



1 CALIFORNIA STATE ADVISORY COMMITTEE

2 TO THE

3 U.S. COMMISSION ON CIVIL RIGHTS

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9 THE CALIFORNIA STATE ADVISORY COMMITTEE

10 BRIEFING TO THE

11 U.S. COMMISSION ON CIVIL RIGHTS

12 ON RELIGIOUS ACCESS AND ACCOMMODATION

13 IN FACILITIES OF INCARCERATION

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15  
16  
17 Friday, March 23, 2007

18 10:08 A.M.

19  
20 300 North Los Angeles Street

Conference Room 8529, 8th Floor

21 Los Angeles, California 90012-3308

1 A BRIEFING OF THE CALIFORNIA STATE ADVISORY  
2 COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS  
3 ON RELIGIOUS ACCESS AND ACCOMMODATION IN FACILITIES OF  
4 INCARCERATION, before ANNE E. STAPLES, Certified  
5 Shorthand Reporter for the State of California, with  
6 principal office in the County of Los Angeles, commencing  
7 at 10:08 A.M., Friday, March 23, 2007, at 300 North  
8 Los Angeles Street, Conference Room 8529, 8th Floor, Los  
9 Angeles, California.

10 \* \* \*

11 COMMITTEE APPEARANCES:  
12

Gail I. Heriot  
13 CHAIRPERSON  
San Diego

14  
James A. Bolton  
15 Altadena  
16 Sharon L. Browne  
Sacramento

17  
Jack Citrin  
18 Berkeley  
19 John L. Dodd  
Tustin

20  
Marc L. Dollinger  
21 Mill Valley  
22 Percy Duran  
Los Angeles

23  
Thomas J. Gray  
24 Los Angeles  
25 Lance T. Izumi  
Sacramento

1 COMMITTEE APPEARANCES (CONTD.):

2  
3 Manuel S. Klausner  
4 La Jolla  
5 Sanford A. Lakoff  
6 La Jolla

7 Leonard Mitchell  
8 Santa Monica  
9 Hon. Velma K. Montoya  
10 Los Angeles

11 Sharon Ku'uipo Paulo  
12 Los Angeles  
13 Matthew A. Rosenthal  
14 Studio City

15 Maimon Schwarzschild  
16 San Diego

17 SUPPORT STAFF:

18 Thomas V. Pilla  
19 Civil Rights Analyst

20 Angelica Trevino  
21  
22  
23  
24  
25

I N D E X

|    |  |      |
|----|--|------|
| 1  |  | Page |
| 2  | OPENING STATEMENT  | 5    |
| 3  | Gail Heriot, Chairperson                                     |      |
| 4  | PRESENTATIONS  |      |
| 5  | Matthew C. Kramer  | 10   |
|    | Warden Folsom State Prison                                   |      |
| 6  | California Department of Corrections<br>and Rehabilitation   |      |
| 7  | Vince Colavitti  | 43   |
| 8  | Restorative Justice<br>Archdiocese of Los Angeles            |      |
| 9  | Tim Chandler   | 49   |
| 10 | Alliance Defense Fund  |      |
| 11 | Lt. Casey Bald<br>Operations, Central Jail                   | 63   |
| 12 | Los Angeles County Sheriff's Department                      |      |
| 13 | Sgt. Randy Zempel<br>Los Angeles County Sheriff's Department | 64   |
| 14 | Father Dennis Grabrian                                       | 89   |
| 15 | Regional Chaplaincy Administrator,<br>Western Region         |      |
| 16 | Federal Bureau of Prisons                                    |      |
| 17 | Karen Milam<br>Southern California Director                  | 105  |
| 18 | Pacific Justice Center                                       |      |
| 19 | Affad Shaikh<br>Council on American Islamic Relations        | 108  |
| 20 | Bhante Suhita Dharma   | 115  |
| 21 | Buddhist Peace Fellowship<br>Transformative Program          |      |
| 22 | OPEN SESSION   |      |
| 23 | Stuart Beckman   | 156  |
| 24 | Freedom From Religion Foundation                             |      |
| 25 | CLOSING STATEMENT  | 164  |
|    | Gail Heriot, Chairperson                                     |      |

1 LOS ANGELES, CALIFORNIA; FRIDAY, MARCH 23, 2007;

2 10:08 A.M.

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4 THE CHAIRPERSON: Ladies and gentlemen, this  
5 meeting of the California Advisory Committee to the  
6 United States Commission on Civil Rights will now come to  
7 order.

8 I am Gail Heriot, chairman of the California  
9 Advisory Committee.

10 The Commission on Civil Rights is an independent  
11 agency of the United States Government established by  
12 Congress in 1957 and directed to, number, one,  
13 investigate complaints alleging that citizens are being  
14 deprived of their right to vote by reason of their race,  
15 color, religion, sex, age, handicap, or national origin,  
16 or by reason of fraudulent practices;

17 Number two, study and collect information  
18 concerning legal developments constituting discrimination  
19 or denial of equal protection of the laws under the  
20 Constitution because of race, color, religion, sex, age,  
21 handicap, or national origin, or in the administration of  
22 justice;

23 Number three, appraise federal laws and policies  
24 with respect to discrimination or denial of equal  
25 protection of the laws;

1 Four, serve as a national clearinghouse for  
2 information about discrimination; and submit --

3 And, five, submit reports, findings, and  
4 recommendations to the President and to Congress.

5 Advisory committees were established in each  
6 state and the District of Columbia in accordance with  
7 enabling legislation and the Federal Advisory Committee  
8 Act to advise the Commission on matters pertaining to  
9 discrimination or denials of equal protection of the laws  
10 because of race, color, religion, sex, national origin,  
11 age, handicap, or in the administration of justice and to  
12 aid the Commission -- the Commission in its statutory  
13 obligation to serve as a national clearinghouse for  
14 information on those subjects.

15 Commission regulations and the  
16 Federal Advisory Committee Act call for each advisory  
17 committee to do the following things:

18 Number one, advise the Commission in writing of  
19 any information it may have respecting any alleged  
20 deprivation of citizens' right to vote and to have their  
21 vote counted by reason of color, race, religion, sex,  
22 national origin, age, or disability, or that citizens --  
23 whether citizens are being accorded or denied the right  
24 to vote in federal elections as a result of patterns or  
25 practices of fraud or discrimination;

1           Number two, advise the Commission concerning  
2 legal developments constituting discrimination or a  
3 denial of equal protection of the laws under the  
4 Constitution because of race, color, religion, sex,  
5 national origin, age, or disability or in the  
6 administration of justice and as to the effect of the  
7 laws and policies of the federal government with respect  
8 to equal protection of the laws;

9           Three, advise the Commission upon matters of  
10 mutual concern in the preparation of reports of the  
11 Commission to the President and the Congress;

12           Four, receive reports, suggestions, and  
13 recommendations from individuals, public and private  
14 organizations, and public officials about matters  
15 pertinent to inquiries conducted by the State Advisory  
16 Committee;

17           Five, initiate and forward advice and  
18 recommendations to the Commission about matters that the  
19 State committee has studied;

20           And, six -- and last of all here -- assist the  
21 Commission in the exercise of its clearinghouse function.

22           The purpose of this meeting today is to obtain  
23 information and public comment on prisoners' access to  
24 religious services, accommodation for inmates' religious  
25 preferences and needs, prison administrators' policies



1 for faith-based and other religious organizations to  
2 provide secular programs and services, and the ability of  
3 departments of corrections to maintain security and order  
4 while accommodating prisoner requests for religious  
5 accommodation.

6 The information collected at this meeting will  
7 be submitted to the United States Commission on Civil  
8 Rights for use in the statutory report to Congress on  
9 religious accommodation for inmates in prisons.

10 Other members of the California Advisory  
11 Committee are Luis A. Alejo; James A. Bolton;  
12 Sharon L. Browne; Jack Citrin; John L. Dodd;  
13 Marc L. Dollinger; Percy Duran, Thomas J. Gray;  
14 Lance T. Izumi; Manuel S. Klausner; Sanford A. Lakoff;  
15 J. Al Latham, Jr.; Leonard Mitchell; Velma K. Montoya;  
16 Sharon --

17 Oh, dear, Sharon. I've forgotten how to  
18 pronounce it already.

19 MS. KU'UIPO PAULO: "K" is fine.

20 THE CHAIRPERSON: Sharon K. Paulo;  
21 Matthew A. Rosenthal; and Maimon Schwarzschild.

22 This meeting is being held pursuant to federal  
23 rules applicable to state advisory committee --  
24 committees and regulations promulgated by the  
25 United States Commission on Civil Rights. All requests

1 regarding these provisions should be directed to  
2 Commission staff.

3 I would like to empathize that this is a  
4 briefing and not an adversarial proceeding. Individuals  
5 have been invited to come and share with the Committee --  
6 with the Committee information relevant to the subject of  
7 today's inquiry. Each person who will participate has  
8 voluntarily agreed to meet with the Committee.

9 Since this is a public meeting, the press and  
10 radio and television stations, as well as individuals,  
11 are welcome. I don't see anybody from television or  
12 radio here, but I've been told that I should point out  
13 that the persons meeting with this Committee may  
14 specifically request that they not be televised, just in  
15 case someone shows up here with a television camera; and  
16 we will comply with that request, if made.

17 We have allocated time to hear from anyone who  
18 wishes to share specific information with the Committee  
19 about the specific issues under consideration. At the  
20 time each person or organization will be afforded a brief  
21 opportunity to address the Committee, and those wishing  
22 to participate in the open session should contact the  
23 Commission staff.

24 In the event that we are not able to hear from  
25 you in the open session, the record of this meeting will

1 remain open for a period of 30 days following its  
2 conclusion today.

3 The Committee welcomes additional written  
4 statements and exhibits for inclusion in the record.  
5 These items should be submitted to the Western Regional  
6 Office of the United States Commission on Civil Rights  
7 here at 300 North Los Angeles Street in Suite 210. The  
8 zip code here is 90012.

9 Any member of the Commission staff should be  
10 able to assist you in the process for submitting  
11 information.

12 Let us now proceed. I've got the schedule here  
13 which tells us that our first witness will be  
14 Matthew C. Kramer, warden of the Folsom State Prison.

15 Mr. Kramer.

16 MR. KRAMER: Good morning, Madam Chairperson.  
17 It's a pleasure -- and chair members -- it's a pleasure  
18 to be here before you today and share with you the  
19 Department of Corrections and Rehabilitations program  
20 that we have on religious services in the agency.

21 For the record, do I need to identify myself?

22 THE CHAIRPERSON: Yes, could you, please.

23 MR. KRAMER: My name is Matthew Kramer. I am  
24 currently the warden of Folsom Prison. I'm also a member  
25 of what we have in the agency is the Warden's Advisory

1 Committee on Religious Programs, which reports to the  
2 agency secretary. With me --

3 MR. NOUJAIM: I'm Karim Noujaim, N-o-u-j-a-i-m.  
4 I'm an associate warden at Folsom Prison, and I oversee  
5 the religious programs at Folsom Prison.

6 THE CHAIRPERSON: You can proceed, Mr. Kramer.

7 MR. KRAMER: Thank you.

8 One of the major goals of the Department of  
9 Corrections and Rehabilitation is a successful  
10 reintegration of inmates into society, and these goals  
11 start well before the inmate paroles.

12 We truly believe that a part of this goal is to  
13 have a strong religious program which helps achieve the  
14 inmate -- the inmate reentering into society.

15 We also have a goal to comply with the  
16 Religious Land Use and Institutionalized Persons Act of  
17 2000, referred to as RLUIPA.

18 We recognize that in the religious programs --  
19 that we can develop these religious programs in the  
20 prison, and inmates have an opportunity to participate in  
21 these religious programs.

22 We hope to develop better life skills that will  
23 provide a foundation for when they parole. Many  
24 religious programs -- unlike some of the other programs  
25 that we have in the prison, there is also a foundation

1 and a program available for them once they parole and hit  
2 the streets and they have some -- some assistance.

3 And we found from studies that have been done by  
4 UCLA and San Diego that that parole assistance is key in  
5 somebody not getting back into the prison system.

6 In the California Department of Corrections and  
7 Rehabilitation, we have over 172,000 inmates, which is  
8 about double our designed capacity, which is something  
9 that does create a problem for us in meeting all types of  
10 programs that we have available consistent with the size  
11 and the number of inmates in the prison.

12 We have 33 prisons, and we have 39 camps and  
13 community correctional facilities. In each one of the  
14 prisons, we have a chaplain -- a chaplaincy, which  
15 includes a Protestant, a Catholic, a Native American, a  
16 Jewish, and a Muslim chaplain.

17 These positions are either full time or  
18 part-time depending upon the size of the prison. In some  
19 cases where we have vacancies, we may share between  
20 prisons especially in locations where they may have to  
21 share a chaplain while we either have a vacancy or just  
22 because of the size of the prison in order to provide the  
23 religious services.

24 Excuse me for a minute. I assume that we -- we  
25 sent a letter in from the agency to Mr. Tom Pilla dated

1 March 8. So I'm assuming that this memo that talks about  
2 our religious programs is available to the chair and the  
3 members.

4 MR. CITRIN: Yes.

5 MR. KRAMER: Thank you.

6 In response to the issues that were raised that  
7 we're asked to address today, it is -- it is the policy  
8 of the department -- and in order to comply with Penal  
9 Code -- California Penal Code Section 5009 to provide  
10 religious and spiritual welfare to the inmate population.

11 We do this to the extent possible in programming  
12 so long as the religious activities do not pose a threat  
13 to the safety or security of the prison or the other  
14 inmates.

15 I would like to talk about two different areas  
16 that we have in the program -- in our religious programs:

17 One is more the mainstream religious programs.  
18 We talked about the chaplaincies that we have available,  
19 and we talked about the different groups of chaplains  
20 that we have available.

21 In addition to the chaplains, we have  
22 approximately 11,000 volunteers throughout the prison  
23 system that provide a wide variety of both religious and  
24 program services to the inmate population.

25 Most of these volunteers work hand in hand with

1 the chaplains in providing both the mainstream and the  
2 nonmainline religious services.

3 In talking first about the mainstream religious  
4 programs that we have, we talked about the overcrowding  
5 and, of course, the space in the chapel. It's always a  
6 challenge for the chaplains, then, to try to balance the  
7 space available with the number of inmates in the system  
8 to see that they can get on some type of a rotating  
9 basis, if necessary, to be able to attend the religious  
10 services that are available in the chapel -- also to  
11 accommodate the denominations.

12 One of the emerging issues that we have with the  
13 religious groups now is wanting to have their own  
14 denomination -- secular denomination groups and not  
15 necessarily participate with the other denominations.

16 An example -- an example of that is we have some  
17 problems between -- in the Muslim population between the  
18 Sunni and Shi'ites who want to have their own space, have  
19 their own areas and not necessarily practice at the same  
20 time in the same -- at the same place.

21 So our chaplains are -- our Muslim chaplain is  
22 finding a way that they can have different areas of the  
23 chapel or different times that they can come in and  
24 practice their religious faiths.

25 So those are some of the issues that -- and the

1 challenges that we face in the regular mainstream.

2 Other areas that we have -- we talked about is  
3 having the volunteers and having participating  
4 faith-based traditional programming for inmates, and  
5 that's their biggest systems for us in having programs.

6 For example, Rick Warren has a  
7 Celebrate Recovery program, that he has quite a few  
8 inmates at several different prisons that are  
9 participating and these are providing, with volunteers,  
10 AA, NA, Breaking Barriers, anger management, job-training  
11 skills, that are available to the inmate population as a  
12 faith base.

13 In addition, we have at Folsom reentered into a  
14 faith-based reentry program which is Alpha, which is also  
15 finding some of these safe programs that are available to  
16 the inmate populations.

17 And, again, the challenge that we have to work  
18 here -- work on is to make sure that these programs are  
19 available to the entire inmate population and not just  
20 those that may share the same faith-based group that is  
21 sponsoring the program.

22 But it's our -- our requirement that we may  
23 establish these programs in the prison system that it has  
24 to be available to the entire inmate population that  
25 meets the requirements to participate in this type of a



1 program.

2           The other areas that we're -- that we're -- that  
3 we're having compliance issues and some of the challenges  
4 we're facing besides the overcrowding, the space issues,  
5 is the Wiccans, the Druids, and the groups of that nature  
6 in providing assistance and providing space at Folsom.  
7 We actually have an area that they can practice their  
8 religious -- religious beliefs.

9           What we're having some issues with is, under  
10 RLUIPA, is defining -- defining the religious practices.  
11 We don't have these groups, the pagan-type groups, that  
12 all agree as to exactly what type of programs that they  
13 want to have available to them.

14           And we try to accommodate those that have a  
15 legitimate -- what appears to be a legitimate religious  
16 belief in practicing these activities as opposed to those  
17 that we've had problems.

18           And what you'll have is prison gangs and street  
19 gangs that will come and file petitions that they also  
20 want to have the opportunity to practice under the act  
21 and have their time that they can get together and come  
22 up with an ability to -- what we consider, is taking  
23 advantage of the religious act and being able to form  
24 their own gang activities and participate in gang  
25 activities under the guise of the religious program

1 within the prison system.

2 Those are some of the challenges that we're  
3 facing in the state of California and also at  
4 Folsom Prison.

5 So at this point, I'd like to open it up to any  
6 questions that you have.

7 (Telephonic Interruption.)

8 MS. KU'UIPO PAULO: Sorry.

9 MR. DURAN: What is the recidivism rate of the  
10 normal prison population?

11 MR. KRAMER: Overall in California, it's about  
12 68 -- probably about 68 to 70 percent recidivism rate.

13 MR. DURAN: And based on the religious  
14 opportunity -- you indicated UCLA and San Diego are doing  
15 studies to try to see if, in fact, there's any difference  
16 between the normal population and those involved in  
17 religion activity -- have you been able to --

18 MR. KRAMER: We've -- we've had some  
19 preliminary -- we've had some preliminary studies back,  
20 and what we found is those programs -- those programs  
21 that have kind of a life-changing lifestyle available to  
22 them that they can participate in anger management-type  
23 programs, that they can participate in AA, NA-type  
24 programs. Basically it's life skills, that we make these  
25 available to the inmates.

