Rossmiller, Dan

From: Cooley, William
Sent: Friday, May 25, 2001 4:22 PM
To: GGeorge220@aol.com
Cc: Rossmiller, Dan
Subject: FW: 2001 AB-186 Felon Protection Law Repeal

-----Original Message-----
From: Doreen and Wayne Lindemans [mailto:lindemansw@ez-net.com]
Sent: Thursday, May 24, 2001 11:04 PM
To: Sheldon Wasserman; Robert Turner; Dave Travis; John Steinbrink; Tony Staskunas; Christine Sinicki; Jennifer Shilling; Gary Sherman; Dan Schooff; Marlin Schneider; John Ryba; Antonio Riley; Jon Richards; Martin Reynolds; Mark Pocan; Joe Plouff; Jeff Plale; Johnnie Morris-Tatum; Mark Miller; Lee Meyerhofer; Michael Lehman; Julie Lassa; John LaFave; Margaret Krusick; Shirley Krug; Jim Kreuser; Mary Hubler; Greg Huber; Tom Hebl; Pedro Colon; Spencer Coggs; Frank Boyle; Peter Bock; Spenser Black; Terese Berceau; Larry Balow; Rep.Cullen@legis.state.wi.us; Rep.Gronemus@legis.state.wi.us; Rep.Carpenter@legis.state.wi.us
Cc: Robert Wirch; Kevin Shibilski; Judith Robson; Fred Risser; Kim Plache; Gwendolynne Moore; Rodney Moen; Mark Meyer; Bob Jauch; Dave Hanson; Richard Grobschmidt; Gary George; Jon Erpenbach; Russ Decker; Chuck Chvala; Brian Burke
Subject: RE: 2001 AB-186 Felon Protection Law Repeal

Hon. Senators and Representatives:

I was appalled to read today of the fact the Assembly Labor Committee passed AB-186. More appalling, was the fact that most of the democrats on the committee voted in favor of this proposal, and further-that several Assembly Democrats sponsored this legislation (particularly one from Milwaukee).

I take specific exception with several points Rep.Walker made in his statement released today:

- First, the current protections afforded felons under the law prohibit employers from employment discrimination based on conviction record - it does not *"force them to hire criminals or face costly litigation."*
- The press release fails to state that the bill will allow employers to arbitrarily terminate *at will* any felon currently employed.
- Further, it takes away protections granted felons that have been granted pardons under Executive clemency by stating that even pardoned felons can be refused hire or arbitraily terminated if a case can be made that the job "substancially relates' to a previous conviction.
- Based on the above, there may be a constitutional question if the legislature can be allowed to draft legislation that deprives the Governor of some force of his constitutional power in granting Executive clemency.

Further, there are collateral effects of adopting this law as public policy which I do not feel have been fully considered or brought to light. I am currently a student at UWGB, in my senior year. This past semester I prepared a research paper for one of my classes dealing with criminal justice and welfare reform. That paper specifically mentions some of the problems with AB-186 as it relates to W-2 families and incarcerated parents. It further highlights concerns that have extreme negative effects particularly for the black, non-hispanic population in Milwaukee County currently on W-2.

(Attached is a copy of that paper. Please bear in mind that it is still in draft form, and is currently under revision pending publication later this summer. Should you wish to cite some portion of this paper, please contact me first.)

As Democratic Party members of the State Assembly, this bill is an abomination of many of the principles that the State Democratic Party of Wisconsin stands for. As the Treasurer of the Oconto County Democratic Party, and as 2nd Vice Chair of the 8th Congressional District Democratic Party, I implore every Assembly Democrat to oppose passing this legislation. Given the current Republican majority composition of the Assembly, this bill will likely pass the House regardless.

Hence, I am carbon copying each Democratic member of the State Senate in expressing my concerns. Given the Democratic majority that exists there, it is my hope that any version of AB-186 will never see the light of day on the Senate floor, and die in committee. As a taxpayer and resident of the 8th CD, I expressly want to voice my desire that Sen. Breske vote against this.

Sincerely yours,
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Criminal Justice and Welfare Reform:

A Consideration of the Ethical and Community Impacts Involved with Their Union

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Acknowledgements

I would like to acknowledge the efforts and assistance provided by Karen Pfeil, Local Program Liaison for the Bureau of Workforce Programs, Wisconsin Department of Workforce Development for information specific to the various WtW projects operating in the state. Also, Joanne Rowe, Wisconsin Department of Workforce, for providing specific demographic information related to W-2 recipients in Milwaukee County. And last, Beth Engelbrectson, Case Manager, Department of Corrections, Bay Area Workforce Development Board (WDB) WtW formula Grant sub-contractor, for information provided regarding its special project targeting eligible NCP's of W-2 children (a project outside the scope of the Governor's W-2 WtW 15% discretionary NCP corrections project).

Introduction

The seeds of this paper trace their origins to my past experience as a Program and Planning Analyst-5 working at the Department of Workforce Development for the State of Wisconsin. It was fortunate that my employment at the Bureau of Welfare Initiatives occurred just prior to the first stages of planning for the Wisconsin Works (W-2) Program federal waiver process, through the period when Congress passed the Personal Responsibility and Work Opportunities Reconciliation Act of 1996 (PRWORA), which ended Aid to Families with Dependent Children (AFDC) and replaced it with Temporary Assistance to Needy Families (TANF) block grants for the states to create their own assistance programs.

On the heels of the PRWORA legislation, Congress also passed the Welfare-to-Work (WtW) program, operated through the Department of Labor (DOL), which provided states additional monies under a formula grant for employment and training programs and employment support services specifically targeting TANF recipients and respective non-custodial parents (NCP's). The states were required to provide a 50% match for these funds. Under the formula, Governor's of the states are allowed to use 15% of the total monies for discretionary programs. Before leaving my position at the Bureau of Welfare Initiatives, I had been aware that the Governor planned to use a portion of the 15% discretionary monies directed towards inmate non-custodial fathers (NCF's) of W-2 children to provide employment and training services to enable them to meet their child support obligations once they were released.

It was the curiosity of what was happening in this program that led me to choose this topic for my research project. I felt that this was an attempt at innovation by

Governor Thompson to address a linkage that had been previously ignored by every other state – that linkage being the impact that incarceration has on families receiving welfare assistance and poverty. My professional experience as an analyst for the Children First program in Wisconsin (a pilot work program for NCP's), lead analyst for the CARES/KIDS interface (the computer databases for the state TANF and Child Support systems, respectively), and my assigned participation in the W-2 planning groups involving Child Support, Children First, and NCP's - coupled with my personal experience as a child raised in a welfare dependent family in the housing projects of Minneapolis, having been both a welfare recipient and non-custodial father myself, the fact that I had recovered from a substance abuse problem and am also an ex-felon – there was a real hope that Governor Thompson had captured a vision for true innovation. Such was no the case. He may have had an intuitive sense that there was something substantive linking the two areas of public assistance and criminal justice, but it never reached a conscious level.

