

Prison Ministries in Public Policy

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I. Introduction

For many Americans, the idea that religious attitudes serve to prevent criminal behavior seems obvious. In fact, almost two thirds of Americans surveyed in 1996 believed that religion “can answer all or most of today's problems” and slightly over half think spoken prayer in public schools would significantly impact the behavior of students.¹ At the same time, several studies² have claimed that personal religious conviction has negligible impact on the likelihood that individuals will commit crimes.³ This apparent contradiction between commonly held beliefs and statistical evidence remained unresolved until religion was examined sociologically. Several studies⁴ found that “religion does indeed have truly potent effects on deviance - it does generally inhibit crime, delinquency, suicide, even the spread of syphilis. But these effects are elusive and unpredictable *unless they are approached in a truly sociological, not psychological, fashion* [sic].”⁵ That is, religiosity within a sociological group is strongly negatively correlated with crime rates, but not on an individual level. Other studies, including interviews with inmates, have shown that religion has strong effects even on the already deviant, and thus has great potential in crime control.⁶ Thus, prison ministries, which have long sought to reach inmates for the purpose of converting the “lost,” have great potential in crime control and reform justice public policies.

The issue of prison ministries in the United States is multi-faceted. One obvious concern is the “separation of church and state,” in Thomas Jefferson's words, mandated by the First Amendment to the United States Constitution, which raises the issue of the constitutionality of

¹ Golay, Michael, and Carl Rollyson. Where America Stands 1996. New York: John Wiley and Sons, Inc., 1996. 190, 192.

² Burkett and White, 1974; Tittle, Villemez, and Smith, 1977; Hindelang, Hirschi, and Weis, 1981.

³ Stark, Rodney. “Religion and Deviance: A New Look.” Day, p. 111.

⁴ Higgins and Albrecht, 1977; Rhodes and Reiss, 1970; and others.

⁵ Stark, p. 111.

⁶ Arnold, Chaplain James G., III. “The Yoke of Anger: A Brief Look at the Lives of Four Inmates.” Day, 211-233.

federally and state-funded prison ministries.⁷ At the same time, there rises the important question of what is meant by “prison ministry,” which is often taken to include not only permanent ministries, such as chaplaincies, but also temporary or single-event programs. Here, we will define “prison ministry” as any program in a prison context with a primary goal of providing religious or spiritual support to both believing and non-believing inmates. Other concerns include the sociological question of what happens to new believers when they are ejected from prison into the community, in which they have no religious connections, and how differing religions serve to limit and control crime. While I will examine all of these questions in this paper, my primary focus will be the effectiveness of prison ministries in preventing recidivism and controlling prison delinquency.

II. Current Prison Ministries

By far, the most prevalent form of prison ministry is the chaplaincy. The justification used for chaplaincies is derived from the Federal Bureau of Prisons mission statement: to “provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens,”⁸ which stresses the reform aspect of criminal justice. Programs used to fulfill this mission statement include “psychology services,” “food service operations,” and “religious programs,” better known as chaplaincy. The

“ 'Bureau of Prisons provides inmates of all faith groups with reasonable and equitable opportunities to pursue religious beliefs and practices, within the

⁷ Simon, Barbara A., Esq. “On Separation of Church and State.” 1998.
<http://www.berkshire.net/~ifas/fw/9601/legal.html>.

⁸ US Department of Justice 1993: 2, cited in Beckford, James A., and Sophie Gilliat. Religion in Prison: Equal Rites in a Multi-Faith Society. Cambridge, UK: Cambridge UP, 1998. p. 173.

constraints of budgetary limitations and consistent with the security and orderly running of the institution.' ”⁹

While all Federal prisons maintain at least one chaplain, some state prison systems, such as Virginia, have none, citing the First Amendment objection. The Religious Freedom Restoration Act (RFRA) of 1993 prohibits state actions which seriously inhibit religious activity, unless such action serves a “compelling state interest and is the least restrictive means of addressing that interest.”¹⁰ Thus, there is a wide variety among the chaplaincies in prison systems in the United States, and the question of what is legal has become clouded.

