

Okla. judge defends sentencing teenager to church even if it's not legal

by [Greg Horton](#)

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MUSKOGEE, Okla. (RNS) A district judge in Oklahoma who sentenced a 17-year-old boy to 10 years of church attendance is standing by his sentence as the right thing to do – even if it may not have been the constitutional thing to do.

Judge Mike Norman gave Tyler Alred a 10-year deferred sentence for DUI manslaughter. Alred was driving a Chevrolet pickup in the early morning hours of Dec. 4, 2011 when he hit a tree. His passenger and friend, 16-year old John Dum, was pronounced dead at the scene.

The church requirement is just one of the conditions that Norman placed on Alred's deferred sentence. The judge also ordered him to finish high school and complete welding school. Both Alred's attorney and the victim's family agreed to the terms of the sentence.

Norman said the church requirement is something he has done in the past, especially in child support cases. He has never done it for a manslaughter charge.

Ryan Kiesel, the executive director of the Oklahoma chapter of the ACLU, said the requirement to attend church is a "clear violation of the First Amendment."

"It's my understanding that this judge has recommended church in previous sentences, and I believe that goes too far, as well," Kiesel said. "This, however, actually making it a condition of a sentence, is a clear violation of the Establishment Clause and the Free Exercise Clause of the First Amendment."

Norman said he didn't believe his sentence would pass a legal challenge – but he doesn't believe either side will seek an appeal.

"Both families were satisfied with the decision," Norman said in an interview. "I talked to the district attorney before I passed sentence. I did what I felt like I needed to do."

In order to challenge the constitutionality of the church attendance requirement, an individual or organization must show that it has legal standing to do so. Kiesel said the ACLU is considering what options they have.

"If the court or the district attorney attempts to enforce this requirement, we will look at possible ways to intervene," Kiesel said. "I know the boy agreed to this, but is someone facing a judge in open court really making a voluntary decision? Government officials should not be involved in what is a very personal choice."

The Rev. Bruce Prescott, executive director of the Oklahoma chapter of Americans United for Separation of Church and State, said he is sure the sentence doesn't pass constitutional muster, but he is equally worried about the spiritual ramifications.

"I'm a minister," Prescott said. "I want people to go to church, but it's not helpful for a judge to sentence someone to church. What will the judge do if the young man changes his affiliation in the next few years? Will he be allowed to switch to a mosque or become an atheist? Religion is not a tool of the state, and it's certainly not for the state to use as a tool of rehabilitation."

Norman said he has received phone calls on both sides of his decision.

"One gentleman from Missouri left a message on my phone. He said judges can't order people to go to church. People are calling from all around the country. I live in the Bible Belt, though. The Bible is still alive down here; churches are still open. I'm sure those people are right, but they're going to have to do what they want to do."

Kiesel said he is especially concerned in this case because the judge admits to making a decision he knows is not legal.

"The Constitution is not exercised at your discretion," he said. "You take an oath to uphold it all the time, not just sometimes."