all publicly funded programs in order to prevent First Amendment violations as well as to protect the religious freedom of program beneficiaries and employees of service providers. We believe that all publicly funded programs that involve religious organizations must adhere to the following requirements:

- Public monies may not be used to fund any religiously oriented program, including those programs that integrate worship, religious instruction or adherence to any religious tenet. Public funds may be used to fund secular programs of religiously affiliated agencies; they may not fund *faith*-based programs.
- Public funds must not be used to contract with, make referrals to, or provide direct grants to pervasively sectarian organizations. These are defined as having a primary or substantial goal of conversion or proselytization.
- Government may not encourage participation in any faith-based program, favor any one denominational approach, or limit referrals solely to religious providers when non-sectarian alternatives are available.
- Neither the government nor any recipient of funds may require participation in any religious activity. Neither can the state mandate or enforce any religious requirement of an optional faith based program.

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B'nai B'rith International  
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Congregation Anshe Stard/Kehilat Torah  
Congregation Beth Israel  
Congregation Beth Jehudah  
Congregation Emanu-El B'ne Jeshurun  
Congregation Emanu-El of Waukesha  
Congregation Shalom  
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Jewish Family Services  
Jewish War Veterans  
Lake Park Synagogue  
NA'AMAT USA  
National Council of Jewish Women  
New American Club  
Temple Menorah  
Wisconsin Council of Rabbis  
Wisconsin Society For Jewish Learning  
Women's American ORT  
Zionist Organization of America

The Milwaukee Jewish Council for Community Relations is a consultant agency of the Milwaukee Jewish Federation

John Emberson  
Eau Claire, WI  
February 22, 2000

**TESTIMONY BEFORE THE SENATE  
COMMITTEE ON JUDICIARY AND CONSUMER AFFAIRS  
( Re: encouraged safe passage of AB533 )**

***I. THE PAST***

AB533 is within keeping of an exciting trend that is once again developing within our communities across the country. Most who will deal with the concepts and provisions of this bill will initially be cautious as if it were a stranger. However, when we consider that faith based organizations (FBOs) had up until the middle of the last century carried the bulk of our social service provisions - we should greet it with an embrace and view it as a returning family member within our American experience.

***II THE PRESENT***

In the last decade alone our state prison population has now reached a growth rate that is over 800% greater than Wisconsin's regular population! In 1997 it was predicted that in FY2000 the PERCENTAGE OVER CAPACITY (DOC) would be 71.22%! The battle has changed from one of advancing corrections and behavioral change to one only of defense, retreat and containment. As legislators and citizens we must address our DOC as a system that proves its effectiveness through reduction in recidivism and crime. What is there about the cold cement and iron that is failing to change human behavior? This is not to say that many secular programs are not adding value and having a positive impact. It is saying that they are not providing the relationship aspect required to see behavioral change. What is missing? The Church, once one of the normative institutions within our society is presently in an identity crisis. Our present moral and social trends describe it as a threat to individuality and attempts to hold it at bay while the work of "human relationships" has been replaced by professionals.

***III FUTURE***

Many in our country and in the world are realizing what many FBOs have foundationally believed - that socialization processes develop a bond to others that allows one to control self-centered interests that lead to the violation of the rights of others. AB533 is focused on this socialization process and allows remorse and compassion to become, once again, major players in behavioral change. The provisions of AB533 will ultimately assist people in meeting state objectives by allowing a variety of organizations (faith-based or not) to provide the vital human aspects within the systems of correction.