After attempting to engage the program manager for the Wisconsin Department of Corrections WtW project for two months without success, it became apparent that I would not be able to specifically focus on WtW NCP offenders as the topic of my research. However, my investigation into the issue led me to some rather interesting findings of a more general nature, and an area that has serious policy implications for analyzing the effects of the existing W-2 program, and possible future projects related to W-2 children and their parents.

My paper will focus on the need to link criminal justice with welfare reform in order to achieve socially responsible outcomes with lasting positive effects for both

individual families and communities. It is not my intention to present an unbiased, statistical presentation of my topic. Though my bias may show through from time to time, it is a bias based on personal experience, and an author's prerogative. Experience, after all, is the best teacher

Welfare Reform: What it has Accomplished

The welfare reform initiatives of the past decade have accomplished much if one assumes that the primary goal of reform is to reduce caseloads and eliminate dependency. Wisconsin had made great strides in reducing its welfare caseloads with various initiatives prior to the passage of PRWORA by Congress. At the time that TANF was implemented in 1997, Wisconsin had already reduced AFDC caseloads by 55% since 1987 when it first began experimenting with welfare reform.[1]

This was remarkable as it occurred under the atmosphere where AFDC was still an entitlement program. This reduction had been accomplished by linking intense case management, strong education components, and supportive services for employment and training. As a result, once W-2 under TANF became a reality, those that had been readily employable, or had the skills and motivation to enroll in and complete higher education had already done so. For the most part, the nearly 23,000 AFDC recipients[2] that transitioned to W-2 where recipients that either had become dependent on the AFDC entitlement, or had multiple barriers to employment such as functional literacy, substance abuse issues, poor work skills or ability, physical limitations, or mild mental or emotional disorders such that they did not qualify for SSI or SSDI.

In the first three years of W-2 from April 1997 to April 2000, caseloads fell another 50% to just over 11,000 statewide[3] (nearly 80% in total reduction since 1987). The most probable assumption that accounts for this reduction is that those that had been dependent on the entitlement provision of AFDC were had now been forced into the workforce, had moved into alternate living arrangements that provided for their and those of their children, or the children were placed in living arrangements with other family members under Kinship Care. In any event, those that were former AFDC recipients who clung to dependency through entitlement left W-2. The residual 11,000 that remain can very generally be classified into two categories: 1) families experiencing a true temporary emergency situation in need of only temporary assistance; and, 2) recipients that are extremely hard to serve due to the multiple barriers (some of which were formerly mentioned) and not likely to ever escape poverty to achieve true self-sufficiency under the current program requirements of W-2, typically referred to as the "30% hard to serve" population.

What the vast majority of this remaining "hard to serve" population represents is the *"myth of welfare reform efforts."*

The Myth of Welfare Reform

Generally stated, the myth of welfare reform is the belief that work is the remedy for poverty, and that all persons that are on TANF are capable of work to such a capacity that they can achieve self-sufficiency and escape poverty. At its core is the presumption that lack of work is the cause of poverty, and that all remaining recipients in W-2 that fail to qualify under a disability program such as the Division of Vocational Rehabilitation

(DVR), SSI, or SSDI, are capable of such a level of work with minimal educational remediation (under two years).

This myth is a fallacy, and extremely limited by its simplistic focus on work, which ignores many of the other factors that can contribute to the causes of poverty. The threshold of the work-based welfare reform philosophy has been reached. What is needed now requires a new level of innovation beyond the work-based philosophy - a deeper examination of the other factors that contribute to the current predicament of the remaining TANF recipients. Substantial gains can still be made by individually identifying those other factors, developing new constructs for research that incorporate studying the relationships that exist between these factors, then provide the resources to overcome these factors in specific ways.

Interest groups that deal with poverty, human rights, criminal justice, families and children, community empowerment, and faith-based organizations have already established most of the other factors that impact the hard to serve W-2 population, yet the myth persists. Why? There are many factors that allow the myth to flourish, the most prominent of which are: politicians, academic elites, social elites, and the media, which in turn influence the attitudes of the general public to increase the salience of issues that perpetrate and entrench the myth further. However, before examining these influences, let me first look at the issue of child support, which is directly linked to the W-2 philosophy adopted by Wisconsin, and was an integral part of the PRWORA reform legislation.

Child Support in the Context of Welfare Reform

Five months prior to passage of the PRWORA legislation by Congress, Wisconsin had submitted its W-2 program to the federal Department of Health and Human Services (DHHS) to obtain an 1115 Waiver from AFDC regulations to operate the program. Many portions of the waiver were approved to allow Wisconsin to implement portions of the W-2 program early, while others were delayed pending the passage of PRWORA, which would obviate the need for a waiver once the welfare reform act was passed. One of the waiver provisions granted to Wisconsin (and not an item included in the child support provisions of PRWORA) was the "child support pass-through." The child support pass-through was one of the key tenets of the W-2 philosophy. It provides that any child support paid by non-custodial parents of W-2 recipients is passed through the child support agency directly to the recipients, and that money is not counted against the W-2 household when calculating their W-2 cash assistance payments. The core presumption is that non-custodial parents will be more likely to comply with child support requirements if they know that the money being paid is directly contributing to the welfare of their dependent children. Another core presumption is that as a result of the child support payment being passed through to the W-2 recipient, coupled with employment, it may allow the recipient to move off of W-2 altogether and make the difference between self-sufficiency and dependency. A corollary presumption is that the non-custodial parent (NCP) will be encouraged to contribute non-monetary support to the children by spending time and providing emotional support.

In the past, under AFDC and prior to W-2, and in most other states currently under PRWORA, any child support collected by the state on behalf of the children while

receiving assistance is retained by the state to offset the costs of that assistance, with the remaining difference being applied as an arrearage against the NCP.

An evaluation of the *W-2 Child Support Pass-through Demonstration* project,[4] as required by the federal terms and conditions, was conducted by the Institute for Research on Poverty (IRP) and available online at: http//:www.ssc.wisc.edu/irp/csde/phase1-tocs.htm/. The primary assumption that the support pass-through would have a significant impact on the financial condition of the W-2 recipient was substantial, as one would expect, simply due to the nature of more money being available to the recipient.