Moreover, the role of chaplains is complicated; the Federal Bureau of Prisons defines three roles: “Pastor-as-prophet,” “Pastor-as-community liaison,” and “Pastor-as-manager of cultural diversity.” Significantly, the Federal prison has “no 'Protestant, Muslim, Jewish, Catholic etc.' chaplains in the Bureau - only *staff* [sic] chaplains who happen to be Protestant, Muslim, Jewish (or) Catholic,” according to US Department of Justice 1995a:B-1.¹¹ This statement clarifies the role of prison ministries as seen by the government: while chaplains are considered an integral part of most prison systems and serve multiple roles, the government minimizes the religious affiliations of chaplains. In practice, much of a prison chaplain's time is spent ministering to inmates of traditions other than the chaplain's own. For example, one Muslim chaplain ministers to Muslims, Rastafarians, the Nation of Islam, and the Moorish Science Temple of America, in addition to visiting inmates in the segregation unit, who usually fit none of the above descriptions.¹² A large amount of prison ministry is done by contracted

⁹ US Department of Justice 1995b: 1, *ibid.*

¹⁰ *Ibid.*, 175.

¹¹ Beckford, 176-7.

¹² Beckford, 178-9.

religious leaders or volunteers, and much of the budget for most prison chaplaincies is used to contract priests, rabbis, imams, and other leaders.¹³

Prison religious facilities and resources vary widely in the United States. Due to the prohibition against the establishment of religion in the First Amendment, no prison spaces or facilities can be designated for a single religion, with the exception of Native American 'sweat lodges,' which are expressly allowed by federal rules.¹⁴ Thus, many prisons have spaces which are designated for prayer or worship, but lack any permanent or fixed religious symbols or paraphernalia, since they are used by multiple faiths. Federal policy also prohibits the use of chaplaincy funds to purchase religious objects or texts to be given to inmates permanently, but permits the purchase of liturgical items such as wafers or sacramental wine.

State prisons use various methods of tracking religious affiliations and conversions, but the federal system is fairly standard: inmates may declare an affiliation when entering prison and change it at any time, but changes are monitored to prevent abuses of special ceremonies and events. Some prisons restrict inmates' participation in religious activities to their declared faith and require active participation as a condition of remaining registered as a member of that faith. Chaplains are forbidden in federal rules from actively seeking to change an inmate's religion. Thus, chaplains walk a thin line between serving their prescribed religious duties and violating the law.

A wide variety of programs exist which are not directly supported by the government, but fall under the definition above of "prison ministries." For example, programs such as Prison Fellowship Ministries, headed by the Watergate figure Charles Colson, now a full-time Christian prison worker, exist solely for the purpose of spreading religion among inmates. Churches and

¹³ *Ibid.*, 181.

¹⁴ *Ibid.*, 184.

various religious organizations not devoted to prison ministries also conduct prison ministry on a smaller scale. By definition, however, the latter ministries are less likely to operate full-time, since prisons are not their main focus, and often last a single day or less. These types of movements stand on slightly less shaky legal ground, since they are not using government funds, but merely visiting interested inmates. However, the smaller scope of such programs automatically limits any possible effects.

In short, prison ministries exist in a wide variety of forms and operate under a wide variety of rules and regulations. There is currently no standard structure for “religious programs” departments in United States prisons, nor are the duties and permissible activities of chaplains standardized. Before prison ministries can be used as a tool for public policy, substantial changes must occur in the federal penal system to allow for the free exchange of information on different faiths and sufficiently large programs to represent at least a strong majority of faiths.

III. Effects of Prison Ministries on Inmates

Because of the sociological aspect of religious conviction with respect to crime, the relatively small criminal population compared to the population at large, and the general trend of recidivism in prison inmates, very little objective or statistical data exists on prisoners and religion in terms of behavior after release. Thus, research on the topic of inmate religiosity is often focused on interviews and subjective responses by prisoners, who mostly appear to favor religious programs in prison.¹⁵ The only statistical research available indicates that inmates merely exposed to religion while in prison have recidivism rates that are 11% lower for men and 28% lower for women than inmates not exposed to religion. In addition, those inmates remained

crime-free longer after release, and that their repeat offenses were generally less severe than the control groups.¹⁶ Prisoners themselves indicate frequently that their lives changed significantly because of religious beliefs found in prison. Chaplain James G. Arnold, III, holds that

“One way to neutralize [the pain of the past] is to confess that what has been done is wrong and then by relating to the pain of others develop a degree of empathy that will cause the future to look more hopeful whereby the inmate can feel useful. The inmate needs to feel that regardless of what he has done, he can join in an accepting community of believers and achieve a kind of regeneration.”