# INTERFAITH CONFERENCE

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## OF GREATER MILWAUKEE

Founded 1970

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Executive Minister

Episcopal Church  
The Milwaukee Diocese  
The Rt. Rev. Roger J. White, Bishop

Ev. Lutheran Church in America  
Greater Milwaukee Synod  
The Rev. Peter Rogness, Bishop

Milwaukee Jewish Council for  
Community Relations &  
Milwaukee Jewish Federation  
Paula Simon, Executive Director

Wisconsin Council of Rabbis  
Rabbi Steve Adams, President

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Presbytery of Milwaukee  
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Executive Presbyterian

Religious Society of Friends  
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The Most Rev. Rembert Weakland,  
Archbishop

United Church of Christ  
The S.E. Wisconsin Association  
The Rev. Tom Bentz  
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United Methodist Church  
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Mr Jack M. Murtaugh,  
Executive Director

February 22, 2000

Senate Committee on Judiciary and Consumer Affairs  
Wisconsin State Capitol  
Madison, Wisconsin

Dear Senators:

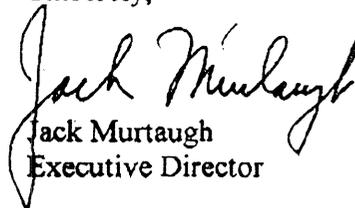
As you consider AB 533, the "Faith-Based Approaches to Crime Prevention and Justice" legislation, we wish to express support for a specific component of the bill.

The Interfaith Conference supports the portion of AB 533 that would establish assistant district attorney positions to provide restorative justice services. We believe that restorative justice efforts such as neighborhood panels and opportunities for victim-offender conferencing hold promise for addressing and preventing the crime that too often harms neighborhoods and residents.

We appreciate your consideration of efforts such as restorative justice that seek to heal. We ask your support for this component of AB 533.

Thank you for all that you do on behalf of the people of Wisconsin.

Sincerely,



Jack Murtaugh  
Executive Director



## WISCONSIN CATHOLIC CONFERENCE

### Testimony in Support of Assembly Bill 533

February 22, 2000

Submitted by John Huebscher, Executive Director

On behalf of the Wisconsin Catholic Conference I want to express our support for Assembly Bill 533 as amended by the Assembly.

This bill affirms a community-based approach to corrections rather than an institutional one. Such an emphasis is certainly more reflective of where faith-based groups operate and where they are effective. The bill also reflects the reality that potential offenders are best assisted within the communities in which they live.

In their 1995 statement on welfare reform the bishops of Wisconsin said:

"....government should not insist on being the provider of every service or program for needy families. Rather through direct cash assistance to individuals and grants to organizations, government can encourage and enable families to find help from local organizations and institutions of their choice. This would include religious and nonprofit organizations. Welfare reform should facilitate such choices, not obstruct them."

Generally AB 533 represents a reasonable strategy to facilitate such relationships in the area of corrections policy.

The idea of facilitating contracts between the Department of Corrections and faith-based or religiously affiliated groups is consistent with legislation we supported when it was applied to the Department of Workforce Development and the Department of Health and Family Services. To a great extent it merely reflects the way in which our Catholic Charities agencies have long operated with contracts in the human services area. When we discussed the language for DWD and DHFS two years ago with our diocesan Catholic Charities directors, they advised us that such language would be helpful in educating government officials who don't always know what current law and constitutional interpretation already permit.

To this end, the language addressing nondiscrimination against religious organizations and that pertaining to religious character and freedom will be beneficial. It allows us to work with government agencies in a way that does not compromise our religious identity and permits us to be of help to people who might not otherwise be served.

The provision which creates an office of government-sectarian facilitation can also be helpful, for the facilitation of relationships almost always breeds understanding. Such understanding between government and "mediating structures" should be encouraged.

We do not agree with those who say this bill implies a state endorsement of religion over other groups. We note that the Department of Commerce maintains offices of Minority Business Development and Small Business Development. In the past, Governor's have devoted special "desks" to address concerns of women, minorities, and Native Americans.

These structures are not and were not statements that such firms or groups deserve special treatment but as a recognition that these businesses or groups add something of value to society. Reaching out to them means that their involvement with public policies or programs should be facilitated not that acceptance of their views be guaranteed.

Similarly, these bills suggest nothing more than the fact that faith-based groups can be of help in solving problems facing the community and that a properly constructed partnership between such groups and government may be in the public interest.

Government does not establish religion merely by inviting religious groups into the public square.

