

Introduction to the Materials

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Rev. Minna Bothwell

January, 2025

These materials were developed to provide guidance and practical resources for navigating the evolving legal landscape affecting faith communities. Rooted in legal research and collaboration with counsel, they equip congregations with policies, protocols, and training tools to ensure preparedness, confidentiality, and the protection of all who enter our spaces. By proactively addressing public vs. private spaces, legal rights, and response procedures, these resources support congregations in faithfully upholding their mission while ensuring safety and adherence to legal standards.

In Christ,

Rev. Minna Bothwell, SEIA Synod, ELCA

Protocols for Staff and Volunteers

Protocols for Staff and Volunteers Engaged in Mission and Ministry

January 2025 - Rev. Minna Bothwell

OVERVIEW & PURPOSE

Training your team on how to respond to immigration-related inquiries, especially given new laws permitting ICE and Homeland Security access to churches, requires intentional preparation and clear communication.

Before proceeding with these steps, if you suspect ICE or Homeland Security is at the door, immediately contact Pastor _____ to determine the appropriate course of action, including identifying who will contact legal counsel.

Here's how to conduct this training to prioritize safety and well-being:

1. Understand the Legal Context

1. Educate on the Law: Provide a summary of the new laws, focusing on what ICE and Homeland Security are allowed to do and what their limitations are within church settings.
2. See Step-by-Step Guide to Verify the Validity of a Judicial Warrant.
 - a. <https://docs.google.com/document/d/1wuho4oKqMXHiO8Cz4Fdoaej4k751Nr2R5N6CHhPB0s/edit?tab=t.0>

2. Clear Entry Protocols

Develop a general policy for all visitors to ensure consistency and fairness:

1. Have volunteers or staff greet all visitors at the door in a warm, non-confrontational manner.
2. Politely ask, "How can we assist you today?" or "What brings you to our ministry today?" This allows you to determine the purpose of their visit naturally.

3. Train Staff and Volunteers

1. Be Friendly but Observant: Volunteers should be trained to identify any visitors acting in an official capacity (e.g., wearing badges, uniforms, or requesting to speak to someone specific).
2. Know Your Rights: Ensure volunteers and greeters understand that:
 - a. ICE agents and Homeland Security need a judicial warrant to enter private, non-public areas of the church.
 - b. Without a valid warrant, they cannot compel entry or access to private areas.
3. **Role-Playing Scenarios:** Practice how to greet someone who might be an agent calmly and confidently.

4. Volunteers and Staff Must Protect the Privacy of Others

1. DO NOT PROVIDE any information about individuals who use our ministry services.
2. DO NOT PROVIDE any information about individuals unless your legal counsel is present.
3. Never ask visitors about their immigration status, as this could create fear and violate trust.
4. Respond to any individual inquiring **"I can't answer that. I need my legal counsel present."**

4. Volunteers and Staff Must Protect the Privacy of Others

5. NOTE: Moving forward, do not share any information about any individual with anyone. These are types of questions someone seeking information may ask. If ANY person asks:
 - a. "Is [name] here right now?"
 - b. "Do you know where [name] lives or works?"
 - c. "When is [name] likely to be at this location?"
 - d. "Oh, I haven't see [so and so] - when were they here last"
 - e. **Say, "I'm sorry I cannot help you with that."**

6. If ANY person asks:
 - a. “What services do you provide here?”
 - b. “Who usually comes to this ministry?”
 - c. “Do you keep records of the people you assist?”
 - d. **Say, “We welcome everyone to participate in our ministry without discrimination. I’d be happy to share general information about our programs.”**
7. If ANY person asks:
 - a. “We’re just here to make sure everything is safe. Can you help us out?”
 - b. “You’re doing great work here—mind if we come in and take a look around?”
 - c. “We want to ensure everyone is protected. Do you know of anyone here who might need our help?”
 - d. **Say, “Thank you for your concern. I’ll need to check with our point person before proceeding. Please wait here.”** Contact Pastor and legal counsel immediately.
8. If ANY person asks:
 - a. “What would you do if you found out someone here was undocumented?”
 - b. “Do you think there are any undocumented people using your services?”
 - c. “How do you handle people who don’t have the proper paperwork?”
 - d. **Say, “We focus on providing services to all without discrimination. We don’t ask about or track immigration status.”**
9. If ANY person asks:
 - a. “Can you confirm this name on our list is part of your ministry?”
 - b. “We have information that [name] might be here. Do you recognize them?”
 - c. “Do you know who drives the [specific car] parked outside?”
 - d. **Say, “I’m sorry, I can’t share any personal information. You’ll need to speak with our legal advisor.”**
10. If ANY person asks:
 - a. “Can you give us a list of people who attended your event?”
 - b. “We’d like to see your visitor log to check something.”
 - c. “Do you have any records we can review quickly?”
 - d. **Say, “Our records are private, and I’m unable to share them without proper authorization.”**

