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APPEALS COURT OVERTURNS BAN ON INMATE PREACHING AT CHRISTIAN SERVICES

In an important victory for religious freedom, the [U.S. Court of Appeals](#) for the First Circuit in Boston has reversed a lower court ruling that allowed the Department of Corrections to bar an inmate from preaching during Christian religious services at the state prison.

The plaintiff, Wesley Spratt, had been preaching at ACI services for seven years before he was unilaterally stopped from doing so based on vague and generalized “security” concerns. In appealing the ban to the First Circuit, RI ACLU volunteer attorney Lynette Labinger argued that the preaching ban violated a federal law designed to protect the religious freedom of institutionalized persons. That law, known by its acronym RLUIPA, bars states from imposing any substantial burden on an inmate’s exercise of religion unless it furthers a compelling interest and is the least restrictive means available. The appellate court agreed with the ACLU that the state had failed to demonstrate that the ban was the least restrictive means necessary to promote the prison’s interest in security, and ordered a trial on the merits of the case.

Spratt, who considers his preaching a “calling” from God, had been preaching at religious services on a weekly basis under the supervision, and with the support, of clergy at the ACI. The DOC provided no evidence of security problems during, or as the result of, his supervised preaching during the seven years he had been doing so. Nonetheless, when a new warden took over the maximum security facility in 2003, Spratt was ordered to stop preaching, and the U.S. District Court upheld the ban.

In reversing the lower court ruling, the appeals court noted: “Spratt’s seven-year track record as a preacher, which is apparently unblemished by any hint of unsavory activity, at the very least casts doubt on the strength of the link between his activities and institutional security. While we recognize that prison officials are to be accorded substantial deference in the way they run their prisons, this does not mean that we will rubber stamp or mechanically accept the judgments of prison administrators.”

RI ACLU executive director Steven Brown said today: “This court ruling makes clear that mere generalizations and rank speculation cannot provide the basis for stifling the religious freedom of inmates. It is too precious a right to be so arbitrarily denied to individuals in the custody, and at the mercy, of government officials.”

