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Statehouse Update - 4/22/2003

by Marty Ryan, Legislative Director

Special edition – We need your help!

One of the most egregious bills passing through the legislative process is House File 685, the "Healthy Iowans Tobacco Trust Fund" bill. This bill is the most controversial bill facing civil liberties this year.

The bill appropriates \$250,000 to a "value-based treatment program at the Newton Correctional Facility." In plain words, this money is allocated to Chuck Colson's (Watergate-convicted conspirator) program to rehabilitate inmates by introducing them to Jesus.

What's wrong with this? Everything!

Find your legislators: <http://staffweb.legis.state.ia.us/find-leg/> If you have never contacted your legislators, now is the time to do so! If you seldom contact them, this is important! Do it now! Please!

First of all, the program selects which candidates are willing and able to be "chosen" to participate. Second, those "chosen" few (many are called, but few are chosen) are given special privileges. And third, the program is unconstitutional!

The Iowa Constitution states that: "The general assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenance of any minister, or ministry." Iowa Const. Art. I, sec. 3.

The Prison Fellowship Ministries makes no bones about what they are about. <http://www.pfm.org/prisonfellowship/channelroot/home/> They are in the prison walls to preach about the teachings of Jesus Christ. You're a Muslim; a Jew; an atheist; a Buddhist? Forget it! You ain't getting into the program. Oh yeah, you may, if you convert to Christianity, you're not a violent offender, and you promise to discard all other segments of natural life, agree to have a mentor outside the prison walls when released, and attend a specific church upon being released.

HF 685 appropriates \$250,000 to Colson's program - InnerFaith Freedom Initiative. That's \$250,000 that could go to other programs within the state, such as child care, Medicaid general fund appropriation, Healthy Iowans, an allocation for the implementation and support of a coordinated system of delivery of trauma and emergency medical services, for environmental epidemiology, etc. What's wrong with that, you argue? The results of the Inner Faith Freedom Initiative lower recidivism rates. Yeah, right. They pick and choose the participants. They choose a certain number of Muslims, Jews, Catholics, etc., to make the program appear to be non-sectarian (approx 3 in the past 4 years). They preach fundamentalist Christianity. As a prisoner, you must know that you will be proselytized in the Christian fundamentalist society before being accepted. You have to be a "good" inmate, you have to be willing to hear about Jesus, you have to . . . Wait a minute! You have to be "the ideal inmate" to be accepted into the process. Is it any wonder that the program has a huge success rate according to IFI's figures?

In *Rudd v. Ray*, 248 N.W.2d 125 (Iowa, 1976), the Iowa Supreme Court ruled that "legislation did not violate either the First Amendment to United States Constitution or the state constitutional provision pertaining to freedom of religion" when it decided that legislation providing for salaried chaplains and religious facilities at the state penitentiary did not violate the federal and state constitutions. However, the Court's reasoning in concluding its decision stated that the "provision of ministers and places of worship within the prisons in this state is lawful, not in order to 'spread or encourage religion there,' but rather in order to accord the prisoners their guaranteed right to exercise it." *Id.* at 132 and 133. This issue is not the exercise of expressing religion by individual inmates, but the spreading or encouragement of religion by outside forces. This practice needs to be stopped unless it is privately funded. It is time to revisit the holding in *Rudd*.

The dissent by Justice Uhlenhopp, joined by Justice Rawlings, includes the statement that "churches and religious groups, which have founded and operated edifices, colleges, hospitals, orphanages, and foreign missions, are able through such agencies as their boards of home missions to support clergy for the inmates of prisons. These are the kinds of sources from which financial support for religion in prisons should come, rather than taxation." *Id.* at 137.

The ACLU-IA agrees with the dissent by Uhlenhopp. If this is such a good program, let the churches that will benefit from the conversion of such criminals support the program through tithing of members of such religious organizations. ACLU-IA members do not want to contribute to the increase in membership of certain Christian denominational sects by way of public funding.

Please, contact your legislators and urge them to OPPOSE the section of HF 685 that appropriates money to IFI at Newton.

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