1           And I haven't seen it statistically, but I  
2 certainly believe that they are involved in the  
3 religious -- that they do get involved in a religious  
4 activity and if they continue that -- and if they  
5 continue that in the parole out, that that is an  
6 assistance to them.

7           And they found -- some of the studies show that  
8 we can lower by about 10 to 15 percent those that --  
9 those that successfully complete programs in the prison  
10 and then continue on in some type of parole program  
11 assistance after that.

12           MR. GRAY: You're talking about religious  
13 programs.

14           What about just a straight nondenominational  
15 AA or NA? It's my understanding that these programs in  
16 prisons have been substantially cut back because of lack  
17 of funding, and I guess the first thing would be to ask  
18 is that true?

19           MR. KRAMER: I would say they -- they have been  
20 cut back proportionately. The programs are there, but  
21 the inmate population has increased faster than we've  
22 been able to put these programs on the line.

23           A lot of these AA, NA programs are sponsored by  
24 the volunteers. Some of these programs are religious  
25 faith-based. Some of them are not. Most of them, in

1 fact, are not. Most of them are brought in -- we bring  
2 in from outside groups that sponsor the AA, NA-type  
3 programs in the prison system.

4 MR. DURAN: I'm specifically thinking of clients  
5 that I've had in Soledad, and they told me that programs  
6 are just plain not available.

7 Now, if that's the situation, if they don't have  
8 a nondenominational program available, would somebody  
9 have to go and do a religious-oriented program to get the  
10 AA or the NA help?

11 MR. KRAMER: We would -- we would try to provide  
12 both depending on what's available and what's available  
13 in the community at the prison.

14 Right now we do -- we have a -- not a  
15 religious-based -- program that we're trying to set up at  
16 Folsom that will include those programs; but we also have  
17 AA, NA-type volunteers that do come in and provide the  
18 service to the inmate population as well. We certainly  
19 have it available.

20 Now, to the extent that whether the inmates can  
21 participate at Soledad, I'm not quite familiar with the  
22 specific programs that they have at Soledad at this time.

23 MR. DURAN: Well, speaking about what's  
24 happening at Folsom, if an inmate wants to go to AA once  
25 or twice a week, can he do that, or is he limited to

1 maybe once a month?

2 MR. KRAMER: We have it on a weekly basis. We  
3 have AA and NA programs available on a normal-programing  
4 basis, on a weekly basis at Folsom Prison.

5 MR. DURAN: But what I'm saying is specifically,  
6 if I'm an inmate and I decide that I really want to go at  
7 least once a week, am I going to be able to do that or am  
8 I going to be told that I'm -- I'm basically restricted  
9 to once a month?

10 MR. KRAMER: What the -- now an inmate at  
11 Folsom Prison on our programs now could go on a weekly  
12 basis.

13 MS. MONTROYA: Mr. Kramer, what kind of rules are  
14 you devising to deal with these requests that you  
15 consider specious from the gangs?

16 MR. KRAMER: I'm so glad you asked that because  
17 I was going -- that's one thing I did not include in  
18 the -- in the presentation that I wanted to mention.

19 Under our current policy, we have what we call a  
20 Religious Review Committee which is set up at each prison  
21 and then coordinates with our -- with the -- with the  
22 Sacramento attorney and religious coordinator Barry Smith  
23 in Sacramento headquarters.

24 So we will -- the group will come in and give us  
25 a document that requests to be able to provide -- that

1 would like to have religious program opportunities. That  
2 comes in. We -- in fact, that would go to the -- the  
3 Religious Review Committee would review that, and we  
4 would see that it meets certain criteria, that it looks  
5 like that it does fall under RLUIPA as far as meeting  
6 those religious criteria.

7 We would consult with our attorneys, our legal  
8 assistants in Sacramento, as well as our religious  
9 coordinator in Sacramento, and then make a decision as to  
10 whether we would allow it or whether they would have to  
11 modify their proposal in order to meet the requirements.

12 Karim, would you like to comment?

13 MR. NOUJAIM: The one thing we request from the  
14 inmates is to clearly identify, when they come forward  
15 with religious requests, what exactly they would be  
16 performing as far as rituals and as far as their worship  
17 practices.

18 The committee that Warden Kramer mentioned is  
19 not only to give you the request but if it gives you any  
20 religious issue that may come up such as, for example,  
21 religious artcrafts.

22 Some religious artcrafts would contradict the  
23 security of the prison or do not fall under the -- what  
24 is it acceptable to be allowed in the inmate cell, like  
25 tobacco, for example.

1           So this type of issues will go to the committee  
2 and we will review it and, if the inmate doesn't agree  
3 with the committee's decision, then it goes forward to  
4 our headquarters for further review.

5           MS. MONTOYA: Do you monitor the meetings at  
6 all?

7           MR. NOUJAIM: We have myself as the chair and  
8 then we have the correctional captain and we have also  
9 another associate coordinator of programs.

10           And it -- it's not. I'm not sure what --

11           MR. KRAMER: I think you answered the question  
12 as far as monitoring religious activities.

13           Yes, we would have either a volunteer or one of  
14 the chaplains -- one of the chaplains or a volunteer we  
15 want to have participate or oversight when religious  
16 activities take place.

17           For example, the Native Americans get the -- if  
18 the Native American chaplain can't be there, we'll have  
19 a -- one of the volunteers will be there when they have  
20 religious activities.

21           So there will be some oversight.

22           THE CHAIRPERSON: And we probably should keep a  
23 queue here. So far, I have got it that Dr. Citrin,  
24 Mr. Schwarzschild -- why don't we go one, two, then down  
25 this row, and then back up here.

1           Okay. Let's start with Dr. Citrin.

2           DR. CITRIN: I just wanted to ask you to comment  
3 on the degree to which you've found that religious  
4 activity does pose a threat to the safety and security of  
5 the institution.

6           Is this a major issue, a minor issue that you  
7 have to deal with meaning -- you gave an example of  
8 gangs. That's an obvious kind of one, but other than  
9 that, is this a kind of a -- does this -- does this come  
10 up frequently where there is a conflict between the  
11 religious activity and what you believe is necessary for  
12 the welfare and safety of the prison?

13          MR. KRAMER: Well, one of the areas which came  
14 up is the request to have the religious activities in the  
15 housing units where we've had religious volunteers that  
16 want to go actually into the units.

17          If we're under a lockdown situation, for  
18 example, that is the -- that's probably the area that we  
19 most frequently have had to implement it from the safety  
20 of not only the folks that are going in, just for their  
21 safety, to go into the -- into the unit rather than have  
22 it in the chapel where we can have a more monitored,  
23 controlled environment.

24          Also into the lockup units. That's an area  
25 where usually just the chaplains are allowed to go into



1 to provide religious services in a lockdown, lockup unit.

2 So that's an area that we would most frequently  
3 exercise that security in.

4 DR. CITRIN: Thank you.

5 MR. SCHWARZSCHILD: Welcome, Warden. Thank you  
6 for coming.

7 Two questions: One, I would assume that some,  
8 if not many, religious groups' programs would involve  
9 inmates or the program requesting special facilities of  
10 one kind or another for prisoners.

11 One thing in particular I'm picturing is special  
12 diets -- religious diets, but there might be other things  
13 like that.

14 Do you have a policy for screening and for  
15 assessing requests like that?

16 And how do you handle it when a group says,  
17 well, we have a special dietary requirement, for  
18 instance, for our communicants, and we want you to  
19 accommodate that?

20 MR. KRAMER: Well, the thing that comes to mind  
21 is we do have a kosher -- we do have a kosher meal that  
22 is served. We also indicate on the menu as far as  
23 different food products that are being served, for  
24 example, pork. If we have a pork product, that's well  
25 denoted on the menu for that date that we put out when

1 the inmates come in for the -- indicating what food  
2 products are available.

3 So outside of the kosher diet, the kosher meal  
4 that's available, and then the indication as to the food  
5 items that are in the meal, the inmates then have the  
6 opportunity as to whether to pick or choose.

7 MR. SCHWARZSCHILD: Have you had other requests  
8 like that other than kosher and halal for special diets?

9 MR. NOUJAIM: Yes, we do. We have a form that  
10 the inmates fill out and is provided to the chaplains,  
11 and then the chaplains do determine whether, based on  
12 religious beliefs, they cannot have meat or some type of  
13 food.

14 And the list goes to the food services  
15 department and they look at the list, and when they come  
16 to dinner, they're provided with that meal.

17 But it's not a special cooking mechanism. What  
18 we do is, if you cannot eat meat, we put the meat aside  
19 on the tray, and they choose not to eat it.

20 So we separate the meat from the regular rest of  
21 the meal. If it's not possible to separate the meal,  
22 then we try to give them something else instead.

23 MR. SCHWARZSCHILD: Is this something that  
24 you've found you're able to accommodate economically and  
25 organizationally without difficulty, or has this been

1 problematic for the system?

2 MR. NOUJAIM: It's -- it's tricky because we  
3 have to get this list constantly. I also oversee the  
4 kitchen and the food services department. So there has  
5 to be a lot of communication between the chaplains and  
6 the kitchen.

7 We do have a lot of requests from inmates who  
8 say it's not good enough for me to have it on the side,  
9 but at this point we are out of options. We try to  
10 accommodate them as much as we can. So it is tricky.  
11 It's not impossible, but it is difficult.

12 MR. KRAMER: It's a little more expensive as  
13 well.

14 MR. SCHWARZSCHILD: A different question -- a  
15 final question -- and this is a little sensitive -- but  
16 there have been news reports certainly of foreign  
17 overseas governments contributing to subsidizing and  
18 being involved in religious programs of various kinds.

19 Is that something that you are aware of, and is  
20 that something that there's a mechanism for screening?

21 In particular the allegation has been made of  
22 Saudi involvement in various programs and concerns about  
23 what the content, religious and political, of those  
24 programs are.

25 Is that something there is a -- there's a

1 mechanism for -- for being conscious of and screening  
2 someone?

3 MR. KRAMER: Well, we're certainly conscious of  
4 it, and we have cooperated in the past, as you can  
5 imagine, fully with the federal authorities on the  
6 investigations that have been done.

7 This gets into -- we talked about the  
8 denominations where we have the different groups and how  
9 they're going to participate and practice their religion.  
10 So we do have that. We have other security measures  
11 that, when they're practicing in the areas that they  
12 practice, that we utilize.

13 MR. SCHWARZSCHILD: Does that entail any kind of  
14 oversight of the content of the religious instruction  
15 that might be given if there's apprehension that there  
16 are --

17 MR. KRAMER: We do have oversight, yes. I'm  
18 sorry, sir.

19 We do have oversight of the services, and we  
20 will have a volunteer or a chaplain or staff that will be  
21 providing or participating in some oversight of the  
22 activity.

23 MR. NOUJAIM: If I may add, we also do an  
24 oversight through the mail room. The mail room will  
25 screen all inmate mail and all packages that come to the

1 inmate; and if we have any suspicion that, you know, some  
2 of the material's inappropriate, we refer it to our  
3 investigative services. Even in some cases, we report to  
4 the FBI and other law enforcement agencies.

5 So we have a kind of -- do have a control, one  
6 through the chaplains and one through the mail.

7 THE CHAIRPERSON: Let's start down the row here  
8 for anyone who might have a question.

9 MR. ROSENTHAL: Thank you.

10 Thank you both of you.

11 My question is a little bit expanding on  
12 Mr. Citrin's which is not only -- you know, you mentioned  
13 that you tried to make sure that the religious practices  
14 do not impinge upon the rights of other inmates, but I'm  
15 curious what -- do you screen the religious clergy that  
16 are coming in?

17 Do you have any type of screening procedure?

18 Because I'm curious on which -- beyond, you  
19 know, just sending out a general proposal for evaluation,  
20 in which way do you make sure that the religious  
21 practices going on inside the prison do not cause a  
22 public safety threat, not just a threat to other inmates,  
23 but a general threat to public safety?

24 MR. KRAMER: The screening of a volunteer goes  
25 through a process of being screened. Yes, the

1 volunteers -- of the 11,000 that we talked about of  
2 volunteers, they do go through a screening process and an  
3 approval process prior to entering into the prison.

4 MR. NOUJAIM: If I may add, in the case of the  
5 Jewish chaplains, I believe we have the Northern and  
6 Southern Rabbi, and we have to have their approval before  
7 we can hire a Jewish rabbi. So the screening does not --  
8 in this case is not just for the Department of  
9 Corrections and Rehabilitation. We do communicate with  
10 the Board of Rabbis.

11 MR. ROSENTHAL: Just them or are there other  
12 religious boards for, you know, other professions that  
13 you have?

14 MR. NOUJAIM: I'm not 100 percent certain, but I  
15 also believe that the Catholic chaplains -- we have the  
16 Roman Catholic Diocese.

17 MR. KRAMER: Right.

18 MR. ROSENTHAL: Okay. Another -- my other  
19 question for you is in which way -- the FBI issued a  
20 report in 2004 talking about problems of the cultivation  
21 of extremism within the prisons throughout the country,  
22 not just in California, but, of course, including  
23 California and what --

24 One of their main findings is that, in terms of  
25 religion and other issues, that prisoners are often

1 radicalized by -- mostly by other prisoners, other  
2 inmates.

3 And so I'm curious. In which way -- and then  
4 that, you know, creates a culture of rivalry and so  
5 forth, as you can imagine, you know.

6 So I'm curious do you have any kind of  
7 safeguards other than just monitoring the official  
8 religious meetings and which way -- do you have any kind  
9 of other ways that you can monitor the infiltration of  
10 various religious philosophies, you know, throughout the  
11 general population and not, you know, timely structured  
12 events?

13 MR. NOUJAIM: Well, again, the resources that we  
14 have available does not allow us to be 100 percent on top  
15 of things as far as what is being discussed or shared  
16 among the inmates.

17 The chaplain's responsibility is to always be  
18 there in the chapel -- whether he's a Muslim chaplain,  
19 Protestant chaplain, whoever -- to be there during the  
20 religious services.

21 The one thing we did at Folsom -- and I cannot  
22 speak on behalf of the other prisons -- but we do not  
23 allow them to congregate in the yard. They used to at  
24 one time, and we asked them to go and have their  
25 religious services in the chapel so we can precisely

1 monitor what's going on.

2 But it's beyond our control what they do  
3 afterwards. We cannot be there at all times. So the  
4 requirement is for them to be in the chapel when they do  
5 their religious services.

6 MR. KRAMER: I think the point that they make is  
7 well taken, and it is a concern. It is a fertile ground  
8 for folks who try to recruit for different groups and try  
9 to recruit members into their -- into their organization.

10 And we are aware of that and -- and we -- we do  
11 encourage, I think, what the positive side of what we're  
12 trying to do is offer them alternatives.

13 If an inmate comes into the system, then they  
14 are going to be -- they are going to be -- there may be a  
15 group out there that will try to get them to join their  
16 particular organization. We also want to be able to  
17 offer other services that are available. We talked about  
18 participating in some of these other programs on a more  
19 positive perspective.

20 So I think part of the -- part of it is to make  
21 sure that they have these other programs -- AA, NA-type  
22 programs -- available, the Celebrate Recovery-type  
23 programs, the training programs that we can make  
24 available.

25 Some of the programs they can actually -- and



1 the vocations are that they can actually get a degree.  
2 They can get a high school degree. They can go on and  
3 get an AA degree in the education area, in the vocation  
4 area. They can get certified in different skills.

5 So we try to make sure that they -- that we have  
6 these skills available, these types of programs available  
7 to them to counter the other side of the group that's  
8 going to be trying to recruit them as well.

9 MR. ROSENTHAL: Thank you.

10 MR. IZUMI: Thank you again to both of you for  
11 your presentations. Just a quick question:

12 You said that there's a committee that -- which  
13 I believe you head up that makes the call as to whether a  
14 religious service or activities are legitimate or not  
15 legitimate.

16 I was just curious as to an example or two of  
17 ones that, you know, after examination, you decide were  
18 not legitimate.

19 MR. NOUJAIM: We -- we had a request from the  
20 Odanist which are a kind of -- I'm sorry -- not the  
21 Odanist, the "oposatru."

22 MR. SCHWARZSCHILD: How do you spell that?

23 MR. NOUJAIM: I -- I -- believe it's called  
24 "oposatru" -- Asatru. Asatru.

25 It's A-s-a-t-r-u. It's A-s-a-t-r-u, Asatru.

1 THE CHAIRPERSON: Is that the same as a  
2 wildernist?

3 MR. NOUJAIM: They are -- yes. Yes.

4 And when the chaplain asked them if they were  
5 going to be all-inclusive, they had a problem answering  
6 this question, and that's what goes back to what  
7 Warden Kramer was talking about that some groups are  
8 trying to have -- to form their own religious entity.

9 So we basically told them unless you are  
10 all-inclusive and you have to give us in writing what  
11 your worship is going to be like, what exactly you plan  
12 to do when you meet, how your services are going to be  
13 like, so we have an idea of what is going on; and they  
14 didn't come back to us. So right now it's still on hold.  
15 We're still dealing with this.

16 MR. IZUMI: Thank you.

17 MS. BROWNE: Thank you for being here.

18 You mentioned that you have to rotate the  
19 different services in your chapel and some of your  
20 inmates, I understand, also are on work-related tasks and  
21 if the chapel service that they want to attend conflicts  
22 with their work, is there any accommodations made?

23 MR. NOUJAIM: What we try to encourage the  
24 inmates do is to change jobs at this point and where you  
25 won't conflict with their religious service.

1           We usually deal with this situation on a  
2 case-by-case basis; and when we have special ceremonies,  
3 you know, through the warden, we send out a memo to the  
4 supervisor saying -- allowing the inmates to come out and  
5 attend that special ceremony.