While some inmates cannot change, according to Arnold, others can change their ways, but such change requires acceptance and forgiveness, such as that offered by various religions.¹⁷

Charles Colson cites an inmate named James Peterson, who became Christian while in prison for embezzlement. James was placed in an innovative program called Inner-Change Freedom Initiative (IFI), which immerses inmates selected by application in a full-time Christian environment focused on “worship, education, work skills, and personal accountability.” When offered the chance for early parole, James, a father previously eager to leave prison, declined parole and chose to complete the rest of his term in order to complete his rehabilitation through IFI. According to James, “Each day when I wake up here... I'll be saying to my brothers, here and on the outside, that I'm here because inner change is important to me. Maybe my decision to stay here will help others see that God is real - that He changes people.”¹⁸ James' story and others

¹⁵ See Arnold and Prison Fellowship Ministries. “Prisoners of Hope: Prison Fellowship Ministries Annual Report 1997-8.” 1998. <http://www.pfm.org/AnnualReport.pdf> (February 10, 1999).

¹⁶ Cornell, George. “Study on Christian Prison Ministry Bringing About Change.” <http://www.prisonministry.org/stats.htm> (December 1, 1990).

¹⁷ Arnold, 211.

¹⁸ Prison Fellowship Ministries. “Prisoners of Hope: Prison Fellowship Ministries Annual Report 1997-8.” 1998. <http://www.pfm.org/AnnualReport.pdf> (February 10, 1999).

offer evidence that, for at least some inmates, religion can permanently and deeply affect the lives of criminals.

One frequent complaint of newly religious inmates on release from prison is the difficulty of joining a church or other religious group that is accepting of the inmate's past. Chaplain Arnold discusses a prisoner named Zeb, who was so deeply affected by his conversion to Christianity that he attended seminary and returned to prison as an ordained minister; this is by far the exception.¹⁹ Another released inmate, Margie, told Arnold that “the church wants you to come in be baptized, smile, be happy, make no mistakes. But if you are poor, you can hang it up.”²⁰ The statements of several inmates are expressed in Margie's concern: “I need faith roots firmly planted where I can find acceptance finally through Jesus Christ.”²¹ The question of acceptance is important with any reform justice program, but particularly so with religion in light of the sociological findings above. Thus, any prison ministry hoping to make a lasting impact on inmates' lives should research post-release opportunities and consider programs specifically designed to help inmates integrate themselves into a religious community after prison. Such a program could also serve as a job resource; members of many faiths are willing to help other believers, even if they are released convicts, financially and otherwise to get “back on their feet.”

IV. Implications for Public Policy

First Amendment considerations of church and state must be considered before discussing the use of prison ministries as an instrument of reform. The First Amendment to the Constitution states: “Congress shall make no law respecting an establishment of religion [government neutrality toward religion], or prohibiting the free exercise thereof [religious

¹⁹ Arnold, 233.

freedom].” This was extended to the state governments by the 14th Amendment.²² As discussed above, the current prison codes are far more complicated than these two Amendments might indicate. Certainly it would be a violation of the First Amendment to instate mandatory religious services of any faith in a publicly operated prison, but the question becomes foggier with private institutions. A famous test case in the Supreme Court, *Everson v. Board of Education*, handed down on February 10, 1947, ruled it unconstitutional to use tax money to transport Catholic students to a parochial high school in a nearby town. Justice Hugo Black, in his majority opinion, wrote,

“The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal government can set up a church. *Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another....* No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, *or whatever form they may adopt to teach or practice religion.* Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups or vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between church and state' [italics added].”²³

²⁰ *Ibid.*, 222.

²¹ *Ibid.*, 224.

²² Simon.

