Correctional Chaplains: Under Law, Under Grace

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1. Assumptions Christians make about prison ministry:

   a. Doing prison ministry is basically the same as doing ministry in a church. SOME things regarding ministry in prison do mirror what we do in our churches. But as we will shortly learn, the context of our work makes all the difference. “It ain’t the same.”

   b. Christian Chaplains and Volunteers only have to obey God. Many Christians, because they feel called to do this work, for some reason they feel they are exempt from prison rules. That somehow the rules apply to everyone else, but not to them. We will learn that acting on this assumption is dangerous.

   c. Prison staff and correctional officers trust us and are always glad to see. Prison staff is trained to be suspicious of everyone. When Christian volunteers and chaplains feel sorry for inmates, feel like they are only ones who care about their plight, then prison officials have every right to be suspicious and on the look-out. Well-meaning but misguided Christians have violated many prison rules cause “they didn’t think it would do any harm.”

   d. Inmates will never try to play me or manipulate me or lie to me. After all, I’m a Christian and I’m here to help. Just because inmates are in prison doesn’t mean they have left the deceptive ways and skills that they honed do conduct criminal activity on the outside inside the prison. Truth is some won’t but many will.

Why do we make so many assumptions?
Christian chaplains and volunteers often fail to understand that, within the prison setting, they operate simultaneously Under Law (State) & Under Grace (Church)

   LAW implies operating within both Federal and State laws and policies

   GRACE implies what we understand to be church or expressions of religion in prison.

Both LAW (STATE) and GRACE (CHURCH) operate under different “Rules of the Road”

2. CHAPLAINS UNDER GRACE

   a. The first allegiance of every Christian is to GOD. It’s not to man; it’s not to the world; it’s not to tradition or what society does or thinks or what a political party may say. We follow Jesus…..and it was Jesus who said: “Whoever wants to be my disciple must deny themselves and take up their cross and follow me.”  (Luke 9:23) We are to take our cues from Jesus, not from others, including the prison system

   b. In outside churches, they operated under grace
      i. Churches are free to organize themselves as they wish.
      ii. They decide on the starting time for services.
      iii. Whether they will have a Sunday morning and a Sunday evening service or just Sunday morning.
      iv. Churches decide who’s in (i.e. a member) and who’s out (who doesn’t qualify for membership)

   c. Taking that GRACE into prison. Convinced that prisons are filled with lost souls, and perhaps convinced that most prison guards aren’t Christian, they prepare for battle.
d. Christians can feel entitled to serve those in prison.....but they and we have forgotten one important fact...

3. UNDER LAW
a. It’s NOT our house! Prisons don’t operate like churches. Prisons were never meant to operate under grace. They are intended to operate under the law. They are government agencies and government laws and prison policies are the Bible that prisons adhere to.
b. Superintendents and Wardens call the shots. It’s THEIR house – whether you like if or not
c. No rule was created in a vacuum.
d. Bottom line: Correctional Chaplains and Christian volunteers – while called by God to visit those in prison - must be willing to serve within the framework of the Government Agency in which they serve on in other words, to abide by the Rules of the State (the LAW) OR ELSE they will not be welcome. While we enter prisons clinging to our faith and our Bibles – and those are always things that Christians should do – in order for us not to overstay our welcome, we MUST fit abide by the LAW of the Prison in which we serve.

4. Serving UNDER LAW and GRACE at the same time.
   a. Practical implications.
      i. Respect Prison Time.
         1) Everything has a starting time – but it’s not uncommon for everything to start late.
         2) While your group/service/lesson might not start on time, you WILL end on time. That’s a non-negotiable. There are no exceptions!
      ii. You don’t determine what you need. The prison does.
      iii. Patience is a virtue because in prison, everything has a lock
      iv. Religion DOESN’T come FIRST, SECURITY DOES. All prison programs must be scheduled around count times. COUNT takes precedence over EVERYTHING ELSE! If count doesn’t clear, programs wait until it does or is cancelled.
      v. EVERYTHING MUST BE APPROVED in advance, by someone higher up the chain and in writing
      vi. There is a policy for everything in prison. Policy applies to EVERYONE. Being ignorant of policy OR assuming someone else needs to know it but you don’t OR assuming it applies to everyone else BUT YOU, puts everyone in the prison at risk.