6           But on a regular basis, we encourage inmates to  
7 change jobs. They can all change their regular days off  
8 because we have jobs that would go the whole week. So we  
9 facilitate that they change their schedule to accommodate  
10 them for religious services.

11           MR. KRAMER: And most our programs -- most of  
12 our work schedules are on a five-day-a-week basis where  
13 the religious programs are on Saturday -- we schedule  
14 them on a Saturday or some are on Friday evening. Some  
15 of our Muslim and our Jewish programs are on a Friday and  
16 a Saturday.

17           But we have enough job assignments in the prison  
18 that we can put them in a job assignment that will allow  
19 them that time off.

20           MR. DOLLINGER: Good morning. I have a systems  
21 question. I understand that you hire chaplains from five  
22 different religious groups and denominations.

23           How does the prison system work out all of those  
24 various denominations that would be outside of those five  
25 in terms of fulfilling all of the needs?

1 I understand, as you talk, how one of these  
2 groups would qualify to come in and be recognized. Once  
3 that's done -- and I'm imaging you probably have a system  
4 where most everyone comes within the five and is probably  
5 -- I don't know --

6 Maybe you can tell me how many are not included  
7 in these five denominations and how do you go about  
8 trying to work out the particular issues that would  
9 inevitably come up.

10 MR. KRAMER: We have the chaplains, as part of  
11 their duties, take on other the other nontraditional or  
12 other religions; for example, the Buddhists -- the  
13 Protestant chapel -- chaplain -- it may be part of his  
14 responsibility will be to be an oversight with an outside  
15 volunteer of the Buddhists that want to practice within  
16 the prison system.

17 So we assign and try to balance out the workload  
18 with those that we do not have a chaplaincy for.

19 MR. MITCHELL: Good morning. Thank you for your  
20 participation this morning. I want to link to the  
21 question that was asked previously. I'm trying to  
22 understand how you define pagan types of groups you  
23 mentioned.

24 And would an example be, for instance, Santeria  
25 or voodoo?

1 MR. NOUJAIM: Well, pagan, we have the Wiccans.  
2 We have the Odanist. We don't have voodoo. I have never  
3 seen it, at least not at Folsom Prison.

4 I believe the inmates identify themselves as  
5 pagan. We do not label it as pagan. So I mean, when we  
6 talk about the Wiccans, we just talk about the Wiccans.  
7 We don't say these, you know, pagan -- we don't refer to  
8 them as pagan, but it's also not the mainstream  
9 religions.

10 MR. MITCHELL: I only bring it up because you  
11 mentioned the word "pagan," and I couldn't understand how  
12 that was defined in your system.

13 MR. KRAMER: Referring to normally the Wiccans  
14 and a variety of different types of the Druids and the  
15 others that we'd refer to have been the ones that we've  
16 accommodated, and we've accommodated them with an area in  
17 the prison system in order to give them a place to  
18 practice.

19 I'm not sure -- we haven't had a request that  
20 there was a voodoo-type request. That would go through  
21 the process. We haven't had an opportunity to deal with  
22 one yet at this point.

23 So how we'd classify that or what the area would  
24 be I really can't give you that answer to that question  
25 other than procedurally it would go through this review

1 process, and then we would get some assistance and  
2 guidance from Sacramento headquarters -- from the  
3 religious headquarters group on how we're to best handle  
4 it.

5 MR. MITCHELL: Thank you.

6 THE CHAIRPERSON: Dr. Lakoff.

7 DR. LAKOFF: Warden, you mentioned that you  
8 cooperate with the FBI in checking on the content of what  
9 is being given in case there may be cases of  
10 indoctrination.

11 We all know that there have been examples of  
12 Islamist terrorist groups being formed in mosques, for  
13 example, in Jersey City prior to the attack -- first  
14 attack on the World Trade Center, and in Britain too  
15 apparently these have been implicated, and we also know  
16 that the Saudi government has been sponsoring versions of  
17 the Koran which are very different from the ordinary  
18 versions in that they include much more -- or I should  
19 say -- intolerant text.

20 While this is obviously not true of most mosques  
21 or preachers in America, I wonder if you've had any  
22 experience discovering or the FBI discovering this going  
23 on in our prisons.

24 And in more general terms, I wonder if you could  
25 tell us what you consider to be the major problems that

1 you've encountered in trying to accommodate the  
2 prisoners' religious concerns.

3 MR. KRAMER: We have had investigations in the  
4 California prisons. We have participated in those  
5 investigations and are monitoring the monitoring systems  
6 that we have in place and even the Koran -- bringing the  
7 Koran in.

8 We have had reviews. Mr. Noujaim has gone  
9 through the reviews and -- before we give the  
10 documents -- before we give the Koran out to the  
11 population.

12 And that is a concern. We have had some that  
13 we've had some issues with that have tried to be donated  
14 that were offered as donations into the prison system.

15 So since the -- this issue has come to light and  
16 it has been an issue, we have increased our -- what we  
17 call our security measures in these areas including the  
18 cooperation, including contracts for interpretation for  
19 when letters come in, packages come that we send it out  
20 to interpreters.

21 We're very fortunate to have Mr. Hughes in there  
22 who can interpret a lot of material that we were not able  
23 to -- that other prisons may not be able to do; but we do  
24 have that service now that we do send the documents out,  
25 and we'll put a hold on it until we get a clearance,

1 until we get a review of the documents.

2 MR. NOUJAIM: If I may add, we did have a  
3 situation at Folsom where the Korans came from Iran to an  
4 inmate, and we stopped it. We did not allow him to have  
5 them. We returned -- we returned it basically.

6 Most of the Korans or the Bibles, we try to have  
7 them through the chaplains and they go to their local  
8 mosque or they go to whomever wants to donate, and that's  
9 how we make them available to the inmates.

10 DR. LAKOFF: One problem, I think, occurred, if  
11 I remember correctly, there was a problem at Guantanamo,  
12 not involving the Koran, but involving the chaplain  
13 himself, the minister; right?

14 I don't know whether you've had experiences of  
15 that sort as well.

16 MR. KRAMER: Not -- I think we've been fortunate  
17 and not had that problem.

18 DR. LAKOFF: I also would appreciate an answer  
19 to the more general question of what you consider to be  
20 the major problems in trying to accommodate the religious  
21 needs of inmates.

22 MR. KRAMER: I think it's twofold. There's a  
23 couple of issues, and one is just overcrowding. I mean  
24 we have prisons that are designed for half the population  
25 that we have. We have chaplains -- I mean we built --



1 when we built the chapel, of course, they were designed.

2 So one of the biggest problems in just meeting  
3 our overall needs is the space -- is the space issue and  
4 so our need for additional prison -- additional prison  
5 space in order to lower the populations to an area that  
6 we can better provide all types of programs -- all types  
7 of programs to the inmate population including religious  
8 programs.

9 The other -- on the other side, another type of  
10 challenge, as we brought up, is the interpretation under  
11 the federal act and the fact that we have what we  
12 consider gang members or groups that are trying to take  
13 advantage of the way the act is written and trying to  
14 form groups, trying to get that which would be a little  
15 more evasive, more difficult for us to use our normal  
16 security measures on, and putting them under the guise of  
17 a religious format.

18 DR. LAKOFF: Thank you.

19 MR. KRAMER: So we spend a lot of time on  
20 security issues.

21 THE CHAIRPERSON: We're running a little bit  
22 behind time, but I can't resist following up on both  
23 Mr. Izumi and Dr. Lakoff especially.

24 Exactly what sort of problems have you been  
25 having?

1           Can you give more examples of things that you  
2 would consider to be illegitimate that involve gang  
3 members trying to -- to take advantage.

4           MR. KRAMER: We don't allow gangs to congregate.  
5 We don't allow gangs to just -- to kind of --

6           Just to put it in a little broader perspective,  
7 when inmates go out in the yard, we rotate the yard drill  
8 at different times. So you're not going to have --  
9 you're not going to have the Nazi Low Riders -- let's  
10 just say the Nazi Low Rider, for an example.

11           You're not going to have all the Nazi Low Riders  
12 out there getting together, trying to recruit, trying to  
13 get members in, and doing that kind of thing. They're --

14           THE CHAIRPERSON: Under the guise of a religious  
15 group.

16           MR. KRAMER: So what they'll do -- what they'll  
17 do is, in order to circumvent our measures -- our normal  
18 prison security measures that we have in place -- part of  
19 our security measures -- is they will put a request in  
20 for Nazi Low Riders to form their own religious group.

21           So they'll put it in under a guise of a subform  
22 of a white supremacist religion and then they'll put that  
23 forward, is then they want an opportunity so they can get  
24 all their gang members together to be able to get  
25 together and do their group -- do what we consider a

1 security issue with the prison.

2 So they'll try to take advantage of this federal  
3 act, put the request in, and then they want to be  
4 considered a religious group.

5 That's another example of what we consider a  
6 security issue and a concern that we have in the existing  
7 situation.

8 Does that answer your question?

9 THE CHAIRPERSON: I'd love to hear lots more  
10 examples that you've had happen to you, but I'm afraid  
11 we're a little bit behind time here.

12 Thank you so much both of you for taking the  
13 time to come down and talk to us.

14 MR. KRAMER: Well, thank you for the opportunity  
15 to come here and share our concerns and our issues with  
16 you. It was our pleasure.

17 THE CHAIRPERSON: Thanks.

18 MR. NOUJAIM: Thank you.

19 THE CHAIRPERSON: There's a slight change to the  
20 schedule -- the written schedule, and we're going to have  
21 Tim Chandler from the Alliance Defense Fund and  
22 Vince Colavitti from Restorative Justice to be our next  
23 witnesses.

24 So if the two of you could come forward.

25 MR. CHANDLER: Good morning.

1 THE CHAIRPERSON: And what I need you to do  
2 first is identify yourselves for the record, and then  
3 we'll go on.

4 MR. COLAVITTI: My name is Vince Colavitti. I  
5 am the Catholic chaplain at Men's Central Jail.

6 MR. CHANDLER: My name's Tim Chandler. I'm an  
7 attorney for the Alliance Defense Fund.

8 THE CHAIRPERSON: Okay. Mr. Colavitti, could  
9 you go first.

10 MR. COLAVITTI: Sure. I'm a Catholic chaplain,  
11 as I mentioned, at Men's Central Jail, and I'm here  
12 representing the Catholic chaplains in Los Angeles  
13 County, Ventura County, and San Bernardino County.

14 As to the issue of accessibility to religious  
15 services in the jails, I'm very pleased to say that I  
16 think that the access is almost 100 percent.

17 We have structures in place in the institutions  
18 that allow us to provide church services on a regular  
19 basis to all of the inmates, with one exception. There  
20 are caged-can (phonetic) inmates who are in single-men  
21 cells, and they are unable -- or unable, because of  
22 security reasons, to mix with other inmates. So they  
23 can't gather obviously in a church setting.

24 With those individuals, we've been provided an  
25 opportunity to visit them in their cells to bring

1 communion to their cells as well; and in those cases,  
2 we've been given unlimited time, unlimited access to them  
3 on the scheduled days that we have to visit those rows.

4 We are also able to provide one-on-one visits  
5 either up in the chaplain offices or to go down to the  
6 modules where the inmates are kept and visit with them  
7 there.

8 And that has been going exceptionally well.  
9 We've been getting a lot of cooperation with most of the  
10 people involved, with the sergeants on the floors, with  
11 senior deputies on the floors, with lieutenants,  
12 et cetera.

13 We also are able to provide them bereavement  
14 counseling if they -- if they lose someone. If someone  
15 in the family passes away, we also have the ability to be  
16 with them during that time, give them phone calls,  
17 et cetera, to help through that time.

18 We also are -- we also have scheduled times for  
19 Bible studies or prayer groups on a regular basis, and  
20 that goes for inmates in all classifications, whether  
21 they're gang members, or caged cans (phonetic), which is  
22 the highest security inmates, or the 288s, which is sex  
23 crimes; and we are -- we are provided equal access to all  
24 of them.

25 We have religious liaisons at the jails that

1 provide excellent help. Like I said, I think that the  
2 brass -- the sergeants, the lieutenants -- they're much  
3 in line with our issues that we have, and they also see  
4 the value in our services being there, the help that we  
5 offer to these inmates; and they been exceedingly helpful  
6 in helping us get that.

7           Recently, we've also been provided the  
8 opportunity at the training services to be present while  
9 the deputies are being trained who are going to be coming  
10 into the jails to let them know what our issues are.

11           And I think it also help bridge the gap between  
12 the chaplains and the deputies to realize that we're  
13 working together instead of sometimes I think it can  
14 appear that our issues come in contrast with theirs.

15           And this opportunity to be there at the  
16 training, I think, is very helpful and probably the  
17 single most important thing that I see developing now  
18 that can help us to get access to the inmates because  
19 when we do have difficulties with providing religious  
20 services it's not because that policy is flawed. It is  
21 just there are -- there are cases where people don't  
22 follow through with policies; but I'd say in the vast  
23 majority the policies are followed, and we are able to  
24 get these services to the inmates.

25           I have been in working in the jails over the

1 past six years, and I have seen an increase in attendance  
2 at the services, which I would love to say is because of  
3 our wonderful services, but I also know that it is  
4 because the deputies and the sergeants are doing their  
5 job helping out.

6           The things that I see that could -- that could  
7 stand a little improving in there is intermittently the  
8 line deputies, the guys who are on the floor, will  
9 restrict the amount of inmates that allowed to come to  
10 our services.

11           The policy is that the only restriction on  
12 number of inmates at a service is size of the room that  
13 we're holding the service in, but randomly people decide  
14 that -- that they're going to halve the amount of people  
15 who come out from each module or from the different tiers  
16 in each dorm; and so it just seems like an inconsistent  
17 application of the policy that they have.

18           At the Century Regional Detention Facility, the  
19 religious services share a room with one-on-one visits  
20 that we do. The problem with that is the rooms are kind  
21 of small at this particular facility. When there is a  
22 chaplain doing a one-on-one visit, it -- it -- or a  
23 couple of chaplains, it severely restricts the amount of  
24 people who are able to be in the room.

25           We've also had cases where dorm officers use

1 restriction to religious services as a disciplinary  
2 measure if they're having problems in the dorms, and so  
3 as a consequence, they restrict the religious services to  
4 them.

5 In San Bernardino County, there's a problem.  
6 There's a religious -- a chief at the jail who is of a  
7 particular faith and that's wonderful for that faith but  
8 it doesn't help other faiths get in there and hold their  
9 services.

10 We've had a problem that the only type of  
11 services are those that are nondenominational. I'm not  
12 really sure what a nondenominational service looks like,  
13 but this particular chief of that jail -- the religious  
14 liaison I should say -- only allows their faith to be  
15 presented, and so we've been having a problem getting  
16 services to those folks.

17 Occasionally, volunteers and priests who have  
18 been serving at institutions for several years have been  
19 denied access. The reasons for this -- it's -- it's hard  
20 to say.

21 They -- once one was told -- Father Gregg of  
22 Homeboy Industries -- he was told that he was given an  
23 incorrect badge. He was given a nonescort badge when he  
24 entered the institution and the deputy stopped him and he  
25 said, "Well, you're not allowed to have that. You'll



1 have to leave."

2 He has an escort badge. He's been at this  
3 institution for ten years and yet they denied him access,  
4 and the problem is that getting volunteers is difficult  
5 anyway to come down there.

6 And so when reasons pop up, even though these  
7 individuals have been cleared, it seriously inhibits our  
8 ability to get these people to keep coming back.

9 Overall, though, I would like to say that they  
10 do an excellent job, and they have helped us out  
11 immensely. I would say 95 percent of the time I don't  
12 have a problem and the chaplains in our area don't have a  
13 problem getting people to religious services.

14 I really -- I commend Men's Central Jail right  
15 now offering us the opportunity to share concerns with  
16 the deputies when they come in. I think that the  
17 improved relationship between deputies and chaplains  
18 helps our access.

19 I know the policies are there, but when it gets  
20 down to what happens on the floors, I think that that  
21 type of training, getting everybody on the same page and  
22 to realize that we're working as a team, greatly  
23 increases the access for religious services.

24 So I thank you for your -- for the opportunity  
25 to speak to you today, and I welcome any questions.

1 THE CHAIRPERSON: Thank you.

2 Mr. Chandler, do you want to do your ten-minute  
3 presentation?

4 And brevity would help because we're trying to  
5 catch up somehow.

6 MR. CHANDLER: I'll keep it as short as  
7 possible.

8 Let me first give you a really quick overview of  
9 our organization.

10 The Alliance Defense Fund is a nonprofit  
11 Christian public-interest law firm. We specialize in  
12 religious survey issues. We have thirty-one attorneys on  
13 staff, and we also work with a volunteer network of about  
14 a thousand attorneys and about a hundred and twenty-five  
15 organizations around the country.

16 In preparing this testimony, we basically  
17 surveyed this group of organizations and attorneys to  
18 figure out what kind of issues that they're dealing with.

19 We have a number of attorneys that do deal with  
20 prison-related issues, and so I just want to run through  
21 kind of a summary of the key issues that they came back  
22 to us and said these are the issues that we continually  
23 hear about in our work.

24 I first want to say the overall responses were  
25 we've seen a lot of improvements, I think with the

1 passage of RLUIPA, I think with the increase in  
2 faith-based funding both through federal and state  
3 government, and just a better understanding of the needs  
4 of the prisoners that we've seen.

5           Everybody was very positive, particularly in the  
6 federal system, about improvements that have been made  
7 over the years in protecting the religious liberties of  
8 the prisoners.

9           As far as the concerns that we've received, I  
10 think that the most significant one or the most common  
11 one was the difficulty of prisoners to obtain religious  
12 material including books and CDs for their personal  
13 beliefs.