We also support funding of assistant district attorney positions to engage in restorative justice although we are not equipped to endorse the selection of any specific county for them. Restoration is a key theme of our recent WCC statement on criminal justice and this initiative is consistent with that theme.

As you assess this and other proposals to foster partnerships between government and faith-based groups, I urge you to keep them in perspective. Such partnerships will not solve all of society's problems though they can help us do better. But neither will they destroy our liberties or betray our traditions, as some opponents suggest.

Faith-based groups generally don't provide these services to win converts. We don't do this work to save the souls of the clients; we do it for the sake of our own souls. As the study *Faith-Based Outreach to at Risk Youth in Washington D.C* by White and Marcellus states, "evangelization was more motive than method." The secular purposes of fighting hunger, poverty, restoring relationships, teaching the ignorant, helping people battle alcohol and drug dependencies have sacred results -- for the act of doing these things ennobles both the helper and the person who is helped.

No Constitutional amendment prohibits that.

If such groups do operate with the goal of proselytizing, we believe this law is drafted to prevent them from doing so with public funds.

In conclusion, let me suggest that institutions are like the people who create them. And relationships between institutions undergo change as the different parties learn from experience and the wisdom that accompanies it. This bill recognizes that new possibilities exist for one such relationship. We should not be afraid to explore them.

Your support for AB 533 will be appreciated.

## State of Wisconsin



**GARY R. GEORGE**  
**SENATOR**

TO: Staff to Members, Senate Committee on Judiciary and Consumer Affairs

FROM: Dan Rossmiller, Clerk  
Senate Committee on Judiciary and Consumer Affairs

RE: Proposed Amendments to Bills That Have Previously Received a Public Hearing  
in the Senate Committee on Judiciary and Consumer Affairs and May Receive  
Executive Action Next Week

DATE: February 25, 2000

Attached please find a list of the of proposed amendments and proposed substitute amendments to bills that have previously received a public hearing that I would like to discuss with you on February 28, 2000.

# State of Wisconsin



**GARY R. GEORGE**  
**SENATOR**

TO: Members, Senate Committee on Judiciary and Consumer Affairs

FROM: Dan Rossmiller, Clerk  
Senate Committee on Judiciary and Consumer Affairs

RE: Paper Ballot on Bills That Have Previously Received a Public Hearing in the  
Senate Committee on Judiciary and Consumer Affairs and on Which There  
Appears to be a Consensus In Favor

DATE: March 9, 2000

Attached please find paper ballots as well as proposed amendments and proposed substitute amendments to bills that have previously received a public hearing. Included are: AB 62; AB 72; AB 111; AB 533; and SB 63. These are bills that I reviewed and discussed with your staff yesterday (March 8, 2000).

A substitute amendment is being drafted to address concerns raised about the way the offense is defined in SB 213 and the penalty structure set up in the original bill. After we have reviewed the substitute amendment with the author of the bill, we will forward a copy to your office along with a paper ballot on SB 213.

**Note: Please return the paper ballots by noon tomorrow (Friday, March 10, 2000)**

**Assembly Bill 45**

Relating to: a hotline in the department of justice for the reporting of information regarding dangerous weapons in public schools.

By Representatives Kelso, Colon, Gunderson, Hahn, Hutchison, Jensen, Kedzie, Lassa, F. Lasee, Ladwig, M. Lehman, Musser, Owens, Ryba, Seratti, Spillner, Sinicki, Suder, Sykora, Urban, Vrakas, Powers and Huebsch; cosponsored by Senators Darling, Risser and Roessler.

*Risser?*

**Agreed Upon Amendment Pending: At the request of DOJ an amendment (LRBa1436/1) was prepared to expand the scope of things reportable through this hotline to include threats to damage school premises or harm persons on school grounds. Rep. Kelso, the author of the bill has signed off on the amendment.**

**Assembly Bill 111**

Relating to: committing theft against certain persons and providing a penalty.