The other primary assumption that child support by the NCP would increase as a result of knowledge that the support payment would be passed directly through to the custodial parent was statistically significant, however, marginally small, with only a two-percent difference existing between the control and experimental populations. IRP did identify a subset of the experimental group for additional statistical analysis comprised of W-2 recipients that were likely to be new to both the child support and welfare system. The statistical significance between the control and experimental group for this population was markedly higher, with a 10% increase in the difference between those that paid support in the experimental group from those in the control group.

At this point I want to interject that I identified a flaw in the methodology used by IRP in designing their constructs before applying statistical analysis to their data. (I will specifically detail the flaw later in this report after I have completed the full development of the issues of welfare reform/child support initiatives and criminal justice issues.)

One cannot rationally discuss welfare reform without considering child support due to their direct connection together. Over 90% of all W-2 cases involve single parent

families. Of the 11,000 W-2 cases currently open, over half of those involve recipients that have children residing in the home that have two or more different fathers. Thus, we are speaking about nearly 17,000 non-custodial parents that actively fall under the definition of W-2 NCP eligibility. Yet since its inception, W-2 has failed to provide few, if any, services to this group. In my research and experience working with W-2, I have yet to encounter a single instance of an NCP requesting W-2 case management services. Though W-2 is touted as having a NCP component, it is primarily a "smoke and mirrors" act.

So, what is the true nature of legislation and programs targeting most NCP's? It has been the use of the "hammer" to compel NCP's to meet child support obligations without any resources or value-added support to accomplish this. One need only look as far as the PRWORA legislation for evidence of this.

Under the Child support provisions of the PRWORA legislation, states were required to: 1) establish New Hire Directories for all employers in each state; 2) establish with the federal government a Federal Case Registry for non-IV-D cases; 3) establishes a Federal Parent Locator Service; and, 4) provides for revocation of a multitude of professional, drivers, recreational sport licenses and passports. Couple these with Wisconsin's child support legislation which requires percentage income withholding orders that can take up to 60% of NCP wages and unearned income "before" taxes and all under threat of jail for contempt, one can see the reason why many low-income NCP's feel victimized by governmental systems. The only State program that provides any assistance to NCP's is the Children First component of W-2, and those services are generally limited to a small sum to provide transportation or work related items for work

search or work experience sites, and then limited to $200 over 16 weeks annually for the most promising of individuals likely to succeed – 'creaming' to demonstrate success.

I will resist the temptation here to dive directly into the ethical issues related to the wide disparity between services provided to custodial parents under W-2 and those received by NCP's in order to provide a background on criminal justice. Once that background has been laid, I can develop the link between W-2 families and inmates in Wisconsin, and the impacts that it has for public policy-makers.

Criminal Justice Considerations

Criminal justice in America generally follows the philosophy that punishment consists of stripping away all but the most basic rights of individuals that offend, with the most basic form of punishment being the loss of freedom through confinement in prisons and jails. Rehabilitation is not a basic tenet of that philosophy, and those programs that do exist in the Department of Corrections (DOC) are sparsely funded, and applied to a relatively small portion of the inmate population. Few exist in medium or maximum-security facilities, with the majority of programs focused on substance abuse programs for minimum-security prisons or work search after release in community corrections during probation or parole. When one considers that Wisconsin recently enacted "Truth in Sentencing" legislation and had done away with concept of parole from the formal prison system, even the community services that were one in place will eventually be eliminated as a remedial program to integrate the ex-convict once they are released.

As a point of interest, I want to note that while researching this phase of my paper, the only library material that I could find related to inmate rehabilitation were

predominantly books that had been written between the 1960's, and slowly diminishing to about the early 1980's. This tends to suggest a further shift in American criminal justice thought away from restoring ex-convicts to society in favor of just housing them and turning them loose on society once again at the completion of their sentences.

In a recent study, Irwin and Austin[5] found that in 1992 only 27% of prisoners were admitted for a violent crime, while the majority was admitted for drug-related crimes. Of the total for 1992, 46% were the result of parole violations. They caution that prison admission statistics can be misleading if one does not also consider prison composition statistics. For that same year, nearly 50% of all prison inmates were sentenced for a violent crime. Taken in context, what these figures can be interpreted as meaning is that while almost half of all prisoners are admitted for drug-related crimes, there sentences are generally short – approximately a year. What is alarming is the fact that one-fourth are admitted for violent crimes, yet composition statistics tell us that only half of all inmates are there for violent crimes. This means that violent offenders typically serve three years or less time in prison to maintain the rates stated.

The policy implications involving these figures when one applies a 'truth in sentencing' provision is that terms of time in prison will generally rise, however, the nearly half that were returned under parole violation provisions will no longer occur, as there is no more community supervision to identify these people early. This should free up some space in prisons over the short-term, but communities must realize that they have traded longer sentences at the expense of community supervision. Taxpayers should not misinterpret the short-term decline in prison population resulting from loss of supervision and parole violations as a success of mandatory sentencing. The probable

result will be even greater number of prisoners in approximately four years, with a trend in composition increasing for drug-related crime, and a lower composition percentage of violent offenders. The current policy seems to be that the treatment for drugs is prison. This attitude only attacks the symptom of drug use, not the causes nor circumstances that lead to it.

As Spelman notes[6], "the crime problem can never be substantially reduced through incapacitation alone." He advocates policies that are rehabilitative, and suggests that early prevention strategies be instituted to attack the underlying social causes that lead to offending. Policies aimed at chronic poverty, employment barriers, physical abuse, and I would add social empowerment to the list. This is far from the direction of current criminal justice policy and political thought. In fact, the current trend is overwhelmingly in the opposite direction.

Next, consider the disproportionate racial representation in prison population compositions. According to a study by Jamie Fellner,[7] only six-percent of Wisconsin's population is black, yet it's prison composition is 49% black – over 8 times greater than the representative state population. Wisconsin blacks are incarcerated at 13 times the rate of whites (one out of 292 whites compared with one out of 14 blacks, yet (using general population figures for the state) there are nearly 2,000 incidents of whites using drugs at any given time for every black person. When sentenced by judges, blacks are 53 times more likely to be incarcerated than blacks. These figures are appalling and point to some real concerns for communities, blacks, and welfare reform. The real question is: why does this disparity exist?