14           Many prisons limit the amount or the source of  
15 outside materials that are allowed to come into the  
16 prison, and we've talked to many churches, prison  
17 ministry organizations, who have been frustrated in their  
18 attempts to provide materials to inmates whether by  
19 donating them or however they want to provide them.

20           We've also seen -- and this is a little less  
21 common -- but we've encountered chaplains who have been a  
22 little more restrictive than we believe they should be in  
23 the type of materials that they allow.

24           One particular example was a chaplain that would  
25 only allow Bibles that were in a King James version to be

1 given.

2 Another issue which was mentioned earlier was  
3 the dietary restrictions. We continue to get calls from  
4 inmates who, because of their religious beliefs, have  
5 dietary restrictions and don't feel that they're getting  
6 adequate nutrition in their diet.

7 We have gotten calls from inmates that have had  
8 difficulties getting their accommodations for observing  
9 the Sabbath within their work program. We had a prisoner  
10 that worked with one of our attorneys that was suspended  
11 from a work program, denied privileges, and punished with  
12 a lockdown as a result of his refusal to work from  
13 sundown on Friday to sundown on Saturday.

14 We've also seen issues with the chaplains and  
15 some of the difficulties that they have. We've heard  
16 from chaplains that have been asked to perform religious  
17 services or religious practices for inmates that are  
18 outside their faith group.

19 As we heard earlier, a lot of prisons provide  
20 various chaplains -- and I think it's impossible to  
21 expect them to provide chaplains for every single  
22 possible denomination group that's out there.

23 So how do you accommodate that for the prisoners  
24 that don't have a chaplain that necessarily matches up to  
25 their religious beliefs?

1           And we've heard about Protestant and Jewish  
2 chaplains, for example, who are required to facilitate  
3 Wiccans, Buddhists, or any of the other inmates, which  
4 can be obviously infringe on the chaplains' religious  
5 beliefs.

6           We've also had groups that have had said we  
7 would like to provide volunteers for inmates that share  
8 beliefs. One particular example was a Seventh-day  
9 Adventist group, and they had had difficulty getting  
10 their volunteers in because of their perception of the  
11 chaplains are hostile to their personal beliefs.

12           So one particular group had scheduling problems  
13 and outright denials in getting their volunteers in to  
14 meet with the inmates because of their religious beliefs.

15           One of the other problems that we've seen is  
16 oftentimes I think that the prisons will try -- and the  
17 chaplain will try to accommodate all the religious  
18 beliefs and give them equal time, equal facilities.

19           And I think that's a very good notion, but the  
20 reality in many situations is that Christians --  
21 Christian inmates are often the largest population within  
22 a particular prison. So they suffer disproportionately  
23 than the other inmates because they do not have the time  
24 or the facilities that -- that match the number.

25           And so perhaps the better approach would be to

1 make it proportionate to the number of inmates so making  
2 it an equal number for each -- each inmate or equal for  
3 each religion.

4 We also have received concerns about chaplains  
5 that have been required to respond to first-level  
6 prisoner appeals on religious issues, which can place a  
7 chaplain in an adversarial position with an inmate which  
8 can potentially have an impact on their ability to  
9 minister to that particular inmate.

10 And one final concern that I'll mention -- it's  
11 not a specific situation -- but we do often get concerns  
12 about the establishment causing restrictions on allowing  
13 religious groups to participate, receive funding --  
14 whatever it is -- within the prison system on behalf of  
15 the Government.

16 And I will be providing -- I have written  
17 testimony that I have prepared, and I'll submit. It goes  
18 through all this in more detail, and part of that will be  
19 discussing the history of religious organizations within  
20 the prison system as it relates to the establishment and  
21 cause, if that becomes an issue in your investigations.

22 With that, thank you again for allowing us to  
23 participate in this, and I'll answer any questions on it.

24 THE CHAIRPERSON: Thank you.

25 Does anybody have a quick question here?

1 MR. DURAN: Yes. In terms of the Twin Towers,  
2 Lee Bacca had a lot of problems in that facility, and one  
3 of my questions is you indicate that there's a lot of --

4 THE CHAIRPERSON: We can't hear you back here.

5 MR. DURAN: You seem to indicate that there's a  
6 lot of cooperation with the sergeants and lieutenants.

7 I think one of the problems that they had is  
8 that new recruits end up being the prison guards.

9 Would you recommend that senior officers be the  
10 prison guards versus at least the new recruits?

11 MR. COLAVITTI: You know, I think that's an  
12 interesting comment because these guys obviously are --  
13 well, most of the time they're generally young when they  
14 come in, and they're put in a situation where they're  
15 dealing with a lot of difficult personalities.

16 And so sometimes I don't think that benefits  
17 them to be put in that situation. They don't have the  
18 life skills to handle the situation. So I hear what  
19 you're saying, and I -- and I agree.

20 I think maybe there's another way that we could  
21 go about it because it does -- it does sometimes cause a  
22 problem. These guys feel like the only way to relate to  
23 the inmate is through force instead of the older  
24 deputies -- they kind of like -- they know if they give  
25 the respect to the inmate, they'll get it back and things

1 are a lot smoother.

2 MR. DURAN: Exactly. One other thing that  
3 happened at Twin Towers, they separate out the women from  
4 the males. They now have their own prison down there.

5 MR. COLAVITTI: Yes.

6 MR. DURAN: My question is is there any  
7 difference between the religious treatment of women and  
8 males in terms of the women's desires for it versus the  
9 males or any kind of differences?

10 MR. COLAVITTI: No, I haven't seen any.

11 THE CHAIRPERSON: Let's run down the row here.

12 Yes, Mr. Izumi.

13 MR. IZUMI: Mr. Colavitti and Mr. Chandler,  
14 thank you very much for your presentations.

15 A quick question, or one for each of you.

16 Mr. Colavitti, since, as a Roman Catholic, you  
17 know, chaplain -- and which has people from many  
18 different racial groups who call themselves  
19 Roman Catholics -- do you see that in your program that  
20 the religious services help to diffuse racial tensions  
21 within the prison because you have a diverse flock left?

22 MR. COLAVITTI: Absolutely. And I -- I think it  
23 really is important because one of the main things that  
24 we talk about at the services is the fact that we're  
25 brothers regardless of the way that we look.



1           The good thing also is that we get -- at my  
2 Catholic services the makeup is 30 percent Catholic --  
3 maybe 20 percent Catholic, something like that. So we  
4 get -- we get not only different races, but we also get  
5 difference religions.

6           MR. IZUMI: Thank you.

7           And, Mr. Chandler, besides the King James  
8 authorized version example, are there other reasons why  
9 certain religious documents, donations are not allowed  
10 in?

11           You know, because of security concerns perhaps,  
12 they're disallowed?

13           MR. CHANDLER: Yeah, I'll actually -- I'm going  
14 to defer that question a little bit to this afternoon  
15 with Karen Milam of the Pacific Justice Center.

16           They're one of the organizations that specialize  
17 in this area, and they're dealing with that issue legally  
18 as well.

19           But sometimes -- briefly, we've seen prisons  
20 have policies as far as that the materials have to come  
21 from an approved vendor. I think for purposes of a  
22 specific example they have to come with a purchase order  
23 whereas if somebody's donating it, it don't have a  
24 purchase order.

25           Obviously, there's security concerns and things

1 like that but sometimes they can be overly restrictive  
2 and there's not a process by which the materials can be  
3 screened.

4 I don't know how -- I don't know how common this  
5 is because we just get to hear the complaints. We don't  
6 get to see the good work and the good things that people  
7 do. So I obviously can't say how much of a problem it  
8 is, but I think that's a bigger issue than a chaplain who  
9 doesn't like certain revisions of the Bible.

10 MR. IZUMI: Thank you.

11 MS. BROWNE: Mr. Colavitti, you mentioned that  
12 you had almost 100 percent participation in your  
13 services.

14 Are you accommodating all the different  
15 religions, both traditional and nontraditional?

16 MR. COLAVITTI: No. What I meant was that --  
17 that almost 100 percent of the inmates who are  
18 incarcerated have availability to ours.

19 If you're talking about non --

20 MS. BROWNE: What do you mean by "ours"?

21 MR. COLAVITTI: The Catholic services.

22 MS. BROWNE: Oh, the Catholic services.

23 MR. COLAVITTI: Yes.

24 MS. BROWNE: And that's what you're focusing on  
25 is the Catholic services?

1 MR. COLAVITTI: Yes. Yeah, I'm a Catholic  
2 chaplain.

3 MS. BROWNE: Do you know who accommodates the  
4 other religions?

5 MR. COLAVITTI: I know that there is a  
6 Protestant chaplain who covers a lot of the different  
7 Christian faiths. There's also a Buddhist and a Muslim  
8 chaplain and a Jewish chaplain.

9 MS. BROWNE: All right. But those are the  
10 traditional religions.

11 Do you know if there are other facilitators for  
12 the nontraditional religions?

13 MR. COLAVITTI: You know, I'm not sure. I  
14 haven't seen any, but I'm not sure. I think an officer  
15 who was here today from the office of religious volunteer  
16 services would be better able to help.

17 MR. MITCHELL: Mr. Colavitti, you mentioned  
18 Father Gregg not having been given a badge that was  
19 appropriate for a certain purpose.

20 MR. COLAVITTI: Correct.

21 MR. MITCHELL: You also said he had been  
22 involved in that particular location for ten years.

23 MR. COLAVITTI: Yes.

24 MR. MITCHELL: Could you venture a guess as to  
25 why that issue arose, and I'm particularly interested in

1 knowing how it was solved, if it was solved.

2 MR. COLAVITTI: I'm not sure that it was solved.  
3 I know that he was turned away and he wasn't allowed in  
4 there that day.

5 Honestly, I believe it -- it depends on the  
6 deputy involved and his particular mood at the time.

7 MR. MITCHELL: Thank you.

8 DR. LAKOFF: Mr. Colavitti, Warden Kramer  
9 mentioned that at his prison there are some programs that  
10 help inmates acquire better life skills for, you know,  
11 doing parole and their followup.

12 MR. COLAVITTI: Yes.

13 DR. LAKOFF: And you emphasized services that  
14 you provide to Catholic communicants.

15 I'm just curious. Does the Catholic church in  
16 your program also have life skills training, or is that  
17 mainly something that the Protestant denominations are  
18 doing?

19 MR. COLAVITTI: We do have some life skills  
20 training. I think we do it mostly in the form of prayer  
21 groups and Bible study -- stuff like that.

22 We also have a transitional -- the Catholic  
23 church provides a transitional program to help inmates  
24 sort of rehab and can avail themselves of when they do  
25 get released.

1 DR. CITRIN: Just two questions, one for each of  
2 you.

3 First of all, Father Colavitti, has any of your  
4 volunteers or chaplains -- have they been subject to  
5 safety or physical danger?

6 Or in some sense from the other point of view,  
7 from the warden's point of view, there have been issues  
8 of your volunteers crossing the line in terms of the  
9 kinds of interactions they have with the inmates.

10 Has that ever been an issue?

11 MR. COLAVITTI: Are you asking whether we have  
12 ever felt like we were threatened?

13 DR. CITRIN: That's one aspect of it, or have  
14 you ever been accused by the prison staff of volunteers,  
15 you know, smuggling something in to an inmate or some  
16 such thing like that?

17 MR. COLAVITTI: I -- I think that there have at  
18 times been a -- there has been a problem. I think  
19 those -- those individuals were dealt with on an  
20 individual basis.

21 Security risk -- unfortunately, I believe that  
22 the Los Angeles sheriffs believe that putting your arm  
23 around somebody or giving somebody a hug is a security  
24 risk, and perhaps that's so. I've never -- I've never  
25 heard of a problem involving any chaplains nor any like

1 physical threat to any of the chaplains.

2 DR. CITRIN: Thank you.

3 MR. COLAVITTI: Thank you.

4 DR. CITRIN: And, Mr. Chandler, if you had one  
5 change in the way these programs are administered -- you  
6 talked about a bunch of particular issues and problems --  
7 what would be the one change?

8 Would it be to have a different review process  
9 so that a chaplain of a particular denomination wasn't in  
10 a position of controlling access to the other religions?

11 What would be the administrative or bureaucratic  
12 solution to some of the main problems that you talked  
13 about?

14 MR. CHANDLER: Well, I mean I'm a person -- I'm  
15 an attorney. I don't know about the prison bureaucratic  
16 system, but the biggest issue that we saw was getting  
17 materials into the prisons.

18 So if it's a screening process that needs to be  
19 put in place that will allow more materials to go in, not  
20 that it would be less screening, but that it would be  
21 open to more materials coming in, I think that would be  
22 the best solution.

23 DR. CITRIN: Thank you.

24 MR. ROSENTHAL: When you speak about materials,  
25 does that include religious garments, either one of you?

1           When you said that there are complaints, are  
2 there any complaints about not -- no access to religious  
3 garments and also, not necessarily books, but other types  
4 of religious materials such as rosaries and so forth?

5           Are there complaints about no access to those as  
6 well?

7           MR. COLAVITTI: I know with the rosaries they  
8 believe they were a security risk. So they're not  
9 allowed in our jail because then you've something around  
10 the neck.

11           MR. ROSENTHAL: I am just wondering if there's  
12 complaints going on or if there's an understanding about  
13 that.

14           MR. COLAVITTI: I have -- I have not received  
15 any complaints.

16           MR. CHANDLER: Ours -- everything I can think of  
17 is tapes and that kind of those kinds of materials.

18           MR. ROSENTHAL: Thank you.

19           THE CHAIRPERSON: Gentlemen, thank you very  
20 much.

21           MR. COLAVITTI: Thank you.

22           THE CHAIRPERSON: We really appreciate you  
23 coming down and helping us fulfill our duties.

24           Our next witnesses are Lieutenant Casey Bald  
25 from the Los Angeles County Sheriff's Department, and

1 Sergeant Randy Zempel, also from the Los Angeles County  
2 Sheriff's Department.

3 Welcome, gentlemen.

4 SERGEANT ZEMPEL: Thank you.

5 THE CHAIRPERSON: First, if you would identify  
6 yourselves, and then we can go on to your statements.

7 LIEUTENANT BALD: Sure. My name is  
8 Lieutenant Casey Bald.

9 SERGEANT ZEMPEL: Sergeant Randy Zempel.

10 LIEUTENANT BALD: If I could begin...

11 Good morning, Panel.

12 THE CHAIRPERSON: Good morning.

13 LIEUTENANT BALD: I'm the operations lieutenant  
14 at Men's Central Jail, and it was nice to hear the kind  
15 words from Father Colavitti. There are very few from the  
16 outside, and I really appreciate those kind words.

17 I represent the custody operations division for  
18 the L.A. County Sheriff's Department. We currently house  
19 20,000 inmates at Men's Central Jail. We house one  
20 quarter of them, approximately 5,000 inmates -- 5,000 of  
21 those inmates are divided up amongst approximately  
22 32 filters dealing with street gangs, prison gangs --  
23 different types of keep-away statuses.

24 Due to the sheer numbers of inmates in our  
25 population, it is tough to keep them stationary for long



1 periods of time. They're very transitory in nature.

2 Next to me is Sergeant Randy Zempel. He  
3 represents the correctional services division who  
4 provides the religious services to all our seven  
5 facilities, and I'll turn the floor over to him.

6 SERGEANT ZEMPEL: Good morning.

7 THE CHAIRPERSON: Good morning.

8 SERGEANT ZEMPEL: I'm a sergeant with the  
9 Los Angeles County Sheriff's Department in the  
10 correctional services division, and I run the Religious  
11 and Volunteer Services Office.

12 I'm responsible for the administration of all  
13 spiritual programs within the Los Angeles County jail  
14 system.

15 As Casey mentioned, the Los Angeles County  
16 Sheriff's Department operates the largest jail system in  
17 the free world. At any one time in our eight facilities,  
18 we can house nearly 20,000 inmates.

19 Our population reflects the incredible ethnic  
20 diversity of Los Angeles County itself. The last census  
21 in 2000 found that the county's racial makeup is  
22 45 percent Hispanic, 31 percent white, 12 percent Asian,  
23 10 percent African-American, 3 percent other races.

24 They speak thirty -- 46 percent speak only  
25 English at home. 37 percent speak Spanish, 2 percent

1 Chinese, 2 percent Korean, 2 percent Tagalog.

2 Of those with a religious preference, 66- were  
3 Catholic; 17- Protestant; 10 percent Jewish; 2 percent  
4 Mormon; and 1 percent each Buddhist, Hindu, and  
5 Jehovah's Witnesses. That diversity creates some pretty  
6 interesting challenges in a jail environment.

7 In the past our religious services in the jail  
8 were administered by a contracted vendor as they are  
9 elsewhere. That vendor represented one specific faith  
10 group, and that group was not especially responsive to  
11 the needs of inmates in other groups.

12 So in March of 2001, the sheriff's department  
13 assumed administration of the jail chaplaincy program.  
14 At that time the Religious and Volunteer Services Office  
15 was created to oversee the jail chaplaincy program.

16 I am responsible for that office. My office  
17 coordinates all religious and spiritual activity within  
18 the jails and ensures that, when possible, inmates have  
19 access to minister to their own faith.

20 I'm assisted in this task by a religious  
21 advisory board. The board members are a group of six  
22 liaison chaplains representing Catholic, Protestant,  
23 Buddhist, Jewish, Islamic, and Christian Science faiths.

24 The advisory board recommends religious policy  
25 within the religious programs and works closely with my

1 office to resolve interfaith conflicts or custody issues.

2 Each facility has a senior chaplain representing  
3 each major faith group. The senior chaplains are  
4 responsible for supervising subordinate facility  
5 chaplains and assistant chaplains, providing services to  
6 the inmates, and meeting the spiritual needs of our  
7 inmate population.

8 Our custody chaplains currently are Catholic,  
9 Protestant Christian, Buddhist, Christian Science, Islam,  
10 Jehovah's Witness, Mormon, Orthodox Jewish, Reform  
11 Jewish, Eastern Orthodox, Anglican, Episcopalian, and  
12 Armenian Orthodox.