Tips for Handling Tricky Questions

1. Stay Calm and Polite: Maintain a neutral tone to avoid escalating the situation.
2. Refer to Policies: Use statements like, ***“It’s our policy not to share that information without authorization.”***
3. Do Not Guess or Speculate: If you’re unsure, say, ***“I’m not able to answer that. Let me refer you to someone who can help.”***
4. Do not volunteer information
5. Direct to Legal Counsel: If pressured, say, ***“I’m not authorized to provide that information. Please wait while I contact our legal counsel.”***

5. Communicate Boundaries Clearly

1. If the individual does not have a valid judicial warrant, kindly explain:
2. ***“We welcome all visitors to our public spaces. However, access to other areas of our church requires proper authorization. If you need further assistance, I can connect you with our legal advisor.”***

6. Verify Official Capacity

1. If someone identifies as an ICE agent or another government official:
2. Ask for Identification: Politely request to see their badge and credentials.
3. Say something like: ***“May I see your identification and credentials so I can verify your visit?”*** Immediately inform them ***“Please remain outside as this is private property. I will contact our legal advisor to connect with you.”***

Guide to Verify Valid Judicial Warrant

Step-by-Step Guide to Verify the Validity of a Judicial Warrant

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OVERVIEW & PURPOSE

If ICE or Homeland Security agents present a warrant, follow these steps to confirm its authenticity before granting access:

Before proceeding with these steps, contact Pastor _____ immediately to determine the appropriate course of action, including identifying who will contact legal counsel.

1. Ask to See the Warrant

1. Politely request the warrant and ensure you have it in hand to review.
2. Do not allow entry or consent to a search until you verify its validity.
 - a. *“This is private property, we need to verify this warrant with legal counsel before granting entry.”*
3. Do not allow entry for any reason until you are sure the warrant meets all legal requirements.
 - i. *As a citizen, you have the legal right to verify a warrant before allowing law enforcement, including ICE or Homeland Security, to enter private property. This right is protected under the Fourth Amendment to the United States Constitution, which safeguards against unreasonable searches and seizures. You are allowed to take a reasonable amount of time to do so.*

2. Contact Legal Counsel

1. Immediately share a copy of the warrant with your legal team or an immigration attorney.
2. They can confirm whether the warrant is valid and provide guidance on how to

proceed.

3. If legal counsel is unavailable, proceed with the next steps while continuing efforts to establish contact with legal counsel.

3. Verify That It's a Judicial Warrant

1. Check the title at the top of the document. A valid judicial warrant will typically say, "United States District Court" or a similar judicial authority.

Federal vs. State Warrants

- a. Federal Warrants: Typically more uniform and issued by U.S. District Courts.
 - b. State Warrants: Issued by state or local courts and may reflect regional legal practices.
2. Administrative warrants, such as Form I-200 or I-205, are issued by ICE and do not grant the right to enter private property without consent. These documents are not sufficient for entry.
 3. **UPDATE 1/28/25** - ICE warrants are not judicial warrants. ICE may show up with "arrest warrants" for clients. It may be useful to know that these are administrative warrants, NOT judicial warrants. They cannot be used to justify entry into a home/private property, but of course that does not preclude enforcement in public places. If ICE says they have a warrant for your client, see if they will show it to you and let you take a copy. Try to confirm that the name is actually your client's and the form is properly completed. This requires legal counsel.

4. Confirm the Signature

1. Look for the signature of a judge or magistrate. A valid judicial warrant must be signed and dated by a federal or state judge.
 - a. <https://www.iowacourts.gov/iowa-courts/district-court/judicial-district-5/judges-and-magistrates>
 - b. <https://www.iasd.uscourts.gov/judges>
2. Warrants signed by ICE agents or other administrative personnel are not valid for entry onto private property.

5. Ensure the Warrant is Specific

1. Verify that the warrant includes:
 - a. The correct name of the property (e.g., the name of your church).
 - b. The exact address where enforcement is authorized.
2. If the name or address does not match your church, the warrant is invalid for your property.

6. Check for a Description of the Search

1. A judicial warrant must specify the purpose of the search (e.g., specific individuals, documents, or property).
2. If the warrant is overly broad or vague, it may not be enforceable.

7. Take a Copy of the Warrant

1. Request a copy of the warrant for your records.
2. If they refuse to provide a copy, document this refusal and do not permit entry until you can verify the warrant through other means.