The answer to this lies in what Platt and Takagi[8] refer to as "the new realists." Generally attributed to Ernest van den Haag[9] as a radical aberration of liberal thought, it advocated for such things as the death penalty, longer sentences, banishment, exile, and house arrest among others, centered around tougher state controls of the working class and blacks in particular. He and others feel that police need to focus their efforts on "street crime" exclusively, which equates to the working poor and blacks, with white-collar and corporate crime not even making the list. By highlighting these very visible types of crimes, they play on the fears of the general public and build saliency for their initiatives, which only serve to reinforce any number of common myths further, while focusing attention, resources, and policy toward a segment of the population that has little resources, time, or skills to fight back. Typically, this group is devoting all of their energy and resources to merely survive, has been disenfranchised or victimized by the system, and has little trust remaining to employ the use of advocates on their behalf. They make easy targets as scapegoats for the ills that society faces. Platt and Takagi see these new 'realists' as having no interest in the causes of crime, and adamant in destroying any attempt by others that try to make the link between poverty and crime, since any link would invalidate their basic philosophy.

Up to this point, I have provided a general background on three separate topics – welfare reform, child support, and criminal justice – and left a lot of questions unanswered. It is now time to make the connection, and begin addressing the complexity of the issue using a holistic microscope.

How Welfare Reform, Child Support, and Criminal Justice Inter-relate

As previously mentioned, there are over 11,000 active W-2 cases in Wisconsin. According to the IRP – CSDE report three-fourths of all W-2 cases are located in Milwaukee County. Of those, 66% are black non-Hispanic.[10] From this it can be derived that half (approx 6,000) of all W-2 cases in the state are black. Is it mere coincidence that this figure is nearly identical to the representation of blacks in the prison composition figure? Since the statewide population figures have not changed, one can extrapolate that similar to black inmates, a black mothers chance of being on W-2 in Milwaukee County is over 8 times greater than that of a white mother, and that one in 14 black families living in Milwaukee County will receive W-2 assistance, in contrast to one in 292 white families.

Now lets turn to the numbers of the Wisconsin inmate population. As of May 2001, the DOC reports that the current male inmate population is at 20,000[11] of which half of these are black (10,000). Although I could not find documentation, nor could I obtain a response to my inquiries from the DOC – Governor's WtW corrections project manager, it is reasonable to assume that over half (5,000) of these black male inmates is a father, and in some cases the father of children with different mothers. What should become apparent is that the number of black incarcerated fathers is very closely equal to that of black W-2 families residing in Milwaukee County. Further, the IRP – CSDE report stated as one of its findings that 40% of NCP's show no income as being earned. As I stated earlier in my report, I felt that I identified a flaw in the methodology used by IRP in designing their constructs before applying statistical analysis to their data. While IRP used three state administrative databases in identifying data, they should have used a

fourth, that of the DOC incarceration list, to identify fathers that are currently incarcerated and in no position to meet child support obligations. I feel that if they would cross-match this data, factoring out incarcerated parents, it would have a significant impact on the positive outcomes for CSDE, especially with respect to average aggregate child support paid, which according to their findings is $6,500 before taxes and after child support is deducted (ibid. pp.70). They correctly sensed that this figure was significantly lower than what they had anticipated. Also, IRP's assertion that income from other sources had been under-estimated would not be as significant.

From a child support agency perspective, though IRP found that child support receipt was more likely than any nationally comparable program with between 39-47% received by W-2 mothers, that figure would substantially increase factoring out incarcerated fathers. Though these fathers cannot be directly linked to the employment system, they are certainly in a position where they can benefit from policies that provide programs for remediation, substance abuse problems, and employment preparation skills. The DOC Biennial Budget proposal acknowledges that 60-80% of all inmates have substance abuse problems, and nearly 50% fall below literacy competency levels.

Finally, IRP's findings related to quality and time spent by NCP's with their children may be skewed due the incarceration factor. Those rates may be substantially higher if one factors out incarceration.

Wisconsin just recently completed obtaining DNA sampling of all incarcerated prisoners. Use of this information could go a long way to greatly increase paternity establishment.

The Politics of Welfare Reform

The current politics of welfare reform and criminal justice are as equally fragmented as the composition of our current legislature. When Governor Thompson seized the top Executive office in 1987, he capitalized on welfare reform to catapult himself to prominence. Certainly, the former system of welfare had some inherent flaws, and was in drastic need of change. I am not convinced, however, that W-2 as it currently exists was the answer for all families. The former AFDC – JOBS program, coupled with many of the earlier reform initiatives adopted by Wisconsin had made substantial gains in reducing the state caseload over 55% in the preceding ten years prior to implementation of W-2. Those reductions were accomplished with a strong post-secondary educational component in place. Education is a strong human capitol investment that cannot be arbitrarily taken from an individual, nor is value subject to the rising and falling of the financial markets. A solid education is inversely proportional to a dependence on public assistance.

When W-2 policy was written and implemented in the state, many analysts and democratic legislators felt that it should retain a strong educational component. As Chief Executive, Governor Thompson made it clear that there was to be no meaningful post-secondary educational component attached to the policy when crafting the legislation. This is an especially powerful message when an Executive has such broad line-item veto powers as exists in Wisconsin. What was included was a hybrid called 'W-2 – ESAP.' This component of W-2 has so many limitations and is so restricted as to render it virtually meaningless for all but a very small percentage of participants. It requires working full-time in unsubsidized employment for 6 months and maintaining that

employment while attending, as well as a complicated matching money formula. When recipients reach that stage of sufficiency, it is simply not worth the trouble trying to jump through all of the hoops to qualify. Most simply quit W-2 altogether and apply for grants an loans to attend, which works to the advantage of both taxpayers and the state, as there is now a budgeted surplus that can be diverted to some other discretionary purpose.

As was mentioned, the AFDC- JOBS program as Wisconsin had modified it was working, and for all the faults that AFDC had, it also had some strengths. One of those strengths was that it incorporated a strong post-secondary education component. Another, was that the assistance case was built with the child(ren) as the primary focus. As it exist currently, W-2 is nothing more than a work program for adults, and the children are nothing more than secondary considerations, required only to meet eligibility. It is hard enough under W-2 to determine what is happening with regard to the needs of the dependent children. It is all but impossible when the parent leaves the program entirely to enroll in post-secondary education because it is less restrictive.