13 We have over 200 ordained or licensed chaplains  
14 and 700 lay volunteers serving the Los Angeles County  
15 jail system. We also provide alternate room access for  
16 350 community clergy to give spiritual support to their  
17 congregants.

18 The Los Angeles County Sheriff's Department  
19 welcomes and embraces community faith-based programs  
20 which offer rehabilitation and educational programs for  
21 inmates.

22 We do not require that any spiritually based  
23 program become secular or drop the spiritual aspect of  
24 their program in order to provide services in the jails.

25 Just a few examples: Out of many of the

1 faith-based organizations that currently have  
2 partnerships are the Armenian-American Christian  
3 Outreach, Irene Ministries, Holy Family Services, Jewish  
4 Community for Personal Service, the Mary Magdalene  
5 Project, and the Salvation Army.

6 We also supervise 400 representatives for  
7 Alcoholics Anonymous, Narcotics Anonymous, Cocaine  
8 Anonymous, and Marijuana Anonymous who conduct meetings  
9 inside our custody facilities.

10 All of our chaplains' services, worship  
11 services, scripture study programs, spiritual counseling,  
12 religious books, and religious items for inmates are  
13 provided by volunteer clergy at no cost to the County.

14 This creates a unique challenge to finding  
15 qualified clergy. It's an unfortunate fact that in all  
16 faiths, many clergy members are not interested in joining  
17 the jail chaplaincy program once they learn that there is  
18 no salary associated with this position.

19 In practice, I found that the large faith groups  
20 see the jail chaplaincy as an outreach mission, and they  
21 pay their ministers to participate.

22 Smaller faith groups generally don't. This  
23 sometimes makes it difficult to find enough chaplains to  
24 meet the needs of inmates who fall in the numerically  
25 smaller belief systems.

1           So I'm constantly contacting leadership offices  
2 of various faith groups in attempts to locate additional  
3 chaplains and volunteers for under-represented faiths.  
4 For example, I'm currently attempting to recruit  
5 chaplains for Islam, Native Americans, Sikh, and Hindu  
6 faiths.

7           A related and complicating factor is we are a  
8 request-driven program. We have no direct measure of  
9 religious makeup of the inmates in our population. We  
10 don't ask what faith they have and are welcome to attend  
11 any service that interests them.

12           So we depend on donations for religious books  
13 and other approved religious items. We distribute those  
14 at no cost to the incarcerated population. We're  
15 fortunate to have an arrangement of several large donors  
16 to meet our huge demand for Christian Bibles of every  
17 sort.

18           It's more difficult to meet all the requirements  
19 for Korans, books in Mormon, Jewish prayer books and  
20 Bibles, Buddhist literature, and so forth. So far, I  
21 think we do a pretty good job, and we also allow inmates  
22 to receive religious books through the mail.

23           A written custody policy which describes a  
24 policy that inmates are -- property that inmates are  
25 allowed to possess does not include any religious items.

1           In practice, inmates are allowed to keep  
2 religious items which do not pose a safety or security  
3 risk, such as head coverings and prayer beads.

4           But because the variation between a policy and  
5 practice might encourage a deputy to confiscate the  
6 religious items as contraband, I've drafted a policy to  
7 ensure that it will not happen once the policy's been  
8 approved.

9           There are some religious items which are both  
10 essential to the practice of a particular faith and pose  
11 a significant security risk. In those instances, my  
12 office works closely with custody personnel and my  
13 chaplains to find a suitable solution.

14           An example of this is the accommodation we can  
15 make for the use of tefillin by Jewish inmates. Tefillin  
16 has strong leather straps which can and have been used as  
17 weapons and suicide ligatures.

18           To ensure an inmate can use them properly and  
19 maintain jail security at the same time, my office has  
20 arranged that tefillin will be provided by a chaplain who  
21 remains present to supervise their use and then are  
22 retained by the chaplain when they're done.

23           My office works closely with the correctional  
24 services food services unit to provide religious  
25 vegetarian, kosher, and halal meals. At any given time,

1 we meet approximately 50 to 60 vegetarian, kosher, or  
2 halal religious diet requests.

3 One of the challenges we face in bringing  
4 spiritual services to inmates in Los Angeles County is  
5 the polyglot nature of the community. To meet the need  
6 of our nonEnglish speaking population, we have currently  
7 chaplains conducting services and counseling in Spanish,  
8 Armenian, Chinese, Korean, Arabic, Farsi, and sign  
9 language.

10 Whenever a special religious event is  
11 needed -- such as Ramadan observance, Passover,  
12 Christmas -- my office coordinates with the concerned  
13 jail facility and schedules the event.

14 The Religious Volunteers Services Office has  
15 hosted several unique religious services over the past  
16 four years such as ministries from Mexico, Germany, a  
17 Billy Graham crusade, and an interfaith music concert.

18 My office has coordinated religious programs  
19 offered to the inmate population by religious leaders  
20 such as Cardinal Roger Mahoney, Minister Louis Farrakhan,  
21 and actor Kirk Cameron. My office regularly coordinates  
22 monthly Shabbat dinners and services for Jewish inmates.

23 Within the Los Angeles County jails, the single  
24 greatest challenge to providing religious services to  
25 inmates is the constrained time-and-space resources

1 available.

2 Religious service providers must share the time  
3 and space with a large number of other program providers  
4 and facility activities.

5 Most of my chaplains understand the constraints  
6 and cheerfully work with custody staff to accommodate  
7 facility counts, security lockdowns, pill call, sick  
8 call, exercise time, adult education, twelve-step panel  
9 meetings, and so forth.

10 Each of the other activities is vital and  
11 necessary for the inmates' wellbeing, but it takes  
12 patience and dedication on the part of the custody staff  
13 to satisfy everyone.

14 Another hurdle to providing services to inmates  
15 is the simple fact that inmates do not all get along with  
16 each other. Custody personnel address this by  
17 establishing various security level classifications which  
18 define which inmates may be in the same room as others.

19 Sometimes this necessary security makes  
20 congregant observances difficult or impossible, as  
21 Mr. Colavitti mentioned, for the men who can't get along  
22 with anyone else; but in even those instances, those  
23 inmates get visits by chaplains.

24 In closing, I'd like to say that security is not  
25 an insurmountable barrier to providing religious services



1 to our incarcerated population. The greatest impediment  
2 that I have found is that that inmates are generally not  
3 aware that they may ask for those various services that  
4 we do provide.

5 Thank you. I'm open to any questions.

6 THE CHAIRPERSON: Thank you very much.

7 Do we have questions from the panel here?

8 Mr. Dodd has not had a chance to ask a question.

9 MR. DODD: Building on a question from the last  
10 panelist -- and it's my understanding that, you know, the  
11 new recruits usually man -- are the line deputies in the  
12 jails -- and it's my understanding that that's maybe not  
13 only a rite of passage but also has some training aspects  
14 to be familiar with the folks that they're going to see  
15 out in the streets and gangs.

16 And I was wondering if you could explain why it  
17 is that the new folks, or the people in the jails, what  
18 kind of training do these folks get with the topics we're  
19 discussing again?

20 LIEUTENANT BALD: A good question.

21 First of all, if you -- you can like a custody  
22 environment as a college. Serving two years doing time  
23 in the jail system working, talking with the inmates, you  
24 gain a knowledge, experience, and training on the type of  
25 language, characteristics, expertise that takes on over

1 into the street atmosphere.

2 In fact, we've had outside agencies --  
3 El Segundo, Redondo Beach -- there are several others  
4 that actually have what's called a ride-along program  
5 where they have their officers that are newly hired --  
6 they actually walk with our deputies and make contact  
7 with the inmates and start talking to them in the custody  
8 environment to increase their knowledge, experience, and  
9 training so they can take it out to the streets.

10 As Mr. Colavitti said in the previous session,  
11 we have invited them to our staff meetings with the newly  
12 hired recruits that are coming to the custody  
13 environment, and they are given the opportunity to  
14 explain what they do and the cooperation needed to assist  
15 them; and it's working quite well, especially at  
16 Men's Central Jail.

17 THE CHAIRPERSON: And why don't we start then  
18 down this row with Mr. Duran.

19 MR. DURAN: Yes, Sergeant Zempel, I find it  
20 interesting that prisoners find God as soon as they get  
21 into the jail system very quickly.

22 The question is what is the recidivism rate once  
23 they go out, in terms of your experience with your  
24 system?

25 SERGEANT ZEMPEL: I don't have that number. My

1 position is to provide the spiritual support and the  
2 religious programs and not to -- not to work as a  
3 statistician for the system. So I guess I don't know  
4 that.

5 MR. DURAN: The Folsom group -- they try to  
6 prepare a program where the prisoner's released and  
7 ideally he gets a better life and moves on to a better  
8 situation.

9 LIEUTENANT BALD: I think one of the side issues  
10 of county jail is that we house different types of  
11 inmates. We have anywhere from prearraigned to  
12 arraigned, pretrial, trial, sentenced inmates.

13 As you probably heard in the -- in the press  
14 that our sheriff has upgraded our 10 percent release to  
15 50 percent. That's going to increase our population of  
16 county-sentenced inmates. In the past it's only been  
17 10 percent. We also hold a percentage of state inmates  
18 until there's room in the state prison system for them to  
19 take them.

20 So you have all these people -- and I do not  
21 believe there's been any statistical runs on which  
22 particular individual has attended any of the meetings  
23 and whether the recidivism rate has gone up or down.

24 SERGEANT ZEMPEL: If I could add just something  
25 that might address your question -- the heart of your

1 question.

2           The sheriff's department has a special unit  
3 called the Community Transition Unit who have a number of  
4 people whose job it is to make the connections and the  
5 partnerships between the sheriff's department and  
6 placement entities and work directly with the inmates and  
7 place them in those facilities; and that's a very, very  
8 busy important high-profile unit, and they're are very,  
9 very successful.

10           MR. DURAN: Do you also combine the women's  
11 program with your program? Is it all one program?

12           SERGEANT ZEMPEL: Yes, sir.

13           MR. DURAN: So you're basically providing the  
14 same services to the women?

15           SERGEANT ZEMPEL: Yes, we do.

16           THE CHAIRPERSON: Anyone else in the front row?

17           MR. ROSENTHAL: Just to follow up then.

18           So since you don't keep any type of statistics  
19 regarding recidivism, my question is are these religious  
20 services then purely -- strictly for religious purposes  
21 and not for any type of rehabilitative effect.

22           SERGEANT ZEMPEL: All spiritual programs, I  
23 think, in part, are rehabilitative; but our -- my  
24 office's job is to provide those and facilitate those --  
25 those services.

1           There are other people perhaps that are keeping  
2    recidivism statistics, but I don't use those to drive  
3    anything that I do. My job is to maximize the access to  
4    whatever religious service an inmate needs.

5           MR. ROSENTHAL: And not for any -- but your  
6    focus is not to provide it for them for any type of  
7    rehabilitation because --

8           The reason why I'm asking this -- and I'll  
9    explain why I'm asking you -- is what's confusing is if  
10   your -- if these religious services exist for some sort  
11   of rehabilitation and yet you don't have any statistics  
12   for recidivism, how do you know how effective they are in  
13   terms of rehabilitation?

14          SERGEANT ZEMPEL: That's an absolutely valid  
15   point, but our religious services exist to be religious  
16   services.

17          MR. ROSENTHAL: And that was my question. Okay.

18          SERGEANT ZEMPEL: Every chaplain has an endless  
19   list of success stories. They love to tell the success  
20   stories, and we love to tell the success stories; but  
21   that's not why we're here. We're here for the religious  
22   programs.

23          MR. ROSENTHAL: Thank you.

24          MS. BROWNE: Sergeant Zempel, I have a real  
25   short question.

1           You mentioned that the most difficult aspect is  
2 to make sure that the inmates are aware of the religious  
3 services.

4           What -- how do they learn about the religious  
5 services now, and what would you do to change it?

6           SERGEANT ZEMPEL: We are working with the  
7 Custody Training Unit and our inmate reception center to  
8 create a video that will play nonstop, just looping  
9 through the inmate reception center so that we can  
10 describe the entire spectrum of services that are  
11 available to inmates, not just religious, but vocational,  
12 educational, the various rehabilitation, the community  
13 transition unit programs.

14           So we're working on that, and we're going to put  
15 in some -- my understanding of the plan is to put in a  
16 whole row of flat-screen television monitors on the wall  
17 so, as they move through, they get the entire message  
18 start to finish.

19           One of the problems that we have right now is  
20 that the stay is so short in the county jail, we're  
21 getting new people all the time. So it -- it's difficult  
22 to market ourselves to a very short -- short-term  
23 audience.

24           But I have -- as I said, I have a number --  
25 hundreds of chaplains and volunteers on any given day

1 walking throughout the jail announcing that they have the  
2 services; and then if an inmate asks -- let's say they're  
3 a statistic minority -- if they ask for a small  
4 underrepresented religious faith, they'll have to put in  
5 a request generally to my office because that chaplain  
6 may not know that I have another chaplain of that faith.

7 So I'm working with my chaplains to educate them  
8 so they can educate the inmates. It's an ongoing  
9 problem.

10 MR. GRAY: I actually have a question for the  
11 lieutenant.

12 You made a comment about the -- if I understood  
13 you correctly, the length of stay in terms of how long  
14 inmates are staying in.

15 What is the new policy?

16 LIEUTENANT BALD: I'm sorry. What's the  
17 question? The deputies -- as far as their stay?

18 MR. GRAY: No. No. I'm talking about the  
19 inmates.

20 LIEUTENANT BALD: Well, it --

21 MR. DURAN: Are you cycling them a lot faster  
22 now than previously?

23 LIEUTENANT BALD: I don't know what those  
24 numbers are; however, we get the people from prelim all  
25 the way up to more than two years that they're waiting

1 for their trial and to be sentenced to go to state  
2 prison.

3 I don't have the figures on the turnover rate  
4 but they're both highs and lows and that's the problem  
5 that we are associated with.

6 MR. GRAY: Well, maybe I misunderstood you.

7 It sounded like there had been a substantial  
8 change, and I was wondering --

9 LIEUTENANT BALD: Oh, are you talking about the  
10 10 to 50 percent of the county-sentenced?

11 MR. GRAY: Yeah.

12 LIEUTENANT BALD: Yes. That's a -- when an  
13 inmate in the County of Los Angeles is sentenced to  
14 county time, we were kicking out a quick-release  
15 10 percent. Now it's gone up to 50 percent.

16 We just started that within the month. We have  
17 not seen what the numbers are going to represent;  
18 however, we're going to use technology with GPS and that  
19 type of stuff where we get them out of the custody  
20 environment at home and they can do their time at home.

21 But we have yet to see the influx of the county  
22 sentence increase.

23 MR. GREY: Okay. So obviously if you've that  
24 kind of a program in place, then you're going to not have  
25 the same need, I suppose, that you currently have for



1 having 200 chaplains.

2 What are you going to be doing, as far as if I'm  
3 sentenced to house arrest, instead of having to sit  
4 either in Twin Towers or at the Farm, do I get to go to  
5 church if I want to, or am I stuck at home?

6 Do you know?

7 LIEUTENANT BALD: Yeah. I don't know what the  
8 policies are with that.

9 MR. GRAY: With the program rather?

10 SERGEANT ZEMPEL: That's a whole different group  
11 within the sheriff's department that deals with that.

12 But that's a good question.

13 I -- I believe that they can call in and say  
14 "I'm going to church, and I'll be back at 11 o'clock,"  
15 and then they have to be back on the tracking system.

16 LIEUTENANT BALD: They might even include  
17 schooling, work -- that type of issue and not just  
18 straight at home doing their one-year time. I just don't  
19 know what the policies are.

20 SERGEANT ZEMPEL: The technologies available now  
21 for those home-detention programs are amazing.

22 MR. DURAN: Just a quick question in terms of  
23 the immigration holds.

24 Are you going to be involved in that?

25 Does the sheriff have a policy with the

1 immigration department and following up with their  
2 religious practices?

3 SERGEANT ZEMPEL: We -- we contract with ICE at  
4 one of our facilities. It's strictly immigration --  
5 immigration individuals, and my office provides religious  
6 services for those inmates as well.

7 MR. DURAN: So is that determined at the time  
8 that they're arrested as to whether they're an  
9 immigration problem or they're a citizen?

10 LIEUTENANT BALD: It could be at the time of the  
11 arrest or later when they're positively identified in the  
12 system.

13 MR. DURAN: So Lee Baca does have an agreement  
14 with the federal agreement on immigration?

15 LIEUTENANT BALD: Yes, sir, he does.

16 THE CHAIRPERSON: We'll go to the back row now.

17 MR. MITCHELL: Mr. Zempel, you started your  
18 comments, I think, with a statement that seemed to equate  
19 20,000 inmates at the Central jail with the freest nation  
20 in the world.

21 Could you restate that for me.

22 SERGEANT ZEMPEL: We operate the largest jail  
23 system in the free world, and in that system we have  
24 eight facilities that house nearly 20,000 inmates at any  
25 given moment.

1 MR. MITCHELL: It sounded like an oxymoron.

2 SERGEANT ZEMPEL: That's why we're so free.

3 MR. MITCHELL: You also mentioned that you don't  
4 maintain the statistics.

5 SERGEANT ZEMPEL: That's correct -- well, I  
6 maintain very limited statistics on the number of -- the  
7 number of personal contacts that chaplains have with  
8 inmates, and the number of services held, number of  
9 volunteer hours donated -- that sort of thing.

10 MR. MITCHELL: But you went on to identify a  
11 number of demographics which to me seemed to be extremely  
12 diverse.

13 SERGEANT ZEMPEL: Those were the -- those were  
14 the demographics of Los Angeles County itself.

15 MR. MITCHELL: Oh, and not --

16 SERGEANT ZEMPEL: My point is that we have this  
17 incredible diversity of people being arrested in the  
18 jail.

19 I do have the demographics -- racial  
20 demographics for the jail. I don't know the language  
21 makeup because we don't ask that question. We don't ask  
22 religious questions. So I don't know that. I'm working  
23 in the dark.

