

LSA 2008 Annual Conference
Spiritual Supports and Government Funding

Participants:

John Bauer, Bethesda Lutheran Homes & Services

James Bosse, Graceworks Lutheran Services

Ronald Green, Oesterlen Services for Youth

Willis Serr, Graceworks Lutheran Services

Robert Tuttle, George Washington University Law School & Roundtable on Religion and Social Welfare Policy

Session Outline

1. Types of spiritual support
 - a. worship
 - i. facility-provided
 - ii. congregational/community
 - b. religious instruction and devotions
 - c. pastoral care
 - d. faith-integrated counseling and other services

2. Current Establishment Clause law
 - a. public support for religion: no use of direct aid for religious activities
 - i. segregation
 - ii. accountability
 - b. permissible accommodation of religious needs
 - i. responsive to burden
 - ii. religion-neutral
 - iii. voluntary

3. Types of public funding
 - a. indirect aid
 - i. beneficiary choice among adequate range of alternatives
 - ii. funding entirely contingent on beneficiary choice
 - b. direct aid - any other form of government grants or contracts

4. Difficult questions
 - a. Mandatory religious activities
 - b. Limits on practice/facilitation of other faiths within institution

5. Additional resources
 - a. *Teen Ranch* decision & analysis:
http://www.religionandsocialpolicy.org/legal/legal_update_display.cfm?id=56

 - b. *Dakota Ranch* lawsuit & analysis:
http://www.religionandsocialpolicy.org/legal/legal_update_display.cfm?id=61