b. Constitutional Implications:
   i. Freedom of religion guaranteed by the First Amendment to the US Constitution. “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”
   ii. Christian inmates have a right to worship God the Father, Jesus the Son and the Holy Spirit and to be afforded opportunities for worship and Bible study. But this also means that Muslim and Jewish and Pagan faith traditions should be given equal opportunity to worship and study. And not just them but Native Americans, Rastafarians and Buddhists should also be given time to engage in communal
religious expression. The same US Constitution that protects the rights of Christians to practice their faith, guarantees that same right for every inmate regardless of their faith.

iii. The Establishment Clause

1) Prisons are prohibited from setting up one “recognized” church or other religious community and steer inmates in that directions. These would be violations of the Establishment Clause:
   a) “This is the only show in town. Like it or leave it.”
   b) “Yes, we have services. They are all Christian, but we welcome all inmates.”
   c) “Turn up the volume so those in their cells can hear us.”
   d) YES advent wreath candles; NO Menorah candles.
   e) NO room in the schedule for minority faith groups.
   f) Do you have any literature other than for Christians?
   g) Tax dollars to purchase sacred texts (or pay for postage) to advance the cause of one religious expression over others.

iv. The Free Exercise Clause

1) The constitution protects the rights of all individuals – including prisoners - to hold religious beliefs – whatever they are, and even if they make no sense to a chaplain. This right absolute.

2) If you make Bibles available to inmates, you should at least do what you can to find resources where inmate can obtain the sacred text of their choosing.

v. The Bottom Line:

1) Don’t favor – scheduling/# volunteers/ # programs/“stuff” – one religion over others.

2) Don’t mock other religions.

3) Give inmates opportunity to express those beliefs in similar ways as you would hope is done for your group.

vi. The Religious Land Use and Institutionalized Persons Act (RLUIPA)

i. Why RLUIPA? Prison administrators routinely fabricated frivolous and arbitrary reasons to deny individuals their religious rights.

“No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution. … unless the government demonstrates that imposition of the burden on that person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.”

ii. What does RLUIPA mean?

1) Before a DOC limits an offender’s religious exercise, the DOC must have a very good (compelling!) reason.

2) "Religious exercise” includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.

3) A Dept. must limit religious exercise in the least restrictive way.

iii. ACCOMMODATE the practice of everyone’s religion.

1) Under GRACE, our calling is to share the Gospel with inmates who voluntarily want to hear about new life in Christ.

2) Under LAW, we are called to be open to accommodating the religious practice of all
3) Example: In 1900’s three dominant religions with which inmates identified were also Catholic, Judaism and Protestant. Led rise to the building of “Lazy Susan Prison Altars.” One chapel, three different altars: Jewish Ark, Catholic Altar, Protestant Altar.

4) Religions present in our society (and thus inmate population) increased dramatically. This has given rise to the Multi-Purpose chapel.

5) Give inmates opportunity to express those beliefs in similar ways as you would hope is done for your group.

d. Summary

i. LAW. Always remember that “It’s not our house”. Prisons are gov’t properly and gov’t institutions. Prisons run by gov’t rules and laws Period. We – as chaplains and volunteers – are guests.

ii. LAW and GRACE. We are chaplains for all. Encounter every inmate – every individual – as an EQUAL. Accept each for who they are: questions, doubts, beliefs of lack thereof

iii. GRACE. We are chaplains and volunteers who have authority to guide a particular faith community. Our calling to be the best Christian chaplains we can be never has been questioned. We are invited, as Christians, to embrace our calling to be a representative of the Gospel of Jesus, to remember those in prison as if you were together with them in prison” (Heb. 13:3), to “let the message of Christ dwell among you richly as you teach and admonish one another with all wisdom through psalms, hymns, and songs from the Spirit, singing to God with gratitude in your hearts.” (Colossians 3:16); to “do your best to present yourself to God as one approved, a worker who has no need to be ashamed, rightly handling the word of truth.” (2 Timothy 2:15)