24 MR. MITCHELL: But the way you were describing  
25 it, it seemed like the jail possibly was the most

1 equal-opportunity model.

2 SERGEANT ZEMPEL: Absolutely, yes.

3 MR. MITCHELL: Okay.

4 MR. DURAN: The 20,000 break-up, female and  
5 male -- what's the ratio?

6 LIEUTENANT BALD: We have about 2,000 at CRDF  
7 where the females are housed.

8 MR. DURAN: And so that 18,000 are male?

9 LIEUTENANT BALD: 18,000 are male and  
10 approximately 5,000 are held at the Central jail.

11 MR. KLAUSNER: I'm curious as far as the  
12 demographics of your volunteer chaplains.

13 Do you know how that breaks down?

14 SERGEANT ZEMPEL: I do not. It's not anything  
15 that we look at. We keep it in the back of our mind that  
16 we want diversity, but it comes without our trying. So  
17 we have people representing every -- every ethnic  
18 cultural background. You name it, we have it except  
19 Sikhs, Hindus, American Indians.

20 THE CHAIRPERSON: I want to ask a question  
21 similar to the one that I asked from the gentleman from  
22 Folsom Prison, and that is have you had any requests for  
23 religious accommodation that you felt that you couldn't  
24 deal with, and could you give me examples of things you  
25 might not be able to deal with?

1           SERGEANT ZEMPEL: No. We do get -- we do get  
2 unusual requests sometimes. Our Mira Loma facility,  
3 which is the immigration contract facility, has a policy  
4 because shaved heads or -- associated with gang  
5 membership, their facility policy is that no one can have  
6 hair shorter than a quarter of an inch.

7           And I got a call one day one afternoon -- I had  
8 these -- these guys that claim that it's part of their  
9 religion that we have to let them shave their head.

10           "Okay. Let me look into that. Where are they  
11 from?"

12           And I researched it, and a couple of hours later  
13 was happy to give the good news to the facility that,  
14 yes, ask these three questions. If they give you an  
15 answer that they are from this geographic region of  
16 Africa and they use this term to refer to shaving their  
17 head, yes, it's bona fide.

18           So they asked those questions and found, yes,  
19 indeed they are, and we let them shave their heads.

20           On the other side, we've had -- we had one  
21 request for an American Indian who asked to have a sweat  
22 lodge and do a sweat ceremony, which is not an absurd  
23 request, but as I was trying to make the connection with  
24 the Native American spiritual community and be able to do  
25 this properly, our inmate was released, and so the

1 question went away.

2 DR. LAKOFF: That's good.

3 MR. GRAY: How do you accommodate something  
4 because the warden had mentioned that same thing?

5 My reaction sitting here is thinking how can you  
6 accommodate a sweat lodge in a prison or in a jail? I  
7 mean that seems like it's pushing it.

8 SERGEANT ZEMPEL: That would be pretty much on  
9 the push boundary, but to make that decision, we -- we  
10 bring in a respected leader of that religious faith  
11 community and our jail security experts and see if we can  
12 work out the middle ground so that it works.

13 I'm not sure that we can for a sweat lodge, but  
14 federal facilities have them. So we might make contact  
15 with a federal facility and find out how they do it.

16 MR. DURAN: How do you deal with the  
17 L.A. County General Hospital ward?

18 SERGEANT ZEMPEL: I have chaplains that are  
19 working there full time.

20 MR. ROSENTHAL: Are you able to provide  
21 accommodations for inmates who require foreign language  
22 services that are conducted in a foreign language?

23 And if you do, how are you able to monitor those  
24 services?

25 SERGEANT ZEMPEL: We are not able to monitor

1 them frankly. If we provide it, it's in that language,  
2 but I trust my chaplains.

3 They have all been through a criminal security  
4 background check. They're all ecclesiastically  
5 certified. They're all members -- they've been members  
6 of their local congregation for two years before they can  
7 even apply to be a chaplain.

8 They work as an assistant chaplain for a period  
9 of time. They have to be recommended by one of my  
10 existing senior chaplains and approved by my advisory  
11 board.

12 We had -- I am a member of the jail  
13 radicalization task force that our -- at the sheriff's  
14 department, and other members of that are part of the  
15 sheriff's intelligence unit working our  
16 terrorist-early-warning group that periodically review  
17 the people that I have hired as chaplains. I have a  
18 whole lot of snitches. If somebody says something bad,  
19 it comes back to us.

20 MR. ROSENTHAL: Do you rely on the snitch  
21 system, though?

22 SERGEANT ZEMPEL: It worked recently when we  
23 asked the chaplain to leave who was preaching his own  
24 views about another -- another Christian religion.

25 It comes back. People do generally talk if

1 someone's -- someone in an audience will not like what's  
2 being said, and they come back and talk. The jail  
3 investigations unit is always working, listening, making  
4 connections with the inmates. We have -- we have a lot  
5 of tools that we actively use.

6 MR. ROSENTHAL: So you do have foreign-language  
7 services?

8 SERGEANT ZEMPEL: Yes, we do. Yes, we do.

9 MR. ROSENTHAL: Okay.

10 MR. KLAUSNER: I'm curious. What is the general  
11 areas that your jail radicalization task force has gotten  
12 into, and how does that intercept with the areas that  
13 we're talking about here today?

14 SERGEANT ZEMPEL: There has been none that we've  
15 identified in our county.

16 So what we have done to date is try to make sure  
17 that it doesn't happen by reviewing those cases that have  
18 happened, staying firmly connected with the FBI, and a  
19 lot of communication back and forth just to be sure  
20 that -- as much as we can, that it doesn't happen in the  
21 L.A. county jail.

22 MR. KLAUSNER: And what's your general knowledge  
23 as far as where that seems to be a problem?

24 SERGEANT ZEMPEL: What -- what seems be  
25 currently happening is that, as the warden said earlier,



1 they're preventing criminal gangs from associating.  
2 Those gangs are adopting religion so that they can  
3 associate under the guise of those religions.

4 One of the biggest groups that's gathering  
5 together are some of the black prison gangs like the  
6 Black Guerrilla Family, BGF, are adopting Islam as their  
7 official religion so that they can congregate under  
8 mainstream Islam.

9 And if it's mainstream and it meets all the  
10 other requirements, apparently of the state, there's not  
11 a lot they can do, and this seems to be the driving  
12 factor for the radicalization.

13 MR. DURAN: They say that the prison population,  
14 their societal movement, is five years behind the regular  
15 society.

16 Has there been an upsurge in religious  
17 acquisition by the prisoners in all the institutions?

18 SERGEANT ZEMPEL: I do not know the answer to  
19 that. I've been in this office two and a half years, but  
20 I don't know the answer to that.

21 THE CHAIRPERSON: Gentlemen, thank you very much  
22 for coming out here and talking to us today. We're going  
23 to have to move on. So thank you.

24 SERGEANT ZEMPEL: Thank you.

25 LIEUTENANT BALD: Thank you very much.

1 THE CHAIRPERSON: Our next witness is  
2 Father Dennis Grabrian from the Federal Bureau of  
3 Prisons.

4 Okay. Father Grabrian, if you could identify  
5 yourself and your position for the -- for the record.

6 FATHER GRABRIAN: I'm Father Dennis Grabrian. I  
7 work with the Federal Bureau of Prisons, and I'm what's  
8 called the regional chaplaincy administrator for the  
9 western region.

10 For your information, the Bureau of Prisons is  
11 divided into six regions, and the western region is one  
12 of those six regions. We have about 14 sites where we  
13 have federal prisons located between Washington State,  
14 Arizona, a new model in Honolulu, and we have one a few  
15 hundred feet from us, the MDC, Los Angeles.

16 In the federal system, I believe our whole  
17 entire federal inmate population is roughly the size of  
18 the prison system of California. So I think there's  
19 about 165,000 inmates that we have and another maybe  
20 30,000 that are in contract facilities that I don't have  
21 any real contact with.

22 I just this morning flew in from Phoenix where I  
23 was doing a staff assistance visit at the FCI, Federal  
24 Correctional Institution, Phoenix, looking at the  
25 religious accommodation and the program there that the

1 chaplains have.

2 Part of my job is to go around to the different  
3 institutions, work with the chaplains, oversee the  
4 programs and facilitate and help, encourage where I can,  
5 help recruit chaplains for the federal prisons.

6 In the federal system, we have -- I think it's  
7 around 240 chaplains across the United States, and here  
8 in the western region maybe about 35 chaplains, and most  
9 of those chaplains would represent the Protestant  
10 denominations. We have Catholic chaplains, of course.  
11 We have -- I want to say about a dozen Muslim chaplains  
12 and some Jewish chaplains and I think even one Buddhist  
13 chaplain at this time.

14 To be a chaplain in the system there's some  
15 fairly stringent requirements. Each chaplain has what's  
16 called a master's of divinity degree or equivalent  
17 graduate education. So they've got a pretty substantial  
18 master's degree behind them.

19 They're endorsed by their particular religion,  
20 and they're ordained or have official standing as a  
21 minister in their denomination. They've had some  
22 pastoral experience before they come into the FCI. So  
23 have had some good -- good training before they come into  
24 the federal system.

25 We do have contract chaplains. We've had quite

1 a few volunteers. Those are determined on the local  
2 level. Some places such as Los Angeles it maybe easier  
3 to find volunteers and contractors. Other places like  
4 Atwater or Herlong in California, it may be more  
5 difficult to find volunteers and contractors to help with  
6 the programs.

7 One of the things in the federal system is we're  
8 fortunate -- we have over the years refined policy on  
9 many things. This particular policy you can find on the  
10 BOP.gov website, and this particular policy is religious  
11 beliefs and practices and it's -- I'm looking up the  
12 number of it -- it's program state 5360 --  
13 five-three-six-zero -- .09; and it goes into some really  
14 defined practices for chaplains in the Bureau of Prisons.

15 We also have what we call technical reference  
16 manuals. There's two particular reference manuals.  
17 One's a smaller one which kind of guides chaplains on how  
18 to function generally as a chaplain in the Bureau of  
19 Prisons.

20 And then we have another technical reference  
21 manual that's only about 350 pages and it looks at all  
22 kinds of different religions and it's an evolving  
23 document. As we finish sections on another religion,  
24 it's added to that technical reference manual so that the  
25 chaplains in the institutions would really know how to

1 deal with Odanists, Asatru, or the Santerians, or the --  
2 or one of the Pentecostal Jesus Only Christians, and so  
3 forth.

4 So it's evolving, but it's a very helpful  
5 document also being adopted by many states as they find  
6 this as a helpful tool for them and -- so anyway we have  
7 quite a bit of good guidance in the federal system to  
8 help us.

9 On my visit down to Phoenix, going there I spent  
10 some time visiting with the chaplains. In part of the  
11 review, we walked out to the outdoor worship area which  
12 contains the sweat lodge just to see what that outdoor  
13 worshipper can do at sweat lodges that are designated  
14 facilities.

15 We don't have a sweat lodge here at the  
16 high-rise facility where inmates are designated. We  
17 can't. So we look at that, and these religious areas --  
18 we talk about our chapel area inside as an indoor chapel  
19 area. Then the outdoor worship area also.

20 The outdoor worship area and indoor worship area  
21 needs to be religiously neutral, and so we try, as best  
22 as possible, to see that any religious group could use  
23 these areas and not think that they're in the middle of a  
24 Catholic church or Jewish synagogue or Islamic mosque.

25 So we try to keep the neutrality. Then when

1 they have a service in the area, then they can put up a  
2 crucifix or bring up a statue or whatever they need in  
3 particular. We look at the neutrality of it. Is it  
4 usable by -- by the Odanists or the Wiccans or perhaps  
5 the Jewish.

6 Then maybe a little trip over to the food  
7 service area, and we look at the religious-diet kitchen  
8 and, we see that the food preparation area really is  
9 providing certified kosher meals for those inmates that  
10 need to be on that particular diet, that menus are being  
11 followed, and so forth.

12 And then looking to see that the other religious  
13 diet, which we call the no-flesh diet, a vegetation-meal  
14 style -- is it available for inmates that really don't  
15 require a certified food diet but need just a type of  
16 religious diet.

17 Then, of course, we need to look at all the  
18 other areas. We -- it goes on from there. One of the  
19 things we -- again, we have our policies, we have our  
20 technical reference manuals, but we also need to follow  
21 RFRA in the federal system.

22 And part of what RFRA -- and basically it's a  
23 real challenge for chaplains because in RFRA we have to  
24 provide or motivate religious practice, not necessarily  
25 mandate religious practice.

1           We could say, well, the Catholic church says you  
2 have to do so and so and you have to do this, but an  
3 inmate can come and say, well, in my motivation I need  
4 this.

5           So we have to try to provide for the motivated  
6 religious practice of the inmate, and then if we restrict  
7 it or try to limit it, then we have to use the least  
8 restrictive means if we say that there's a compelling  
9 government interest there such as security or the good  
10 order of an institution.

11           One of the things that we are concerned about,  
12 of course, is supervising the programs that happen in  
13 chaplaincy, and our policies say that we cannot have  
14 inmates leading, being an official, if you will, or  
15 semiofficial minister of a particular religious group  
16 unless they have constant supervision.

17           That means that they have to have a staff member  
18 or a chaplain either in the room listening to what's  
19 going on, watching what's going on, or they have to have  
20 an audio-video system set up where they can hear and see  
21 if there is an inmate-led program.

22           With volunteers and contractors, it's less. We  
23 can get by with intermittent supervision. So anyway we  
24 do have come controls in place there.

25           Then our policies also dictate quite a bit what

1 is allowed, what is not allowed, how we look at new  
2 religious components, how do we get those approved or  
3 not.

4           Maybe I can just stop there. That's enough for  
5 the moment.

6           THE CHAIRPERSON: Thank you. Why don't -- for  
7 questions, let's start with the first row again and go  
8 from left to right.

9           MR. BOLTON: Do you have any inmates who are  
10 ordained ministers, and do they assist in the services?

11           FATHER GRABRIAN: Well, if you have -- if we do  
12 have an inmate who is an ordained minister, they're not  
13 allowed to function in an official capacity. They're  
14 considered an inmate. So they may be much more qualified  
15 than a volunteer or even the chaplain that's there, but  
16 they can't function in that capacity.

17           MR. DURAN: In your -- in the sweat lodges, are  
18 the other prisoners to allowed to use the sweat lodge, or  
19 do they have to be of a specific religious cult whether  
20 it's Native American or some other group?

21           FATHER GRABRIAN: Well, typically it's going to  
22 be inmates that are listed as Native American. I can't  
23 guarantee that some other inmate might not get in there  
24 sometime and be sweating with the others.

25           Our programs are open to all inmates. The



1 warden may restrict attendance at a program if there's  
2 again security, good order issues. We're not going to  
3 let the sweat lodge deteriorate just into a nice Saturday  
4 afternoon sauna. So there'd be security, a  
5 good-order-in-the-institution issue.

6 MR. DURAN: The other question is that we've  
7 talked about security issues and gang activity,  
8 et cetera.

9 Have you found any of this type activity going  
10 on in these religious groups when they get together?

11 FATHER GRABRIAN: Very little. I think really  
12 very little. The people that are involved in chaplaincy  
13 programs have a real desire to use their religion as a  
14 means of trying to deal with their incarceration, as a  
15 means of trying to get their life back together, and deal  
16 with their time of confinement.

17 There are some that try to maybe take over a  
18 group. Again, with controls that we have in place, if  
19 our chaplains are following policy, they're not going to  
20 be letting this kind of thing happen. We would have  
21 rotating leadership. Maybe one week one inmate might  
22 have a -- be giving a sermon, but we wouldn't let that  
23 inmate take over and be directing a particular group.

24 I think we have some good controls in place for  
25 that. There's nothing to say that the inmates themselves

1 for religious purposes couldn't be out there in the yard  
2 meeting in a small group and doing whatever kind of  
3 radicalizing that they would attempt out there, but the  
4 programs are -- if they're monitored the way they're  
5 supposed to be, there's not much of that going on.

6 MR. KLAUSNER: Let me ask, Father, when  
7 Warden Kramer was talking, it seemed like it was -- maybe  
8 more or less is what you're saying differently -- an  
9 ongoing concern but it's something that could be dealt  
10 with; that is, the issue of security, radicalization, the  
11 affiliating with a gang that are trying to use religion  
12 as a tool to maintain their own activities with their  
13 agenda.

14 So you generally are comfortable, I gather, if  
15 you've seen -- in the western region that you're  
16 administering, have you seen any kind of specific  
17 problems in that regard?

18 FATHER GRABRIAN: Again, I don't see any real  
19 problems in that area. The -- once in a while, you may  
20 have some inmate or a group of inmates that might be of  
21 the Aryan Brotherhood who maybe try to take over the  
22 Asatru wildernist group and try to have more -- more say  
23 there.

24 But there's a lot of inmates that really want to  
25 try to practice Odanism or Asatruism in a way that's

1 comfortable for them. They don't want these people to  
2 move in on that. So there may be being some temporary  
3 tensions between that. Again, if there's the procedures  
4 that are being followed, there usually isn't that  
5 problem.

6 The security component of the institution really  
7 does monitor all the gangs and sees -- there's good  
8 communication to try to filter in any information we  
9 might see of someone or several individuals trying to  
10 start using a particular religion for an untoward  
11 purpose.

12 MS. MONTOYA: Father, if I heard you correctly,  
13 you said you're not here to describe what is going on in  
14 the for-profit prisons, and I'm wondering do the same  
15 rules apply and do they have the same kind of policies?

16 FATHER GRABRIAN: Generally, they follow the  
17 same policies. They're really trying to stay fairly  
18 close to what's here, but some of the -- they would  
19 definitely follow the ACA guidelines, and there may be  
20 some variation to the policy.

