

Great Falls City Commission meeting  
February 1, 2022

I am here to voice my opposition, in the strongest possible terms, to the recommendation made by a city commissioner at the January 18 meeting, to enforce the city's criminal nuisance ordinance against First United Methodist Church for their hospitality towards the unhoused community in Great Falls.

Not only is this recommendation morally repugnant, it is impractical and unconstitutional.

I speak as a private citizen but also as the leader of a faith community, incensed by this blatant attack on the religious freedom guaranteed by the First Amendment. Caring for the poor is and has been the primary sacrament of the Christian faith from its inception, and the right to practice that sacrament cannot be revoked.

This is not, of course, the first time that a city has tried to sidestep the First Amendment in its attempts to prioritize the whims of the comfortable over the needs of the vulnerable. But as was affirmed in the case of Fifth Avenue Presbyterian Church versus the City of New York:

Nothing in First Amendment jurisprudence suggests that burdens placed on the exercise of a church's religious freedoms do not implicate the First Amendment when the government believes that the church could carry out its mission in other ways. It is for the Church, not the government, to decide how the Church exercises its religious beliefs.

The precedent established by the supreme court in *Sherbert versus Verner* is that the government may only infringe on the freedom of religion if it is the *least restrictive way of accomplishing a compelling interest*. If the compelling interest in question is public safety, then the punitive response is not the least restrictive means; it is in fact the least practical. Any definition of public safety that ignores the inherent danger of being unhoused in favor of what is actually the *comfort and profit* of people who are relatively safe is simply political euphemism for an increasingly carceral and alienated society. Public safety must account for the safety of the *entire public*, particularly those who are most vulnerable.

Not only that, but the very real problems of violence and other criminal disturbance are not actually solved by criminalizing the conditions of homelessness.

Study after study shows that providing shelter and support for unhoused people is more effective and far less costly to the taxpayer than criminalizing or ignoring them.

Punishing the church for doing what the city and has failed to do only brushes the true problem under the rug.

It's worth noting that while this recommendation was being made, I and many others were meeting at First United Methodist Church with Rev. Wakeley and several members of the unhoused community there, trying to find both short-term and long-term solutions that affirm that every person has a right to dignity, support, and shelter. I encourage the Commission to collaborate with this group and with Rev. Wakeley in trying to *solve* the issue, rather than trying to make it disappear.

Rev. Stephen Underwood