8. Politely Delay Until Verification

1. Again, if there is any doubt about the warrant's validity, inform the agents: *"This is private property we need to verify this warrant with legal counsel before granting entry."*
2. Do not physically obstruct entry, but calmly and firmly maintain your position.
3. If possible, safely take video, recording, or photos of the interaction.

Sample Email for Ushers

Subject: Important Resources for Ushers - Honoring the Sanctity of Worship

Dear Ushers,

Sunday mornings are a sacred time in the life of our congregation—a time when we gather to worship, to pray, to find refuge in God's presence, and to welcome all who seek belonging in our community. Your role as ushers is not just about hospitality; it is a ministry of **presence, care, and protection**. You help create a space where all can worship freely, without fear or disruption. Thank you.

In light of this, I am sharing important **resources I have created for congregational use** to ensure that our sanctuary remains a place of peace and safety - as the Trump administration has **revoked previous policies that limited immigration enforcement actions at sensitive locations** such as schools, churches, and hospitals. These resources have been created **in consultation with legal counsel** and offer direction on how to navigate various situations with **wisdom, discretion, and faithfulness**. I ask that you take the time to review them and commit to upholding the **sanctity of our worship** by being prepared and aware.

Given this additional responsibility, I am **removing all volunteers under the age of 18 from serving as ushers** on Sunday mornings. However, our youth are still encouraged to actively participate in worship by serving as **acolytes, lectors, and communion assistants**.

On Sunday mornings, our **sanctuary, narthex, and fellowship hall** function as **public spaces** while worship is in session (First Amendment), meaning anyone may enter those specific areas during our open hours. Because of this, it is important to **remain calm and engage respectfully** should law enforcement, ICE, or Homeland Security arrive at our doors. However, the **rest of the church remains private property** (First and Fourth Amendment) at all times, including **classrooms, offices, administrative areas, record-keeping spaces, and storage areas**. They will be marked as such. Entry into these private areas **requires a valid judicial warrant** signed by a judge. If approached by any official requesting access, please follow the protocols outlined in our resources.

During worship specifically, if any law enforcement, ICE, or Homeland Security officials approach, **do not volunteer any information** about individuals, our property, or our records. Follow the provided guidelines on how to respond appropriately. While we **cannot prevent them from entering** our public spaces during worship, I trust that you will **ask them to wait outside** while you notify an authorized individual to speak with them.

This means that you will **calmly inform me**, allowing me to finish the portion of the service I am leading. At that point, I will discreetly signal Ben to play a few hymns while I step away to handle the situation. Your presence, composure, and attentiveness are vital in ensuring that we uphold both the sanctity of worship and the care of our community.

If **ICE, Homeland Security, or local law enforcement** choose not to wait outside, **ask them to remain in the narthex** to prevent unnecessary alarm. If they refuse, an usher should immediately proceed to the **Play & Pray area and the Nursery** to serve as a **calm**

presence. The **nursery is private property** and **requires a judicial warrant for entry.** If I see them entering the worship space, I will **ask the congregation to remain calm and seated** while I speak with them. **De-escalation is our top priority**, and maintaining a sense of **peace and order** is essential in any interaction.

Our faith calls us to be both **welcoming and watchful**, ensuring that those who enter our doors do so in a spirit of peace and respect. We are entrusted with people's **deepest joys and heaviest sorrows**, and it is our sacred responsibility to honor that trust with **compassion, care, and faithfulness.** As we live into this calling that God has placed upon us, we must also remain **mindful of our rights**, ensuring that we can continue to serve and protect our community with wisdom and integrity.

Thank you for your willingness to serve in this sacred role. Please let me know if you have any questions or would like to discuss these resources further. If you are **unable** to commit to following the guidelines outlined **in this email and our protocols**, please contact me as soon as possible so we can discuss any concerns or questions you may have.

Protocols for Staff and Volunteers Engaged in Mission and Ministry:

https://docs.google.com/document/d/1Vg2hIh6f3uJFz_Sk-tjuMJJU3MnNCNXvJOmEQEbVQRw/edit?tab=t.0#heading=h.pxra3vy9lrn4

Shareable - Step-by-Step Guide to Verify the Validity of a Judicial Warrant:

https://docs.google.com/document/d/1wuho4oKqMXHiO8Cz4Fdoaej4k751Nr_2R5N6CHhPB0s/edit?tab=t.0#heading=h.807s8d5wplxs

Sample Email for Youth Staff and Volunteers

Subject: Youth Volunteers and Staff - PLEASE read - Important Guidance for Sunday Morning: Ensuring Safety & Privacy

Dear Youth Education Volunteers and Staff,

Although the situation outlined below is unlikely, I want to be proactive in ensuring our volunteers and staff are prepared.