21 But from time to time, I will get a telephone  
22 call from a contract facility chaplain and he'll want to  
23 know how do we do this in the federal system and I'll  
24 say, well, in the federal system this is how we do it.  
25 They don't necessarily have to follow.

1 MS. MONTOYA: Thank you.

2 MR. ROSENTHAL: Thank you, Father Grabrian.

3 My question is that you say that you tend to  
4 have ordained chaplains for the most part, and I'm  
5 curious for nontraditional religious philosophies, where  
6 you know, there may not necessarily be immediate access  
7 or you may not have knowledge, or the warden or whatever,  
8 to an ordained chaplain for that particular philosophy,  
9 but what is the normal process to get someone?

10 FATHER GRABRIAN: In the federal system, first  
11 of all, the chaplains, even though the chaplain may be a  
12 Catholic or a Jewish rabbi or a Muslim imam, his  
13 responsibility or her responsibility is to be ministering  
14 to people of all denominations, to be taking care of  
15 their pastoral concerns.

16 They may not be able to actually lead a  
17 particular Jewish service, for which I try to find  
18 contractors or volunteers to handle that, but we'll do  
19 all that we can to bring in the resources, the  
20 programming, whatever we can, to help them at the time  
21 scheduling them for what they need for a shivah service  
22 and so forth.

23 MR. ROSENTHAL: I'm curious then, based upon  
24 that general model, what -- maybe I just misunderstood --  
25 what then is the purpose of inmate-run religious

1 programs?

2 Didn't you say that some of the programs --

3 FATHER GRABRIAN: There may be -- for instance,  
4 maybe you have -- you don't have a Muslim chaplain at  
5 your institution. You just can't find a contractor, a  
6 volunteer. You don't have a staff chaplain that's  
7 Muslim.

8 So that responsibility for helping to  
9 accommodate the religious needs of the Muslim community  
10 is going to maybe fall on the Catholic chaplain's  
11 shoulders. So he's -- they're still going to have to  
12 have their Friday service, their Jumu'ah. Somebody may  
13 be trying to give a sermon at the Jumu'ah.

14 Well, there would be real -- maybe in that  
15 setting, it might be part of that service that really is  
16 inmate-led. So the chaplain would need to have constant  
17 supervision of that.

18 MR. ROSENTHAL: Okay. More as a facilitator  
19 than an actual leader of the religious services?

20 FATHER GRABRIAN: Not even necessarily a  
21 facilitator, may be just a presence there, and let them  
22 go ahead and do what they need to do in their service  
23 that they're comfortable with, having some kind of eyes  
24 and ears to know what's going on.

25 MR. ROSENTHAL: Thank you.

1           MR. DOLLINGER: Thank you. That last question  
2 was actually very helpful for me, if I just could follow  
3 up on it before I ask mine.

4           I just -- generally, I'm trying to understand  
5 the difference between county, state, and the federal  
6 systems in terms of these questions and issues as they're  
7 sort of unfolding today.

8           I heard earlier that sort of the purpose of the  
9 religious services, in fact, was to lower the recidivism  
10 rate, to find a restorative aspect to these; and much of  
11 that was to link the inmate with the religious leader of  
12 their particular faith so that the two could essentially  
13 go on a journey together which would hopefully bring  
14 them, you know, into a better life.

15           Would you disagree with that at the federal  
16 level given what I perceive to be a different role of the  
17 chaplains there?

18           FATHER GRABRIAN: In our policy it's given four  
19 or five different functions of chaplain. One is to lead  
20 worship services for their own tradition but to provide  
21 spiritual leadership. That's a wide-open broad area  
22 to -- that can be developed out far and wide and provide  
23 pastoral care.

24           There's emergencies. There's deaths in  
25 families. There's serious issues that an inmate's trying

1 to deal with, trying to reconcile -- needs some pastoral  
2 care and attention.

3 The accommodation of the religious needs -- that  
4 seems to take a big amount of time for the chaplain just  
5 trying to accommodate religious needs that inmates have.

6 And then, of course, the security issue of  
7 accommodating the religious activities. There's more and  
8 more awareness and emphasis now being placed on reentry  
9 and trying to help the inmates move back into -- into  
10 society.

11 I think in the past perhaps the emphasis was on  
12 accommodation. Let's just be sure that they have their  
13 rights provided for them, but I think we see it in a  
14 broader term, not only to provide their rights, but we  
15 need to smooth the path for them as best we can.

16 But in terms of the chaplaincy and the reentry,  
17 I think we're still discovering where we're going to be  
18 in that area; but there's emphasis put on skill  
19 development for reentry -- good parenting skills, job  
20 skills.

21 There's emphasis being put on support community  
22 for reentry, but I think the chaplaincy was starting to  
23 realize that it would take more ownership in the inner  
24 transformation, if you will, conscience formation,  
25 orientation of oneself in a true directive and using it

1 not as something auxiliary but really something as  
2 essential, the whole area of religion, to help ground the  
3 core of a person so that they can successfully  
4 reintegrate into society.

5 MR. DOLLINGER: I have one other question.

6 Are the challenges the chaplains face at the  
7 federal level -- and now I'm principally comparing it to  
8 the other speakers that we heard -- we heard much about  
9 overcrowding, space issues, number of chaplains; and the  
10 greatest challenge in delivering these services to the  
11 inmates had to do with space.

12 I thought that I understood from you -- and I  
13 want to make sure that this is correct -- that at least  
14 in your experience at the federal level, it's the  
15 particular areas of the regulatory measures which are  
16 posing a great challenge for you.

17 So what I'm asking you first is do you have  
18 either issues of overcrowding and space or lack of  
19 sufficient chaplains versus you are staffed well and have  
20 the space but the particulars of the law make it  
21 difficult for you to fulfill your duties?

22 FATHER GRABRIAN: Generally, we have ample space  
23 for our programs. Institutional overcrowding -- there's  
24 obviously more people in institutions than we would like  
25 to have.



1           As far as chaplains, because of budget  
2 constraints, because it's just not always possible to  
3 find the chaplains that we need, we do have fewer  
4 chaplains than we would like to have.

5           If we had more resources and more chaplains, I  
6 would be a much happier person, but that's -- that's  
7 across the board, I think, in any government agency.

8           MR. DOLLINGER: Thank you.

9           THE CHAIRPERSON: The back row here?

10           Well, then, thank you very much,  
11 Father Grabrian.

12           FATHER GRABRIAN: Thank you.

13           THE CHAIRPERSON: We are going to take a lunch  
14 break now but, since we're behind time, I'm hoping that  
15 we can make up a little bit of time here and why don't we  
16 try to reconvene at ten after one.

17           (At 12:25 P.M. a lunch break was  
18 taken until 1:10 P.M.)

19           THE CHAIRPERSON: Why don't we get started now.

20           Our next panel consists of Karen Milam,  
21 Affad Shaikh, and Bhante Suhita Dharma.

22           So if these three could come forward, please.

23           Thank you. If you could identify yourself for  
24 the record, please, and your affiliations and then we can  
25 go on and have your individual statements.

1 MS. MILAM: Good afternoon. My name is  
2 Karen Milam. I'm senior counsel with the Pacific Justice  
3 Institute where I head up the Southern California office.

4 MR. SHAIKH: Good afternoon. My name's  
5 Affad Shaikh. I'm with the Council on American Islamic  
6 Relations, and I'm the civil rights coordinator for their  
7 Los Angeles office.

8 MR. DHARMA: My name is Bhante Suhita Dharma,  
9 and I'm with the Buddhist Peace Fellowship and United  
10 Buddhist Churches of Vietnam and America.

11 THE CHAIRPERSON: Thank you.

12 Ms. Milam, if you want to go on with your  
13 statement.

14 MS. MILAM: Thank you.

15 I represent Pacific Justice Institute. Pacific  
16 Justice Institute is a nonprofit public-interest  
17 organization, and we provide legal services to the public  
18 without charge on issues involving religious liberty and  
19 other First Amendment rights in conjunction with the  
20 Commission for the past two and a half years.

21 Our legal department has assisted inmates,  
22 prison chaplains, and prison ministries, administrative  
23 complaints. Our San Francisco office receives scores of  
24 letters and communications. So does our Orange County  
25 office that I head.

1           Although the types of religious requests for  
2 assistance go around the gambit, 80 percent deal with two  
3 specific issues: One is the obstruction of religious  
4 written and audio materials; and the second with the  
5 chaplains being required to officiate at religious  
6 practices and rituals outside of their faith --  
7 organizations and their faith.

8           Did you want me to go on, or did you want a  
9 short statement from --

10           THE CHAIRPERSON: If you want to give a more  
11 detailed statement --

12           MS. MILAM: I'll be happy to.

13           THE CHAIRPERSON: -- our only requirement is  
14 that it not take more than ten minutes.

15           MS. MILAM: Okay. Well, we have just been  
16 involved recently in a litigation throughout the  
17 California Department of Corrections that had to do with  
18 inmates receiving softbound materials and also CD  
19 materials on religious services.

20           One of the inmates had requested a Bible from a  
21 group called Jesus Christ Prison Ministry. When it  
22 arrived, it was marked "Not Approved" and "Unauthorized"  
23 and sent back and declared contraband.

24           And so we brought -- brought a lawsuit on behalf  
25 of the -- two or three of the different inmates against

1 the California Department of Corrections.

2 Part of the problem was that, in order to  
3 receive any CDs or materials, you had to be on an  
4 approved vendors' list, and to be a vendor you actually  
5 had to be selling things; and these were actually  
6 ministries that were donating to the prisons free Bibles  
7 and the CD material, and some of them were CDs of taped  
8 services and religious services that were not available.  
9 So they didn't meet the requirement of approval as a  
10 vendor. So they could not be on the vendor list.

11 We brought a motion for summary judgment against  
12 the California Department of Corrections in Federal  
13 Court. That was decided in October of this year, and  
14 there was a 33-page opinion well-reasoned, closely -- a  
15 well-thought-out opinion by the judge in the case,  
16 United States Magistrate Judge Dale Drozd, D-r-o-z-d.

17 And what transpired is that they agreed to put  
18 together a pilot program that will be used in the state  
19 of California, first at this prison, then if it's  
20 successful, then it's going to be used throughout the  
21 prison system in California where they will put together  
22 a program of being able to approve CD materials and  
23 religious materials from noncommercial vendors.

24 In the case that we brought, there were only  
25 four vendors that were allowed to actually send things

1 into the prison, one of them being Amazon.com.

2 And that is an agreement that's been worked out  
3 on how the decision's going to implemented, and hopefully  
4 that will take care of the problem in California.

5 However, there -- we still have requests for  
6 assistance from almost a dozen other states from  
7 prisoners in those states where they're having the same  
8 kind of problems -- the material's being sent in for  
9 religious purposes and just being stamped "Contraband"  
10 and sent back and they can't get them.

11 And the other issue that we're representing now  
12 is a minister who was being required to officiate and  
13 participate in rituals for Wiccans and his denomination  
14 is unhappy about the fact and has advised him he will be  
15 defrocked or excommunicated, or whatever they do to  
16 ministers, if he goes on facilitating Wiccan festivals,  
17 practices, and feasts as part of being a chaplain.

18 So that's -- those are two the concerns that we  
19 would really like to address here today.

20 THE CHAIRPERSON: Okay.

21 MR. SHAIKH: Thank you. Well, I wanted to  
22 provide just a brief introduction to what CAIR is and  
23 then provide some statistics as well as some examples of  
24 Muslim and Islam practices within the prison, and then  
25 hopefully I want to present some examples of issues that

1 are reported to our offices here in California.

2 The Counsel on American Islamic Relations is a  
3 nonprofit grassroots civil rights advocacy group. It  
4 carries America's largest Islamic civil rights, civil  
5 liberties group with regional offices nationwide and in  
6 Canada.

7 Our civil rights department, what I'm  
8 representing, is -- provides counsels, mediates,  
9 advocates on behalf of Muslims and others who have  
10 experienced religious discrimination, defamation, or hate  
11 crimes.

12 The department works to protect and defend the  
13 constitutional rights of American Muslims thereby  
14 supporting the rights of all Americans.

15 Each year CAIR publishes a civil rights report  
16 outlining the status of American Muslim civil rights. I  
17 took the liberty of pulling some statistics relevant to  
18 our discussion today.

19 Nationally, CAIR has seen a 7 percent increase  
20 in the total numbers of cases reported to our  
21 32 offices across the United States.

22 Prison cases in 2006 represented the third  
23 highest reported category with 175, roughly 8.9 percent  
24 of the total cases being reported to CAIR. These cases  
25 generally fall under issues involving religious

1 accommodation, and since 2001, we have seen a  
2 4-percent increase in the cases reported from prison  
3 facilities dealing with religious accommodation. This is  
4 on a national scale.

5 Here in California we have four offices --  
6 Sacramento, San Diego, San Francisco, and the Los Angeles  
7 area -- and we have similar statistics of cases reported  
8 from California facilities. Close to 6 percent of the  
9 cases reported in 2006 and 7 percent of the cases  
10 reported in 2005 dealt primarily with religious  
11 accommodation within prison facilities.

12 I believe that these numbers are limited because  
13 many of the numbers that we receive are from individuals  
14 that have heard about CAIR or might know or were pointed  
15 to us to report these cases.

16 In actuality, these numbers might be staggering  
17 because one of the statistics that we did find was that  
18 5 percent of the prison population in the United States  
19 is Muslim inmates who convert to Islam after being  
20 incarcerated.

21 And again CAIR is -- we handle complaints. So a  
22 lot of the information that I'm providing is really just  
23 acknowledging those complaints and not really  
24 acknowledging the good that's going on.

25 So just to kind of briefly touch upon Islam,

1 Muslim practices that are pertinent to prison facilities,  
2 CAIR has actually put out something called the  
3 "Correctional Institutions Guide to Islamic Religious  
4 Practices" to provide -- highlights the beliefs and  
5 practices relevant to the prison environment.

6 Along with this, CAIR regularly does diversity  
7 trainings for officers, diversity panels in Islam  
8 one-on-one in conjunction with various law enforcement.

9 We provide this training in the hopes it will  
10 empower law enforcement with pertinent information in  
11 order to protect themselves, be able to relate to Muslim  
12 inmates, and understand some of the issues they might  
13 encounter in the course of their day-to-day work.

14 For Muslims -- to become a Muslim is very  
15 simple. One just declares their faith or says the  
16 Shahadah which basically acknowledges that there's one  
17 God and that there's the last Prophet Muhammad and  
18 various other beliefs that go with it.

19 Islam urges God-consciousness in individuals.  
20 To that end, Islam prescribes that believers perform  
21 regular prayers. As you heard, Muslims pray about five  
22 times a day. They're -- they have congregational prayers  
23 on Fridays. These are usually -- these are group prayers  
24 that occur.

25 When Muslims pray, they physically face Mecca



1 which is located in Saudi Arabia. When we pray, there  
2 are prescribed physical movements. An individual's fully  
3 engaged, and oftentimes Muslims do not respond to  
4 conversations or other things that are going on around  
5 them during that period.

6 The other aspect that's important for inmates is  
7 fasting during the month of Ramadan. The most important  
8 facet during the month of Ramadan, Muslims fast from  
9 sunup to sunset. They do not eat or drink water or food  
10 during that period of time.

11 Muslims like Jews have dietary restrictions.  
12 Muslims do not eat pork nor do they drink alcohol or pork  
13 by-products. Muslims cannot eat any food that contains  
14 these two ingredients or their by-products such as lard  
15 or gelatin.

16 Practicing Muslims are very careful of what they  
17 eat, and oftentimes we do follow some -- follow a kosher  
18 slaughtering method called halal and many of you heard  
19 about that earlier or are aware of it. Other issues that  
20 are important to us include issues of beards and the  
21 Koran and various clothing items that we hear about.

22 Now, I want to present to you just a survey of  
23 some of the cases that -- and experiences that have been  
24 reported by our four offices here in California.

25 What I hope to do is kind of present to you what

1 we try to do in these cases, and I have to admit that  
2 many of the cases that we have we don't have good  
3 experiences with.

4           One of the individuals that I spoke to actually  
5 told us that the following is a basic conclusion we have  
6 received from all facilities after we have been asked to  
7 investigate a case or incident that, "After conducting a  
8 thorough investigation, we reached the conclusion that  
9 there was no violation of the inmate's rights," and this  
10 is a regular response that we get to many of the formal  
11 complaints or requests that we make.

12           And this is actually frustrating because  
13 oftentimes we have to go back and inform the inmate that,  
14 you know, you have -- there's no problem to begin with.  
15 So there's really no solution that we can provide.

16           Muslim inmates report on being denied access to  
17 Muslim chaplains or not being informed of religious  
18 services. We have also had reports of Muslims not being  
19 allowed to pray at Friday congregational prayers.

20           Muslim dietary requirements are often reported  
21 to us. In one instance, we were informed that Muslim  
22 inmates were being forced to eat pork because of a lack  
23 of dietary choices. In another incident a Muslim inmates  
24 reported of being fed pork while being told or seeing  
25 labels stating that it was a turkey product.

1           Prisoners also complain to us that kosher meals  
2 are provided but their dietary needs are not provided  
3 for. Oftentimes the issue with halal meat becomes part  
4 of the funding problem, and that's what we've experienced  
5 in dealing with these situations When we're working with  
6 the warden's office and we're told that funding is the  
7 issue that prevents them from actually providing halal  
8 meat.

9           Receiving hard copies of the Koran and copies of  
10 other softcover reading material has been an issue also  
11 that's constantly reported to us. There are numerous  
12 incidences of this occurring, and vendors and volunteers  
13 and organizations from the community have reported this  
14 to our offices. Other times we've even had reports of  
15 Korans being torn up after cell inspections and things of  
16 that nature.

17           In other instances, Muslim holidays are not  
18 recognized by prison officials. There are two critical  
19 holidays, one celebrating the end of Ramadan, the other  
20 celebrating the completion of the Fifth Pillar of Islam,  
21 or pilgrimage to Mecca, and it is celebrated by all  
22 Muslims.