²³ Formicola, Jo Renée, and Hubert Morken, eds. *Everson Revisited: Religion, Education, and Law at the Crossroads*. Lanham, Maryland: Rowman and Littlefield Publishers, Inc., 1997. 15.

Clearly, the chaplaincy system is in danger of running afoul of this ruling, as tax money is used to support chaplains, who “teach or practice religion” as part of their jobs, and such monies aid one or multiple religions. As noted above, the government has temporarily avoided this problem by minimizing the religious role of chaplains.

In light of *Everson*, one has two arguments that can be made in favor of prison ministries as public policy: first, that the current application of “separation of church and state” is extreme and not what the Constitution intended; and, second, that prison ministries, when used as educational and reformatory, are a form of crime control and rehabilitation, and not a form of state-supported religion. As for the first argument, this extremism seems likely; the writers of the Constitution sought to prevent church access to governmental powers and vice versa, which does not mean that religion and state affairs cannot overlap. Indeed, fully preventing the participation of any religious group in government affairs, as Justice Black suggests, would mean eliminating the rights of many groups to lobby lawmakers, and even of some lawmakers to participate in either religion activity or government. While the Supreme Court holds that it violates the Constitution for the government to support a religion, such as through chaplaincies, the Constitution also prohibits the denial of religious liberty to any citizens, which almost mandates programs similar to prison chaplaincies. The Federal Bureau of Prisons has adopted the second view, that chaplaincies constitute rehabilitation and education more than religion, as shown above. The role of a chaplain becomes more counselor and social director than that of minister, rabbi, or imam. This view justifies the use of chaplains as an educational tool, which is how I see the best application of prison ministries in public policy.

The two major barriers to the use of prison ministries as a tool of reform rise from *Everson* and lack of supporting research. Before prison ministries may be used in public policy,

the clause in the *Everson* ruling banning “laws which aid one religion, aid all religions, or prefer one religion over another” must be reconsidered.²⁴ Otherwise, any such policy would surely experience legal difficulties almost immediately. Furthermore, much more research is needed before any such policy can, will, or should be implemented. While the limited existing research indicates great potential for prison ministries in reducing repeat offenses, a policy boosting ministries on a broad scale would be expensive and difficult to employ. Thus, we must be sure we have the facts straight before recommending specific changes to existing laws and regulations.

In conclusion, I offer two proposals. First, much more research must be done on prison ministries as they relate to crime control and recidivism. This research could legally be supported by the U.S. Department of Justice, since the research does not constitute state support of religion or religious programs, but rather state supported crime-related research. Such support would likely make this research much easier to carry out, since there appears to be a lack of criminological interest, and hence funding, in prison ministries at this time. At the same time, such research must address the nearly untouched areas of recidivism rates, time between release and recidivism, prison delinquency, and continuity of drug or alcohol abuse before incarceration and after release. Tracking such statistics would require follow-up, but would also provide unique data on the impact of religion in prison settings.

Second, I propose that the Department of Justice authorize test programs related to prison ministry in several of prisons. In such a program, inmates would take a few mandatory classes such as an introduction to religion, have unlimited access to religious texts and workers, unlimited opportunities to attend worship services (which might even mean transporting some non-violent inmates to a religious center, within reason), and unlimited visits by religious leaders

²⁴ Formicola, 15.

not working directly with the prison.²⁵ The requirement that inmates take certain classes is simultaneously the most radical, most difficult, and most likely to be controversial portion of this proposal. Without such classes, though, the proposal amounts to a reform of practice rather than theory. These classes would certainly have to avoid favoring one religion over another, and would require careful planning to prevent abuses, but offer the chance to expose inmates to different religions, which, as existing research shows, can make a significant impact on recidivism.²⁶ These test programs could be expanded or abandoned, as test results dictate, and offer unique possibilities for tracking not only recidivism, but also prison delinquency in participating prison units. Before any sweeping program can be established, more research must be done, but prison ministries must be reconsidered as a potentially highly effective educational form of crime control and rehabilitation.

(2942 words)

²⁵ This is theoretically the case now, but often fails in practice - inmates complain of being denied visits by ministers from outside.

²⁶ Cornell.

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