

Be not deceived: A big win for Christian prison programs

By Carol S. Vance

Can a Christian-based program operate inside a state prison without violating our Constitution? This is an important question because Prison Fellowship runs such a program, the Innerchange Freedom Initiative, at the Carol Vance Unit in Sugar Land, Texas. The program at the Vance Unit is now 10 years old and was the first faith-based prison to operate in the U.S. It has been highly successful. The return rate for graduates of this program is about one-third that of similar inmates in regular prisons in Texas. Prison Fellowship now operates its IFI program in five other states. A landmark case was recently decided that should put the constitutional issue to rest. From my reading of the news accounts, it appeared the plaintiff, Americans United for Separation of Church and State, had won the case and faith-based programs were in jeopardy. A study of the opinion makes it clear, however, that is not the case so long as inmates volunteer and the state does not fund religious program costs.

This long-awaited decision out of the Eighth U.S. District Court of Appeals was authored by former Supreme Court Justice Sandra Day O'Connor, who was assigned to the panel handling this appeal. In his interpretation of the opinion, Barry Lynn, executive director of AUSCS, said the decision "casts a long, deep shadow over faith-based programs." This decision does indeed have far-reaching implications, but of a very different sort than he suggests. Although the appellate court upheld the trial court decision that Iowa could not reimburse Prison Fellowship for any portion of the program expense, the ruling removed all shadows over the legality of faith-based programs in prisons in America. Existing programs in Iowa, Texas, Minnesota, Kansas and Arkansas can now relax. They rest on solid constitutional grounds.

It should be noted that the Innerchange Freedom Initiative Program in Texas has never received a dime from public money. And now neither do any of the other IFI programs. These programs are fully funded by Prison Fellowship Ministries, whose founder, Chuck Colson, serves as chairman of the board. The opinion overturned the trial court ruling that Prison Fellowship reimburse Iowa for the \$1.5 million it had received from the state. The Appellate Court said that would not be necessary. Among the other salutary effects of the opinion are these:

- The court also lifted the original injunction of the trial court on Iowa's IFI program because the program has been modified and is no longer funded in part by the state. Thus, contrary to what AUSCS sought, the program has not been shut down.

- The decision rejected the pervasively sectarian standard used by Judge Pratt. Faith-based programs will no longer be automatically suspect solely because they are faith-based.
- The court admonished the trial judge below for having engaged in an “abuse of discretion” for allowing “expert” testimony regarding what evangelical Christians believe because such an inquiry is “not only unnecessary but also offensive.”

Prison Fellowship president Mark Earley, said, “The Eighth Circuit has acknowledged that the operational changes we have made to the program have enabled it to remain in good constitutional standing. We are appreciative of the court for these guidelines that provide clearer ground rules as we continue to address a crime problem that threatens the safety of our nation’s communities.”

This court ruling is important in the fight against crime. America now has over 2 million inmates in its prisons. About 90 percent are men. Roughly half are school dropouts and have had little guidance of any kind in life. Every time one life is transformed and a potential habitual criminal is turned into a good husband, a good dad, a good worker and taxpayer, our nation benefits. This is not to mention the reduction of the terrible trauma suffered by the victims. What’s more, these 2 million inmates have 5 million children, many destined to follow Daddy in a life of crime unless there is a radical intervention and radical transformation of the incarcerated father. Now states have the right to adopt this revolutionary crime-fighting tactic and know it is legal.

Carol S. Vance is former district attorney of Harris County and former chairman of the Texas Department of Criminal Justice. As chairman he worked with Chuck Colson and Gov. George Bush to start the IFI Program at the Vance Unit.