Another strength of the former AFDC program was that waivers such as Wisconsin had submitted and received approval for to experiment with innovative approaches carried with them strict requirements for extensive evaluations. Further, the modifications were incremental based on lessons learned from such demonstration projects. At the time that W-2 was implemented, all of those waiver demonstration projects were immediately halted, and the contracts with the evaluators terminated without any deliverables being required, such that we will never know what the impacts of those projects were, what was responsible for the positive effects, and what didn't have an effect or didn't work. The PRWORA legislation was modeled largely on what

Wisconsin was doing with welfare reform focused only on caseload reductions, not on demonstrated performance linked directly to a specific policy.

The requirement of a childcare co-payment was entirely a political decision. I was personally given the assignment of calculating financial co-pay amount that a W-2 recipient would have to pay as income increased to the point that the recipient was no longer eligible. I found that it was a rather insignificant amount, and recommended that the co-pay not be included. I received word from my supervisor at the time that that was not a negotiable point. The Governor insisted that nothing be free in the W-2 program as a matter of principle – that it was inconsistent with the philosophy of W-2. What actually happened after the W-2 program had been operating in its first year was that there had been a huge $20-30 million surplus that had been budgeted for W-2 childcare. My assumption is that families that have very little discretionary income as a result of participation in W-2, and with steadily mounting bills accumulating, have little else to opt out of for discretionary use other than not participate in the childcare component. The potential risk to children by adhering to such a philosophical principle over a relatively insignificant sum is metaphorically similar to the Governor cutting off his head to remove a pimple, and raises serious ethical and moral questions.

The condition of living in poverty is not a crime in and of itself, but it can certainly strain the honesty and integrity of any. Conversely, to scapegoat the poor by preying on the stigma perpetrated by the many myths associated with welfare and the poor - targeting a population that has systematically been disenfranchised with no skills or resources for mounting a defense - simply for the purpose of political gain, such as the Republican controlled legislature and Governor have done, is not only unethical, its

immoral. W-2 has worked to eliminate entitlement free riders. What we are left with now are the truly needy. It is not too late to make the changes required to make significant impacts in this remaining population as well, and provide hope for the children in the households.

The Politics of Criminal Justice

What seemed like aberrant, even ludicrous, notions of criminal justice as expounded by the early "new realists" of criminological thought at that time, has now slowly been actualized into current criminal practice. The case for capital punishment is gaining momentum. The conservatism of the courts in exercising a policy that has led to jury nullification all but ensure capital sentences will be handed out more frequently.

Many states have enacted mandatory, 'truth in sentencing' statutes with longer sentences, Wisconsin among them. Others have adopted get-tough policies such as 'three strikes and out.' A handful of states even have both. Electronic monitoring has made house arrest a common practice in nearly every jurisdiction. Ernest van den Haag's leftist ramblings have taken on the specter of prophecy. Prisons have become more than a cottage industry, they have become multi-billion dollar enterprises comparable with the largest of America's corporations, moving even to the point of privatization, a point that must thrill Ernest van den Haag to no end. Wisconsin's correctional system is often referred to as the 'growth industry' of Wisconsin.

A friend half jokingly remarked, "that if the prison budget continues to grow at its current rate, 20-years from now it will outgrow the ability of taxpayers to support anything else. At that point the taxpayers will have to kick all prisoners out of prison and

move into the castles they have built, and turn the guns in the towers outward to protect themselves." I certainly can't support his figures, nor can he recall where he heard it. It does underscore the fact that at a time when taxpayers are close to being taxed out, and the demand for smaller government budgets, that rising costs for prisons will have to be met in the future with reductions from other areas of government. As was pointed out by an editorial writer in the *Capital Times* newspaper[12] last month, "the criminal justice system has its own inertia." Another example of the growing impact of Wisconsin's prisons to influence state budgetary decisions comes from an article in the *Milwaukee Journal.*[13] The proposed state building budget for the next biennium is double that of the current budget, based in no small part on a plan to purchase a privately built prison in Stanley that the state currently leases but does not utilize, at a time when lawmakers face an already tight budget.

Another politically motivated criminal justice issue that recently passed in the Assembly is AB-4,[14] which permits an educational agency to refuse to employ or to terminate employment of an unpardoned felon (passed, 76-20).

Along the same lines and building on the previous mentioned Bill, the Labor and Workforce Development Committee of the Assembly met on May 9, 2001 to consider passing on to the floor for full vote AB-186,[15] a bill that repeals current law that prohibits discrimination based on conviction record. If passed, this bill will permit an employer to refuse to employ or to terminate employment of an unpardoned felon, regardless whether or not the circumstances of the felony relate specifically to the job. Further, Section 4 of this Bill creates a new Statute [111.335 (1)(cm)2] that does not even provide protection for pardoned felons if the circumstances of the felony can be substantially related to the

circumstances of the job. This Bill promises to have substantially devastating effects for not only W-2 black families (particularly in Milwaukee County), but also past and present black inmates or those blacks simply convicted of a felony.

In a Wisconsin Public Radio broadcast aired May 9, 2001, Kathleen Dunn[16] was discussing the recent findings of a report that indicated Milwaukee had risen from a position of 49th most segregated major urban metropolitan area 10 years ago to 2nd, trailing only Detroit. The potential exists for employers to arbitrarily discriminate against any black that has a conviction record without fear of reprisal under federal Equal Employment and Opportunity Commission (EEOC) regulations. When taken in context of the 66% of W-2 recipients that are black and residing in Milwaukee County, coupled with the integral purpose for the W-2 CSDE - the intent of which is to get that additional revenue into the household to help facilitate self-sufficiency and alleviate dependence on W-2 monetary grants – to encourage non-custodial fathers to provide support for their dependent children, and considering the disproportionate number of black fathers in Milwaukee County that are current inmates or unpardoned felons, one begins to see a carefully crafted legislative policy that is nothing more than a prescription for failure for both these populations. Further, it is a policy that condemns the innocent children of these parents to a life of chronic poverty, an act that goes far beyond ethical and moral considerations, bordering on criminal.

What amazes me the most about AB-186 is that 3 Democratic Assembly Representatives have signed on to sponsor this Bill, one from the Milwaukee area itself, when it blatantly violates so many of the human rights principles that the Democratic

platform is built on. There remains hope that the current Democratic Majority in the Senate will see this Bill for what it really is, and never allow it serious consideration.

How is it that such conservative, racially biased attitudes have raised to such prominence in current political ideological thought? Author Christopher Smith[17] raises the question whether constitutionally guaranteed rights can be protected in a punitive political environment? He contends that it falls to government officials, the police, prosecutors, and judges who have the duty to bring individual rights to reality. In his opinion, the current punitive criminal justice environment is attributable to the gradual shift from the Warren Court consisting of five liberal justices willing to make rights a priority, to the Rehnquist Court of 1992 that boasts having no liberal justices on the bench, that seeks to make decisions based on personal conservative values and establish public policy via the bench, supporting swift and efficient punishment.

