

# Judge rules Christian rehab program violates constitution

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DES MOINES, Iowa (ABP)—In what could be a major setback for government's ability to fund religious charities, a federal judge has ruled against an Iowa program designed to rehabilitate prisoners through Christianity.

U.S. District Judge Robert Pratt of Des Moines ruled June 2 that the InnerChange Freedom Initiative as it has been run at Iowa's Newton Correctional Facility violates the First Amendment's ban on government establishment of religion.

"For all practical purposes, the state has literally established an evangelical Christian congregation within the walls of one its penal institutions, giving the leaders of that congregation, i.e., InnerChange employees, authority to control the spiritual, emotional, and physical lives of hundreds of Iowa inmates," Pratt wrote.

Much of Pratt's 140-page decision dealt with recounting the details of Iowa's InnerChange program. He found that participants were coerced

with living-arrangement advantages unavailable to those who did not participate in the program, that the program and the prison had no sufficient way to monitor whether government funds given to it were spent on secular or sectarian purposes, and that the program was focused on Bible study and conversion.

“While such spiritual and emotional ‘rewiring’ may be possible in the life of an individual and lower the risk of committing other crimes, it cannot be permissible to force taxpayers to fund such an enterprise under the Establishment Clause,” he wrote.

Pratt also said the amount “of religious indoctrination supported by state funds and other state support in this case in comparison” to other church-state cases “is extraordinary.”

In a move unusual in such cases, Pratt ordered InnerChange to reimburse the government more than \$1.5 million paid to the organization since it began operating at the Newton facility. It also ordered the organization to halt all activities at the Newton facility. Pratt eventually suspended enforcement of his orders pending an appeal.

InnerChange is run by Prison Fellowship, the Virginia-based charity founded by popular Christian author and former Watergate figure Charles Colson. The organization released a statement attacking the ruling and promising to appeal it to the 8th U.S. Circuit Court of Appeals.

“For over 10 years, the InnerChange Freedom Initiative has produced dramatic results in changing the lives of hardened criminals and stopping the revolving door of crime,” the statement said. “This decision, if allowed to stand, will enshrine religious discrimination. It has attacked the right of people of faith to operate on a level playing field in the public arena and to provide services to those who volunteered to receive them.... The courts took God out of America’s schools, now they are on the path to take God

out of America's prisons."

But the Washington-based organization that brought the lawsuit against InnerChange on behalf of Iowa prisoners and taxpayers hailed Pratt's decision as a victory for church-state separation and a massive blow to President Bush's efforts to increase government funding for social services through religious organizations.

Americans United for Separation of Church and State released a statement saying, "There is no way to interpret this decision as anything but a body blow to so-called faith-based initiatives." It also said that taxes "cannot underwrite conversion efforts."

An expert with a non-partisan Washington group tracking government funding of religious charities said the win was a "massive victory" for Americans United. Chip Lupu, a church-state law expert at George Washington University Law School and a legal scholar at the Roundtable on Religion and Social Welfare Policy said the judge "has essentially accepted the AU picture of what has been going on in the Newton Correctional Facility."

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