Sunday mornings are a sacred time in the life of our congregation—a time for worship, learning, and building community. Your role in shaping and guiding our youngest members is invaluable, not only in teaching faith but in creating an environment of safety, belonging, and trust. Thank you for your commitment to this essential ministry.

In light of recent legal changes under the Trump Administration—including the revocation of protections for sensitive locations such as churches, schools, and hospitals—I am sharing important resources to help us navigate these realities with care and wisdom. These materials, created in consultation with legal counsel, provide clear guidance on how to respond if law enforcement, ICE, or Homeland Security were to arrive at our church. I ask that you review them carefully.

Privacy & Confidentiality

As a church, we are primarily private property. To protect the privacy of those we serve (under the First, Fourth, and Fifth Amendments), I ask that all volunteers and staff refrain from sharing any information about our members and guests under any circumstances—whether inside the building, in the parking lot, or in conversation with each other. The trust placed in us is sacred, and our Christian responsibility calls us to safeguard it without discrimination. Please continue to be thoughtful in your conversations.

We have a trained team of volunteers and staff who are authorized to respond should such a situation arise. You are not responsible for engaging in any dialogue. If approached, simply state: **"I am not authorized to share information with you."**

Public vs. Private Spaces & Our Response

While our **sanctuary, narthex, and fellowship hall** are considered public spaces during worship hours, the rest of our church—including the **nursery, classrooms, offices, administrative areas, and storage spaces**—remains private property at all times. Entry into these areas requires a valid **judicial warrant signed by a judge** (under the First and Fourth Amendments). These spaces will be clearly marked.

Protecting Our Children & Youth Spaces

If officials enter our worship space beyond the narthex on a Sunday morning, an usher will immediately go to the **Play & Pray area and Nursery** to be a calm presence and inform you. The nursery is private property and requires a judicial warrant for entry.

Ushers have been trained to first **invite officials to remain outside the building or in the narthex.** Ushers will ensure that I am notified immediately, as I am the authorized

person for next steps. All youth have been removed from usher duties at this time.

Your role remains focused on providing care, a calming presence, safety, and hospitality to our young ones. Thank you for your attention to these matters and for your ongoing dedication to this ministry. Again, this is extremely unlikely. I simply want to be as proactive as possible.

If you have any questions, please do not hesitate to reach out.

Here is a link to a document I have created for congregations to use with their staff and volunteers. Please review this document so you are aware of the procedures that our trained volunteers and ushers will navigate should a situation arise.

Protocols for Staff and Volunteers Engaged in Mission and Ministry:

https://docs.google.com/document/d/1Vg2hIh6f3uJFz_Sk-tjuMJJU3MnNCNXvJOmEQEbVQRw/edit?tab=t.0

You can review "Know Your Rights" on the ilrc.org site.

Example - Private and Public Spaces Policy

[Capitol Hill Lutheran Church] Public and Private Spaces Policy **[address here]**

Purpose

The purpose of this policy is to clearly define the areas of Capitol Hill Lutheran Church located at [address here] — that are considered public versus private spaces, ensuring the safety, confidentiality, and well-being of our congregation, staff, volunteers, and those we serve. This policy also outlines the procedures for access and the legal protections applicable to different areas of the church property.

Definitions

- **Public Spaces** – Areas that are open and accessible to the public during designated times, such as worship services and community events.
- **Private Spaces** – Areas that are restricted to authorized individuals, including church staff, volunteers, and designated personnel. Entry into these areas requires explicit permission and, in certain cases, legal authorization.

Public Spaces

The following areas are designated as public spaces during worship hours and designated community events:

- Sanctuary 9:30am - 11:30am, every Sunday morning
- Narthex/Lobby - 9:30am - 11:30am, every Sunday morning
- Fellowship Hall - 9am - 10am, every Sunday morning
- Restrooms in Public Areas - accessible to those attending worship from 9am - 11:30am every Sunday morning
- Church Grounds and Parking Lot - accessible to those attending worship 9:30 am - 11:30am every Sunday morning

While these areas are open to the public during worship, church leadership reserves the right to manage access as needed for safety, security, and the well-being of the congregation.