Smith alludes to the fact that as allocation and expenditure of resources become scarce, it is less likely that the accused can receive equal justice. Given the current momentum that DOC has for eating more resources, and the ability of the accused is diminished by the loss of resources, it appears that a vicious cycle exists which guarantees the growth of corrections, facilitated by the very entities that were entrusted to protect those rights – the courts, government, and law enforcement.

In fact, out of protest for what it terms as "shocking" and contrary to basic human rights regarding current trends for harsh sentencing, the Canadian Court suspended the extradition of drug suspects back to the United States.[18] Given such a harsh environment for criminal justice, is it any wonder that child support equity would be treated any differently?

The Politics of Child Support

The local county Child Support Agencies (CSA's) heavily favor the interests of custodial parents of children in representing the States' interest. The CSA reviews cases for changes in income every two years, and institute motions and orders on behalf of the custodial parent for a one-time fee of $25.00.

In contrast, the non-custodial parent must bear the full burden of any petitions he wishes to make to the court in regard to the case. As the IRP W-2 CSDE report notes, the average earnings of NCP's is about $6,500 after support and before taxes. NCP's are required to pay the health insurance costs for the children, as well as payment toward arrearages that have accrued in 92% of all cases. Minus income withholding, taxes, insurance, and payment towards arrears, the average NCP has about $5,000 annually to live on (less than one-third of the established Federal Poverty Level-FPL), which hardly meets shelter costs. Consequently, shelter is frequently adequate for his needs (much less if the NCP of more than one child), and regular visits tend to be strained. Extended visits tap NCP income further. Usually, NCP's will reside in some alternate living arrangement with another female companion, family member, or roommates to reduce the burden. Many times the arrangements are not conducive to extended visits with his children, and often intolerant of any visits at all by the children.

Legal representation deprives the NCP further in situations where the custodial parent may deny visits for personal reasons. The disparity of resources makes it nearly impossible in such situations for the NCP to assert his rights. In the best instances, the most a CSA can provide a NCP is information on how to file a *pro se* petition to the court

to assert legal rights. On the other hand, the political investment of tools available to CSA's to compel compliance are many, and place the CSA in an adversarial position opposing NCP's, which prevents the NCP from seeking the information they need to assert their rights to enforce visitation through the court system. These circumstances give the appearance of the NCP not caring about the emotional support of their children, juxtaposed against the myth that most NCP's simply don't care. This political investment of power by the courts and CSA's in favor of the custodial parent, and divestment of power by the same entities against the NCP, is itself an abuse perpetrated against the children who suffer lower health standards and school performance when compared against the national average, as reported in the findings of the IRP CSDE.

In the early planning stages of the W-2 waiver, before W-2 state legislation had been drafted, the results of every focus group and every planning committee proposed that the W-2 program invest NCP's with the ability to access all of the work program components, excepting receipt of a W-2 grant. Democratic legislators retained that language in the legislation that passed both houses with some revisions, however, Governor Thompson was adamant about denying any work program incentives to NCP's, and vetoed all such provisions.

In a Congressional hearing related to Fatherhood Legislation,[19] Wade Horn, President of the National Fatherhood Initiative, testified that continued emphasis on more punitive measures of child support enforcement may only result in driving fathers even further from their children, with greater decreases in the involvement of the father in the lives of their children. He makes the point that economic support, while important, is not the most important contribution that fathers make to their children's well being. He

advocates a shift in public policy that supports nurturing, discipline, and role modeling by fathers. Horn further recommends that faith-based entities be empowered with resources to promote responsible fatherhood. Legislation needs to be crafted that recognizes the power faith has to transform lives.

Mr. Horn's testimony was perhaps the only positive testimony in support of fathers that offered real solutions. Nearly all the remaining testimony sought to increase the punitive measures applied by agencies against fathers, particularly tools for use by non-IV-D child support collection agencies.

Federal legislators, in an effort to stem the punitive effects of state TANF programs that ignore the needs of NCP's, such as happened with the Governor's veto in Wisconsin, provided funding under the DOL-WtW initiative, which could be used by states to enhance program services to this group. The result of that funding experience in Wisconsin has been negligible in addressing the needs of NCP's. Of the eight 1999 state WtW plans submitted by the Workforce Development Boards to the state, only three identified specific programs targeting services primarily for NCP's. The most aggressive plan was that of the Bay Area WDB, which funded two projects involving the Salvation Army of Green Bay and the Department of Corrections. The DOC project plans to serve 35-50 individuals eligible for W-2 in Brown County receiving probation and parole services. However, it does not state that these must be NCP's, and it is conceivable that they are custodial parents, or even members of two-parent families. The Case Manager reports identifying 26 possible participants from 74 referrals received. Of those, 10 were enrolled in the program – 5 were sent to monitoring, the remainders are receiving intensive job placement services. She pointed out that WtW funds for the project have not

yet been provided due to difficulties between both DOC and Bay Area WDB involving a purchase of services agreement.

The Salvation Army project identified a goal of providing services for 50-75 NCP's of W-2 eligible children, however, it states that it will also provide services to custodial parents as well. The representative of that project did not return my calls, therefore I have no results of how that project is proceeding.

What has been an obvious observation of my research project is the fact that, though the TANF regulations have been amended to allow greater opportunity to serve NCP's, and WtW openly advocates using those funds to serve NCP's, the issue of actually developing and providing services to this group is still practically non-existent in the state. The concept of providing services to this group resists gaining saliency in the political power structures that it requires. The myth of non-custodial fathers being portrayed as deadbeats to this point remains to powerful. Without skills, resources, or advocates willing to champion their case, the information failure that exists to perpetrate the myth continues to gain momentum. Though it has become cliché, the majority of NCP's are not "deadbeats," they are "dead-broke."

In an effort to promote the saliency of state TANF programs to provide substantive services to NCP's, DHHS held a workshop in Florida in January 2001, *Addressing the Needs of Non-Custodial Parents in TANF Families.*[20] In the published report of that workshop, data is provided supporting the "dead-broke" nature of NCP's, and the need to engage this population for services. It presents some innovative model projects developed by some states to deal with the issues involving NCP's.