By Representatives Suder, Albers, Ainsworth, Freese, Handrick, Hoven, Huebsch, Kelso, Ladwig, F. Lasee, Montgomery, Musser, Nass, Olsen, Plale, Powers, Turner and Vrakas; cosponsored by Senators Darling, Fitzgerald, Lazich, Roessler, Welch and Zien.

**Substitute Amendment Pending: At the request of DOJ and its Elder Law Advocate a substitute amendment (LRBs0307/1) was prepared to broaden the bill to address all forms of financial crimes against the elderly. The substitute amendment:**

1. Covers all financial crimes (e.g., attempted theft, theft, misappropriation of personal identifying information or documents, forgery, fraudulent writings, fraudulent destruction of certain writings.)
2. Protects all elderly people, regardless of capacity, place of residence or participation in programs.
3. Makes definition of "vulnerable adult" identical to the definition of that term used elsewhere in the statutes (e.g., Chapters 55, 813 and 940).
4. Includes all Powers of Attorney, whether durable or non-durable.

*?*  
*Darling*  
*will*

**Rep. Suder, the author of the bill, expresses no objection to the substance of the changes.**

**Assembly Bill 318**

Relating to: the controlled substance methamphetamine and providing penalties.

By Representatives Kreibich, Rhoades, Brandemuehl, Urban, Suder, Klusman, Freese, Ladwig, Ainsworth, Nass, Musser, Seratti, M. Lehman, Stone, Albers, Pettis, Gunderson, Kelso, Skindrud, Kedzie, Olsen, Huebsch, Petrowski, Gronemus, Vrakas, Kestell, Montgomery and Ward; cosponsored by Senators Clausing, Moen, Zien, Panzer, Roessler, Darling, Huelsman, Schultz, Rude and Farrow.

*no problems*

**No Amendments Pending.**

**Assembly Bill 391**

Relating to: disposable earning exempt from garnishment.  
By Representatives Gunderson, Musser, Townsend, Turner, Sykora, Hahn, Petrowski, Hundertmark, Spillner, Gronemus, Kelso, Albers and Powers; cosponsored by Senator Darling.

*no problems*

**No Amendments Pending.**

**Assembly Bill 533**

Relating to: authorizing the appointment of assistant district attorneys to provide restorative justice services; authorizing counties and the department of corrections to contract with religious organizations for the provision of services relating to delinquency and crime prevention and the rehabilitation of offenders; inmate rehabilitation; creating the office of government-sectarian facilitation; establishing a grant program for a neighborhood organization incubator; distributing funding for alcohol and other drug abuse services; and making appropriations.

*Risser  
philosophical objection to everything but restorative justice*

Joint Legislative Council.

**No Amendments Pending. Concern About Church-State Separation Issues. Bill contains appropriation. Must go the Joint Finance.**

**Assembly Bill 562**

Relating to: creating a southeast Wisconsin crime abatement task force.  
By the Committee on Criminal Justice.

*Risser ok*

**Two Amendments Pending: One amendment (LRBa1434/1), at the request of Reps. Krug and Riley adds the Chief of Police of the City of Milwaukee as a member of the task force. The other amendment (LRBa1427/1) at the request of the State Bar of Wisconsin adds to the task force a member of the State Bar's Criminal Law Section who lives in the affected area, as well as a member of a local bar association for every county enumerated as part of the task force in the bill (i.e., Milwaukee, Kenosha, Racine, Rock and Waukesha).**

*Quelisman?*

**Assembly Bill 614**

Relating to: unauthorized duplication of a recording, unauthorized recording of a performance, failure to disclose manufacturer of a recording, unauthorized use of a recording device in a movie theater and providing a penalty.

*no problems*

By Representatives Pettis, Kestell, Jensen, Cogg, Underheim, Klusman, Sykora, Albers, Olsen, Nass, Ward, Handrick, Vrakas, Staskunas, Kreibich, Walker, Musser, Kaufert and Bock; cosponsored by Senators George, Rosenzweig, Panzer, Breske and Grobschmidt.