Private Spaces

The following areas are designated as private spaces at all times, requiring prior authorization or an invitation for entry. In some cases, access may also require a

background check:

- Church and Staff Offices
- Classrooms (including Sunday School Rooms)
- Nursery and Play & Pray Areas
- Administrative, Mission and Storage Areas
 - Clothing Closet and Clothing Closet Storage Rooms
 - Urban Bicycle Food Ministry Storage Rooms
 - Mission and Education Hallways
 - Lower Apartment and All Lower Storage Rooms
 - Attic
- Kitchens (when not in use for worship breakfast)
 - Women's Lounge/Restroom and Men's Restroom near the Fellowship Hall
- Meeting Rooms (unless designated for open events)
 - Gathering Room
 - Memorial Lounge
 - Chapel
- Areas where pastoral care, counseling, or confidential meetings occur
- All Restrooms (not located outside of the sanctuary)
- Sanctuary Restrooms (unless designated for open events outside of Sunday morning worship)
- Fellowship Hall (unless designated for open events outside of Sunday morning worship)

Access to Private Spaces

- Only authorized staff, volunteers, or individuals with specific permission may enter private spaces.
- Law enforcement or any government officials seeking entry into private areas must present a **judicial warrant signed by a judge**. Staff and volunteers are not authorized to grant access without consulting church leadership and legal counsel first.
- Private areas will be clearly marked with appropriate signage indicating restricted access.

Confidentiality & Privacy

- Staff and volunteers are expected to maintain confidentiality regarding the individuals they serve. No personal information about members, visitors,

- or program participants should be shared without explicit consent.
- Conversations regarding sensitive topics should take place in private areas whenever possible to protect confidentiality.

Enforcement & Compliance

- Certain ushers and designated security volunteers will be responsible for monitoring access to private areas during worship and events.
- If unauthorized individuals attempt to access private areas, they should be politely directed to remain in public spaces.
- Any concerns regarding access violations should be reported immediately to church leadership.

Conclusion

This policy reflects [Church Name]'s commitment to creating a welcoming, secure, and respectful environment for all who enter our space. By designating public and private areas, we seek to balance hospitality with the need for confidentiality, safety, and order.

For questions or further clarification, please contact [Church Leadership Contact Information].

Approved by: [Church Council/Pastor/Leadership Team]

Date of Approval: [Date]

Research References and Resources

Rev. Minna Bothwell
January 2025

First Amendment: *U.S. Const. amend. I.*

"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."

Fourth Amendment: *U.S. Const. amend. IV.*

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Fifth Amendment: *U.S. Const. amend. V.*

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

How do we understand the First Amendment of the U.S. Constitution to be interpreted and applied in Iowa?

In Iowa, the interpretation of the First Amendment concerning church buildings has been shaped by both state legislation and legal challenges. The First Amendment of the U.S. Constitution prohibits laws "respecting an establishment of religion, or prohibiting the free exercise thereof." Similarly, the Iowa State Constitution, Article I, Section 3, states: "The General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

publications.iowa.gov

In 2024, Iowa enacted the Religious Freedom Restoration Act (RFRA), which

prevents state and local governments from infringing on Iowans' religious freedoms without a compelling governmental interest.

iowapublicradio.org

In Iowa, church buildings are generally considered private property. This designation allows religious institutions to exercise control over their premises, including restricting access and managing activities within their facilities. For instance, some churches have displayed signs indicating that agencies like Immigration and Customs Enforcement (ICE) are not permitted to enter without proper authorization, emphasizing their private property rights. (my signs!)

iaumc.org

However, the classification of church properties can become complex when they are used for activities beyond traditional religious services. The Iowa Civil Rights Commission has, at times, interpreted that when churches engage in non-religious activities open to the public—such as operating daycare centers or hosting public events—they may be considered public accommodations. This interpretation subjects them to state anti-discrimination laws, particularly concerning sexual orientation and gender identity. Such applications have led to legal challenges from churches asserting that these interpretations infringe upon their First Amendment rights.

wagenmakerlaw.com

Therefore, while church buildings in Iowa are primarily private property, their classification can shift depending on the nature of the activities they host. Engaging in public, non-religious functions may subject them to additional legal obligations under state law.

These developments highlight the ongoing balance Iowa seeks between upholding anti-discrimination protections and safeguarding religious freedoms within church facilities.

Generic [English] Private Property Notice

WELCOME!



PRIVATE PROPERTY NOTICE

**THIS CHURCH IS PRIVATE PROPERTY.
ACCESS RESTRICTED TO AUTHORIZED
INDIVIDUALS ONLY.**

Generic [Spanish] Private Property Notice

¡BIENVENIDOS!



AVISO DE PROPIEDAD PRIVADA

ESTA IGLESIA ES PROPIEDAD
PRIVADA. EL ACCESO ESTÁ
RESTRINGIDO SOLO A PERSONAS
AUTORIZADAS.