Last, given the climate to target "street crime," and specifically drug crimes, the fact that most W-2 eligible recipients are single black mothers residing in Milwaukee County, the female incarceration rate has been steadily increasing – particularly related to drug crimes, and the state has adopted a public policy that denies access to public assistance for drug offences, strategies need to focus on how to provide assistance to this group. Perhaps the best partnerships are those involving faith-based organizations that have a remarkable propensity to generate hope, and overcome obstacles faced by this group. As Rick Tulk pointed out in his editorial to the Capital Times, "the prevailing penal ideology cannot afford to consider what happens to a prisoners children....the inmate's family often serves as cruel a sentence as the incarcerated parent."

Ethical Considerations

Allow me to lay a groundwork for ethical discussion be for I proceed. Braswell; et al,[21] set out and discussed three basic models for ethical decision-making – Utilitarian, Deontological, and Peacemaking. Ethics, as used by the authors, is used in the *normative* sense, where decisions are studied under the microscope of being either right or wrong (morals).

Utilitarian ethics are those decisions that are judged morally in light of the consequences that they are likely to produce happiness for the greatest amount of people (hedonistic). Morally sound decisions produce favorable results, while unsound decisions produce ill effects. Basically, one is required to weigh decisions using some simile of a *Likert* scale among available options to determine the one that tips the scale most heavily in a favorable (right) direction as opposed to least desirable (wrong) direction. The

concept of *utility* is derived from this weighting of the *best for the most,* allowing for the factor of community. Other factors that are to be considered in the utilitarian decision process are: intensity of pain or pleasure, duration of the pain or pleasure, long-term consequences of the decision, and the probability we will obtain the result anticipated.

Deontological ethics varies from the utilitarian model in that situations exist where moral obligations impose a duty to act, regardless of what the consequences may be. It adds human intent to the equation, and compels one to look at the motivation behind actions before determining the moral worth of individual decisions. It employs Immanuel Kant's *categorical imperative* as the measure of moral worth: *only take those actions that you would allow all others to take, given a similar situation, no exceptions allowed; recognizing that all humans have intrinsic value and are deserving of respect, never to be treated as objects.*

The *ethics of social justice* relies on a fundamental principle that all people everywhere are interconnected, relying heavily on eastern and new age philosophies. It states that even the smallest action has impact on the whole (karma); even the worst have something to contribute (a little good in the worst of us, and a little bad in the best); and, continuity of cause and effect (what goes around – comes around). It states that this connectedness of the human condition is a natural law as certain as gravity, and that any acts contrary to this law are immoral (dysfunctional). Mindfulness of this connection to each other and compassion are the guiding principles of this ethical framework.

The myths that permeate welfare reform, non-custodial fathers, and criminal justice issues are correlated to the effect that the ethical philosophies of utilitarianism and

deontologicalism have had to perpetrate those myths, and serve the interests of the politics and institutions that perpetuate myths.

Since utilitarianism, and to a lesser extent – deontologicalism, are the prevalent ethical constructs used in contemporary research studies, the conclusions they present are biased due to the fact that they are limited to these philosophies in the identification of variables, and for the content of questions included in survey indexes and scales. They fail in that they rely on face validity of established experts or existing causal models predicated on indexes void of options related to a *social justice ethic*. By exclusion of such questions in indexes, a negative bias of omission exists by not offering respondents a full survey of options from which to choose. This continues to perpetrate both the myths, and the utilitarian 'majority rule' ethic of contemporary welfare, NCP, and criminal justice thought. Braswell does a good job of pointing out the political bias that influences research based on funding priorities, employment pressures, and scholastic elites seeking expert recognition status. I think that it would be a very interesting proposition indeed to repeat those studies, (and in particular – established causal models used as benchmarks in social research), incorporating a *social justice ethic* into questions in those indexes and scales to re-determine the validity of those constructs and variables used to support existing conclusions.

Another problem that I see involves the power of the American judicial branch of government, facilitated by a process of judicial review, precedent, and an adversarial form of justice that tends to incrementally solidify utilitarian and deontological ethics as a bedrock of American political action.

Braswell and his colleagues do a good job of pointing out that the real problem of justice in America is influenced by the utilitarian free market of corporate America (the 'untouchables' or social elites) who practice business without ethical consideration of *social justice* consequences for their action, nor the interconnectedness of all humans and their link to communities. The concept of 'what goes around, comes around falls on deaf ears for corporate America, which chooses to scapegoat the poor and criminal as sacrifices to appease the discontent of the middle class majority and keep the focus off the real problems of the American community.

In an essay by Alan Ehrenhalt, "Where Have All the Followers Gone?,"[22] the author postulates that emancipation from social authority structures of earlier decades has been replaced by individual rights and liberties. This was the result of the disruptive effects of the American market economy. Mr. Ehernhalt points to the fact that technological advances and bottom-line profits are key to the erosion of the former neighborhood icons that used to serve as community meeting places where free exchange of ideas flourished among community members (i.e. – McDonalds replacing diners, corporate banks and ATM's replacing community banks, and supermarkets/warehouse food outlets replacing corner groceries – I would add shopping malls with large franchised chains replacing small main street stores).

This purely 'economic' view of why civil society has deteriorated is not a cause of the problem, but merely a symptom. The author fails to acknowledge the history that led to a breakdown in traditional authority structures, and led to an individualism of personal gain over others and community. A short list of contributing causes should include the effects of WWII, with its focus on production efficiency, technological

advances, and limited resources. The post-war effects of this led to increased capacity to manufacture goods at lower costs, and left a residual of greed to hoard limited resources. The emancipation of women from the home to the factories revitalized the women's suffrage movement, and provided a new independence from males for their care. Further, the advent of contraceptives and the civil rights movement, coupled with President Johnson's 'Great Society' initiatives that the concept of entitlement programs, facilitated egalitarian assertions of individual rights and freedoms. These are but a few of the causes that most would agree have led to the dissolution of the nuclear family, moral decay of society, and deterioration of a sense of community, of which Ehrenhalt's market economy disruption is part.

The present day blossoming of special interest groups contributes to the disruptive nature of civil society in communities today due to its adversarial posture to pit one group against another. And this is where ethical frameworks become problematic. How does one decide between the egalitarian issues of feminism versus father's rights using a utilitarian framework? Both appear equal on the balance scale, except self interest creeps in on the feminist side – we want equal rights, but don't want to give up the preference to retain custodial rights of children conferred by the courts. Deontologically, the previous statement opposes the categorical imperative of Kant, but what parent really wants to make that decision to give up a child because it is what you would want the other parent to do? A *social justice* ethic would seem much more sound, if the problem of child placements were mediated with long-term effects in mind, and that whatever the choice, it will effect the lives of everyone in varying degrees from proximal to distal, and will include a consideration for community as well. But the courts adversarial system of

conflict resolution and precedent are not conducive to such an approach, nor willing to take the time intensive commitment to examine the holistic implications of such decisions.