**No Amendments Pending.**

### Senate Bill 106

Relating to: court-appointed special advocates for children and juveniles in need of protection or services.

By Senators Wirch, Plache, Huelsman, Burke, Darling, Clausing, Rosenzweig, Erpenbach and Roessler; cosponsored by Representatives Steinbrink, Kreuser, Porter, Ladwig, Kelso, Turner, Coggs, Brandemuehl, Sykora, Reynolds, Meyer, La Fave, Johnsrud and Ryba.

*no problems*

**Agreed Upon Substitute Amendment Pending. (LRBs0270/4). Sen. Wirch's office has worked out a compromise with all the concerned groups, including organizations that currently operate CASA programs.**

### Senate Bill 110

Relating to: prisoners throwing or expelling certain bodily substances at or toward others, testing for the presence of communicable diseases in certain criminal defendants and juveniles alleged to be delinquent or in need of protection or services and providing a penalty.

By Senators Moen, Drzewiecki, Breske, Farrow, Erpenbach, Rude, Baumgart, Huelsman, Schultz and Roessler; cosponsored by Representatives Musser, Huebsch, Plale, Pettis, Seratti, Ryba, Sykora, Gronemus, Ziegelbauer, Ainsworth, Ladwig, F. Lasee and Albers, by request of the Local 219, Jackson Correctional Institution Officers.

*no problems*

**Two amendments pending. The first one (LRB a1180/1 ) by request of the State Laboratory or Hygiene expands the scope of bodily substances covered under the bill. The second one (LRBa1298/1) by request of the committee members , reduces the maximum penalty from five years, consecutive to the current prison term, to 2 years, consecutive to the current prison term.**

*dis tributed*

### Senate Bill 172

Relating to: discharge or other retaliation or discrimination against an employe of a health care facility or a health care provider who reports a violation of the law or a violation of a clinical or ethical standard by the health care facility or health care provider or by an employe of the health care facility or health care provider and providing a penalty.

By Senators George, Robson, Baumgart, Burke, Cowles, Darling, Grobschmidt, Moen, Plache, Roessler and Rosenzweig; cosponsored by Representatives Underheim, Carpenter, Albers, Black, Bock, Boyle, Coggs, Colon, Cullen, Goetsch, Hahn, Hebl, Kelso, Kreuser, Krusick, La Fave, Ladwig, Lassa, J. Lehman, M. Lehman, Miller, Musser, Olsen, Pettis, Plouff, Pocan, Richards, Sinicki, Staskunas, Walker, Wasserman, Waukau and Ziegelbauer.

**Agreed Upon Substitute Amendment Pending. (LRBs???)?. Senators Robson and Clausing and Representative Underheim convened a meeting with representatives of hospitals and health care worker unions to work out a compromise that all parties have apparently accepted. The compromise is being drafted as a substitute amendment to both the Assembly and Senate versions of the bill.**

**Senate Bill 214**

Relating to: notice to a victim of the right to make a statement at sentencing or disposition.

By Senator Burke; cosponsored by Representative Huber.

**No Amendments Pending.**

**Senate Bill 284**

Relating to: contracts with persons who take depositions.

By Senators George, Rude, Breske, Cowles and Rosenzweig; cosponsored by Representatives Walker, Huebsch, Hebl, Staskunas, M. Lehman, Albers, Goetsch, J. Lehman, Hahn, Colon, Richards and Cullen.

*no  
problem*

**No Amendments Pending. This bill was voted upon at the February 1, 2000 executive session but was not reported out of committee.**

**Senate Bill 395**

Relating to: policies concerning treatment and conduct of persons detained during a sexually violent person commitment proceeding and person committed for treatment after being found to be a sexually violent person.

By Senator George; cosponsored by Representative Huebsch. By Request of the Department of Health and Family Services.

*Rissen  
?*

**Agreed Upon Substitute Amendment Pending: (LRB s0315/1) As substantiated by testimony at the 2-22-2000 hearing, the substitute addresses the concerns of both DHFS and DOJ.**