Inherent in any discussion of the market, is the assumption that, while we live in a democratic community framed in a democratic form of government that bestows individual rights and liberties, the employers within the community operate under strict 'authoritarian' principles, in direct opposition to democratic principles. This creates an environment that requires individuals to assume a schizophrenic state of mind to survive and succeed in their employment, while exercising autonomous freedom when not at work. This dichotomy, I feel, takes a toll on the personalities of individuals, particularly ex-offenders trying to establish fragile, new morals to keep from offending again, or W-2 participants possessing poor decision-making skills. The ethical problems that this creates are monumental, and in many cases, amounts to selling out one's moral and ethical convictions in order to maintain employment.

Multi-generational dependence on AFDC led to its recent replacement. The bureaucracies created by the 'Great Society' initiatives have instilled an attitude of apathy and indifference in citizens to 'fight the system.' Government has become too large and changes too slowly. This reliance on government to create solutions, but distrust that it will provide any meaningful change, has bred an overwhelming atmosphere of despair and hopelessness. When communities become fed-up with the status quo, some groups catalyze hope by taking the initiative to reclaim community values and the higher moral road. Generally these are related to faith-based organizations, as they tend to be the last vestiges of hope left in a community.

Many institutions of civil society actually contribute to the very problems that they were supposed to alleviate, by fostering dissent among community members by asserting the rights of one interest group over another. Most business leaders, politicians, and citizens are unwilling or unable to face up to the 'moral nature' of our problems. Self-interest at the expense of others is a moral problem. Yet the free market economy holds this as a virtue. Government has been instrumental in creating the very policies that have led to a breakdown of civil society, and dissolution of communities _ policies that foster illegitimacy, providing condoms, banning the posting of religious material or public prayers carry policy implications in the converse application that convey immoral messages. When a policy legitimizes one thing – it is illegitimating something else with the same stroke of the pen.

Recommendations

1. Policy makers should re-examine W-2, child support, and criminal justice programs, as they currently exist in Wisconsin applying a *social justice* ethic. This requires a new level of innovation beyond the work-based philosophy of W-2, the "deadbeat" dad myth of child support, and prisons for punishment only. Holistic *social justice* reforms that promote social responsibility are needed. Interest groups that deal with poverty, human rights, criminal justice, families and children, community empowerment, and faith-based organizations have already established most of the other factors that impact the hard to serve W-2 population, NCP's, and ex-offenders. These interest groups are not the enemy. Government needs to embrace their visions

and in partnership, flesh out policies that can work for all, then provide the resources that will empower them to make a difference.

2. There is a definite need to infuse the TANF/W-2 program with meaningful services that provide NCP's tangible tools to meet their support obligations, improve their quality of life such that they can become active participants in the lives of their children through nurturing, discipline, and role modeling. Eliminate the adversarial and disproportionate role that CSA's play in the enforcement of child support with more egalitarian *social justice* programs that foster mediation, employment services and training for NCP's, and incentives to comply with support orders, not just 'hammers.' A public awareness program should be established to breakdown the myth of the 'deadbeat' dad. Elimination of the child care co-pay is a minimal payment with long-term benefits for children of W-2 recipients.

3. With the advent of 'truth in sentencing' in Wisconsin and the elimination of parole, the criminal justice system needs to re-examine how it will prepare prisoners for release. The philosophy of prisons as punishment has been in place for a long time, and it has proven it does not work. Innovation cries out in this area, but has fallen on deaf ears. DOC needs to establish a an office of reform, dedicated to examining the causes that lead to offending, and developing policies and programs to deal with those causes. Our prisons can become incubators for change for all but the most violent and hardened of criminals. Partnerships with outside entities and community organizations should be encouraged. The courts and prosecuting attorneys should apply a *social justice ethic* when considering plea bargains, and consideration that children and families of offenders suffer as a result of sentences as well. Substance

abuse is a health problem as well, not just a criminal problem. Prisons are not treatment centers, they only deal with the crime portion of offending. Equally, Law enforcement plays a large part of how offender get identified and arrested. Racial profiling, focus on 'street crime' only, and treating drug use as crimes have impacts that are far reaching and detrimental to communities and disproportionate representation in criminal justice. "To protect and serve" is no longer an appropriate motto. "To enforce" seems to be the motto today. Enforcement should be balanced with prevention. Law enforcement should be infused with crime prevention units as well - linked with advocacy, community, and faith-based organizations in partnership to reclaim communities from crime and abuse (chemical, physical, sexual, and emotional).

4. Past statistical research papers and methods prepared by social elites who are influenced by funding sources dealing with the separate issues of welfare reform, child support and NCP's, and criminal justice need to be revisited, applying constructs and methods that incorporate *social justice* paradigms and look at these problems as inter-related. The same can be said for that of advocacy group research and research dealing with children. Different results may be obtained by applying new validity to constructs and variables. Funding bias needs to be eliminated from public funded research.

5. Government needs to re-examine its policies under the light of morality. Is a policy morally right by what it both legitimizes and illegitimates? We need a tougher, morally correct civil society to create a moral environment conducive to moral economic, community, and family responsibility and accountability. This view

closely follows a *social justice* solution to the problems of economic market versus community issues by bringing them to answer to the same moral rule set. Government can set the benchmarks, but ultimately, change will occur slowly – one person, family, business, and community at a time – over time. Government, even in its best efforts to attempt to encourage volunteerism, often complicates the process with unwieldy regulatory hurdles beyond the capacities of most small organizations to meet or even comprehend. A devolution of government restrictions and regulations needs to occur in order for government to play a facilitating role for community oriented entities to partner with them. In order for this to be possible, legislation will certainly be required. However, the courts, following the Constitution, remain standing in the wings to strike down many attempts to link faith-based efforts to re-moralize government and communities. It is probable that such a process may need to be facilitated by a Constitutional amendment in order for such re-moralization to progress. The constitutional framers designed it such that Congress and the President make the law, the courts can but interpret and apply it. Congress needs to reclaim its authority usurped by the Supreme Court. For this to happen, citizens will need to re-assert their authority through representative government. This would be monumental, since, as Bill Bradley[23] points out in his essay, only 39% of eligible voters actually exercise that right. The majority of those that do vote are active in community, and feel they can make a difference. The problem then is: how to we engage those community members that are inactive or apathetic?

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