23           Finally, Muslim chaplains report to us that they  
24 are constantly trying to establish prayer. In the words  
25 of one of the chaplains, they're fighting -- constantly

1 fighting with prison officials for inmates to be able to  
2 pray in congregation or by themselves.

3 So these are just some of the issues that I  
4 wanted to highlight, and hopefully I could answer more  
5 specific questions, if you have any.

6 Thank you for your time.

7 THE CHAIRPERSON: Thank you.

8 MR. DHARMA: Good afternoon.

9 As far as the Buddhist inmates are concerned  
10 specifically, we do have a number of issues, and the  
11 issues -- they can be overcome very easily, and we have  
12 found ways that we can get around them.

13 But one of the main -- major issues that we have  
14 ran into, if we have maybe one or two, say, Buddhists in  
15 a facility and we try to request to go in to talk with  
16 them, perhaps give them some religious services, we are  
17 often denied; but then we have to figure out a way of  
18 trying to meet these people through maybe visits or some  
19 other way of trying to reach the particular inmates.

20 We also -- we don't have any specific dietary  
21 requirements as Buddhists. A person becomes a Buddhist  
22 by taking the five precepts, and they have to do that on  
23 their own. We do not convert, and we do not proselytize.

24 So we receive about maybe 1- to 200 letters a  
25 day from all over America, different institutions where

1 the inmate may have come -- come in contact with some  
2 type of Buddhist literature; and through the Buddhist  
3 Peace Fellowship we provide that literature for them.

4           Once in a while, the literature is returned  
5 because it's coming from the Buddhist Peace Fellowship,  
6 for example, its inner temple, but by me being connected  
7 with the United Buddhist Churches of Vietnam and ordained  
8 in all three traditions, then we also have to send  
9 information to inmates through the temples themselves.

10           We also provide a lot of literature in the  
11 languages like Thai, Cambodian, Burmese, Chinese,  
12 Vietnamese, and we also provide religious services.

13           And one of the most important things about  
14 Buddhist practice is that the Buddhist practice deals  
15 with life itself. So we just can't go into a facility  
16 and just perform some religious service because there's  
17 more components to that particular human being; and we  
18 try to service the body, the speech and the mind as well.

19           There's been a lot of misunderstandings  
20 sometimes about Buddhism and philosophy. They try to  
21 classify it because they feel that we don't have deities;  
22 but in Buddhism there's thousands of deities, and there  
23 are also deities which we do not rely on as the sole  
24 help, but we rely on the mind, and as Buddhists, we are  
25 taught and we do teach that the mind is the forerunner of

1 everything.

2           So if we didn't have a mind, none of these  
3 religions or anything else that we have would actually  
4 exist because there would be no need for the thought to  
5 come in that we should better ourselves through body,  
6 speech, and mind. We believe in the laws of cause and  
7 effect.

8           One of my primary jobs is right now is that  
9 we're working for reentry and through what we are calling  
10 the Coming Home Project. That may be about 600,000  
11 inmates that they were released maybe starting this year,  
12 and how long that will take, we're not sure. So we are  
13 finding ways to work with these people.

14           So we want to provide for them, not only the  
15 religious teachings, but also the most practical of all  
16 teachings because when a person goes into the prison  
17 itself and then stays, say, five years, ten years,  
18 fifteen years, twenty years, and then they are released,  
19 and when they come back into society, that's a very  
20 traumatic shock. That's a culture shock that's beyond  
21 belief; and I've been working with prisoners now for over  
22 30 years, not only in America, but also in Asia and other  
23 countries as well.

24           So those are some of our -- our issues. I can  
25 go into more detail if you have any type of question you

1 might like to ask. So I will stop for right now.

2 THE CHAIRPERSON: Thank you. Let's start with  
3 our questions. Let's start with the front row first.

4 Is there anyone in the front row who has a  
5 question?

6 MS. BROWNE: I have a question for Ms. Milan.

7 You mentioned it that there was a lawsuit that  
8 was filed and that it was resolved through a motion for  
9 summary judgment.

10 Could you give me the name of the case and the  
11 decision, and can you describe your pilot program a  
12 little bit more for me.

13 MS. MILAM: Okay. I'd be happy to.

14 The name of the case is "Jesus Christ Prison  
15 Ministry, et al., -- that's the plaintiffs "vs. the  
16 California Department of Corrections, et al."

17 And the case number is CV 00440 DAD. It was  
18 brought in the United States District Court, Eastern  
19 District of California; and the opinion, I believe, was  
20 issued in October of last year finding that the  
21 prisoners' rights, or the plaintiffs' rights, had been --  
22 had been violated under, not only the United States  
23 Constitution, the First Amendment, but had also been  
24 violated under RLUIPA, the Religious Land Use and  
25 Institutionalized Persons Act.

1           And the way the lawsuit was resolved -- and I  
2   have a copy here of the settlement that they went into --  
3   they're going to start a program in "Corconan,"  
4   C-o-r-c-o-n-a-n?

5           MS. MONTOYA: Corcoran (pronouncing).

6           MS. MILAM: Corcoran. That's it.

7           This was the settlement agreement that was  
8   reached with the Attorney General of California and with  
9   the Department of Corrections, and by entering into this  
10  agreement, the lawsuit against them was basically  
11  dismissed by Pacific Justice Institute.

12           And my understanding is that within 90 days --  
13  I'll see if I can find it in here --

14           "Within 90 days from the date that the  
15   parties signed this agreement the  
16   California Department of Corrections will  
17   implement a pilot program at SATF that  
18   establishes policy and procedure for the  
19   inspection and issuance of religious audio  
20   media from religious organizations that are  
21   not departmentally approved in the packaged  
22   vendors.

23           "A copy of the approved pilot program is  
24   attached as Appendix 1 and incorporated  
25   herein as if so fully set forth. At the



1 completion of the pilot program, the  
2 California Department of Corrections will  
3 assess and evaluate the program and may make  
4 modifications necessary for the safety and  
5 security of the staff and inmates.

6 "Following the assessment, the California  
7 Department of Corrections will make a good  
8 faith effort to extend access to religious  
9 audio medias developed through the pilot  
10 program to all of its institutions  
11 recognizing, however, that certain  
12 institutions may need to modify operational  
13 policy to address their specific safety and  
14 security concerns.

15 "If the California Department of Corrections  
16 implements a statewide religious audio tapes  
17 and compact disc process, the new process  
18 will apply at SATF in lieu of paragraph 2  
19 above."

20 And I think SATF stands for California Substance  
21 Abuse Treatment Facility at Corcoran --

22 MR. ROSENTHAL: Corcoran (pronouncing).

23 MS. MILAM: -- Corcoran. Okay. Up north.

24 MR. ROSENTHAL: It's in the Bakersfield area, I  
25 think.

1 MS. MILAM: Okay. Corcoran.

2 So that is the -- pretty much the substance of  
3 what was worked out. They're going to come up with a  
4 project. They've got 90 days to do it, and they're going  
5 to review it at the end and see about implementing the  
6 process date.

7 MS. BROWNE: Thank you.

8 MR. ROSENTHAL: I'd like to ask a question to  
9 Mr. Shaikh, please.

10 Earlier one of the gentleman that testified  
11 spoke about that there are issues regarding certain gangs  
12 that may adopt religions in order -- you know,  
13 specifically in order to gather as gangs; and he  
14 mentioned that while one gang, the Black Guerilla Family,  
15 has been adopting Islam en masse --

16 Specifically, obviously, though, I guess the  
17 point is not to become Muslim but really to use it as a  
18 ruse in order for them to gather as the Black Guerilla  
19 Family.

20 And I'm wondering what involvement does your  
21 organization have to try to thwart these types of things  
22 because obviously I'm assuming that the purpose of your  
23 organization is to provide services for people who truly  
24 and legitimately identify themselves as Muslims and are  
25 interested in practicing Islam for what it is. So --

1 MR. SHAIKH: Uh-Huh.

2 MR. ROSENTHAL: -- there seems to be a  
3 corruption going on within the system, people, you know,  
4 faking seemingly -- or I'm curious. Is it -- are  
5 there -- you may have some information.

6 Are these conversions fake or are they real and  
7 are they sticking when they are being done by gang  
8 members?

9 MR. SHAIKH: I have -- I'll try to answer.  
10 There's a lot of components that you brought up.

11 To me -- I mean I'm not familiar -- this is the  
12 first time I've actually heard of this scenario. I do --  
13 I am aware of other sort of gangs utilizing -- utilizing  
14 religion. I mean that's something that we appreciate has  
15 been common practice.

16 I have not heard from the chaplains that I am in  
17 contact with about this occurring, and I'm actually  
18 surprised that this was in Los Angeles County that this  
19 was being reported. I believe that's the gentleman that  
20 reported it earlier.

21 It is a concern as much as any of these militant  
22 right-wing organizations that are out there that are  
23 utilizing religion to promote their personal causes.

24 I think one of the things that you asked was  
25 these people converting -- what are their intentions.

1           It's difficult. I think that's where the  
2 chaplains come into a key role in an institution like  
3 this, making sure that Muslims don't -- Muslim inmates  
4 don't feel marginalized within the system. It's  
5 critical to making sure that they are adequately  
6 practicing their religion within the facility.

7           I think those are key components making sure  
8 that this radicalization doesn't occur, and definitely I  
9 do believe that having access to Muslim chaplains and  
10 having constant interaction with the greater Muslim  
11 community through a Muslim chaplain is a critical step  
12 towards making sure that Muslims who want to practice  
13 Islam legitimately within the prison facility are able to  
14 do that and not intimidated or peer pressured into  
15 becoming part of something that obviously seems to be  
16 cancerous.

17           MR. ROSENTHAL: The reason I agree myself is,  
18 you know, in many ways, you know, it's for the protection  
19 of, you know, Islam itself because if there are people  
20 who are claiming to adopt Islam and then are going out  
21 and acting out as gang members and so forth under the  
22 Islamic banner, there's obviously a problem there, you  
23 know.

24           So I'm just trying to figure out, and rather  
25 than strictly rely on the corrections system to take care

1 of it, you know, what ways are our community groups  
2 equally trying to thwart that type of a thing.

3 MR. SHAIKH: Normally, what I -- what I've heard  
4 about and what I've experienced from my interaction again  
5 is that those individuals becoming Muslim normally become  
6 Islam because of the community environment that's  
7 provided within the prison facility.

8 They're becoming Muslim because they find the  
9 faith to be something that's relevant to their life, and  
10 they find the faith to be something that's meaningful in  
11 providing a change in the direction that their life is  
12 going. Many of the Muslims that I understand come out of  
13 these facilities normally come out within the community  
14 becoming strong members of that community.

15 As of yet, again, I have not heard nor have I  
16 experienced this -- this phenomena that was talked about  
17 today. I would like to get more information on it,  
18 though.

19 MR. ROSENTHAL: My last question is do you have  
20 any kind of curriculum specifically for people in  
21 prisons, you know, in ways to present religious  
22 difficulties, you know, that meet penological interests?

23 MR. SHAIKH: Well, definitely like I said, we  
24 did have -- you know, attempt at creating something to  
25 kind of provide information to not only inmates but also

1 to officials within the correctional facilitates so that  
2 they might use this as a reference point.

3           Again, Islam is not something that's monolithic.  
4 There's a lot of variety of practices within the Muslim  
5 faith. There's Shia. There's Sunni. I'm sure you've  
6 heard of those, but beyond that there other various  
7 groups within that. I mean there's four different  
8 schools of thought within just Sunni Islam.

9           So, again, it's important, I think, for  
10 chaplains to be involved in the process, to have access,  
11 and to be able to provide assistance to individuals that  
12 seek assistance. They, I would assume, would be directly  
13 involved. CAIR specifically doesn't have educational  
14 materials like the one that you're talking about maybe  
15 just because we're not in the business to teach religion  
16 or in the business of presenting some perspective in the  
17 Muslim force.

18           We advocate definitely with our organizations  
19 out there specifically that can create or can assist with  
20 creating this, and I can find out more information about  
21 that.

22           MR. ROSENTHAL: Thank you.

23           MS. MONTOYA: Very briefly, Mr. Shaikh and  
24 Mr. Dharma, are there a significant enough numbers of  
25 women prisoners that you might have concerns how they

1 are -- that you might have differential concerns for them  
2 among the populations you're talking to us about today?

3 MR. SHAIKH: Okay. I'll go ahead and start  
4 answering that.

5 MS. MONTOYA: Thank you.

6 MR. SHAIKH: As far as women prisoners, the  
7 majority of individuals that contact us are males, but we  
8 have seen within the immigration detention facilities a  
9 rise in the number of females, and there are issues  
10 arising with the head scarf, women being told that they  
11 can't wear the head scarf in the facilities and things of  
12 that nature. We are starting to see and hear that, but  
13 it's not as large scale as some of the other issues.

14 I'm sure maybe with more immigration control and  
15 stuff like that it might become an issue but as of yet  
16 it's nothing that has really popped up on the radar but  
17 it's still critical to us.

18 We are working right now with Orange County  
19 Sheriff's Department about a case that was reported to us  
20 involving a female who was told that she couldn't wear  
21 the hijab in the county facility. So we're working with  
22 them right now to try to figure out what's the best way  
23 and the best solution -- amicable solution to a situation  
24 like that.

25 MS. MONTOYA: Thank you.

1 Mr. Dharma.

2 MR. DHARMA: As far as the Buddhists are  
3 concerned, we have a very strong practice of teaching and  
4 working with women that are incarcerated. In fact, one  
5 of our strongest programs is in the federal facility up  
6 in Dublin, and they've had meditation program which has  
7 been going on for the last eight years.

8 What we do is we have a number of women clergy,  
9 and we try to network in such a way as to have the women  
10 clergy work as much as possible with the women because  
11 the women that are incarcerated have certain issues that  
12 need to be dealt with.

13 We also have men working with them as well to a  
14 special technique of meditation, a Zen meditation,  
15 Vipassana meditation, which is a very strict method of  
16 teaching, this type of meditation, as far as the women  
17 are concerned, and we do the same thing for the men.

18 Like the Coming Home Project that I'm working on  
19 right now, we're working on the men's part first, and  
20 then we'll be working with other organizations --  
21 Buddhist organizations, and then we will have the program  
22 for women as well.

23 MS. MONTOYA: Thank you.

24 MR. KLAUSNER: I have another question for  
25 Mr. Shaikh, and I'm curious in the experience that you're



1 having and especially with the issues that haven't been  
2 satisfactorily resolved.

3 You refer to like the inaccessibility of the  
4 proper diet and the substitution of things that are  
5 misrepresented.

6 You deal with both state and federal prisons in  
7 your experience, and so do you have any -- any  
8 information or anything that you learned that would make  
9 a distinction as to whether one system is handled more  
10 effectively than the other?

11 MR. SHAIKH: Okay. I think overall the case  
12 that I referred to specifically was a state facility. I  
13 haven't heard too many of the federal facilities here in  
14 California.

15 Again, the cases come from all sorts of  
16 facilities, and I didn't actually signify which  
17 facilities they're coming from; but the one that I did  
18 present to you -- excuse me -- with the mislabeling did  
19 come from a state facility, and they did rectify that.  
20 They did contact their food vendor, and that's where the  
21 problem had arisen. So they were able to solve that  
22 through the food vendor.

23 MR. KLAUSNER: So that -- that's interesting. I  
24 got the impression, just from the very brief summary  
25 immediately before, that it was something that was maybe

1 malicious or intentional, but apparently it wasn't?

2 You don't think it was?

3 MR. SHAIKH: When we -- when we took on this and  
4 did an investigation, we found that that it wasn't  
5 malicious. What we were told and informed was that this  
6 was something that had happened accidentally.

7 So, again, it was an issue that -- that does  
8 happen, and we can understand that; but the issue was it  
9 was solved, and there was some sort of steps taken to  
10 make sure that it does not happen again.

11 But the issue, I guess, when you take it  
12 broader, is the halal meat issue. A lot of prisoners  
13 have requested halal meat, and that's something that we  
14 haven't been able to really satisfactorily work on.

15 What we've been informed by individuals familiar  
16 with the facilities and -- and the prison is to -- is to  
17 basically file a lawsuit, and that's something we're not  
18 at a point we're willing to take. I mean I don't think  
19 we need to take that measure at this point because,  
20 again, from our experience we've seen that wardens have  
21 been interested in trying to work with this situation.

22 MR. KLAUSNER: Okay. And I also had a question  
23 as far as the experience that Pacific Justice Institute  
24 had.

25 Did you make any attempt to work things out?

1 I gathered you filed a suit, but I'm just  
2 curious what was your experience in trying to work out an  
3 amicable resolution or accommodation in advance of filing  
4 a suit?

5 MS. MILAM: Well, before you can file a lawsuit,  
6 you have to resolve any and all administrative remedies,  
7 and I think they're called 602s, and the prisoners have  
8 to file -- they have to go through a lot of steps before  
9 you can actually file a lawsuit.

10 And after you get a final -- final ruling -- and  
11 I think I've got it here somewhere -- what the four steps  
12 are. I don't know how much detail you wanted.

13 MR. KLAUSNER: Well, no, I think you've  
14 basically answered the question.

15 MS. MILAM: Yeah. We went through all the  
16 administrative -- in fact, I get phone calls and letters  
17 from prisoners, and we always advise them that you need  
18 to try to work this out at an administrative level, that  
19 you're precluded from filing a lawsuit until you do.

20 MR. KLAUSNER: Okay. That's not my area. So I  
21 appreciate that.

22 And, Mr. Dharma, I'm curious in terms of the  
23 experience that you're having being able to adequately  
24 staff -- the Buddhist inmates you've been now dealing  
25 with all over the world.

1 I'm wondering is there a difference in your  
2 ability to meet the demand and get qualified people to  
3 come in here versus other parts -- other parts of the  
4 world?

5 MR. DHARMA: Well, the first thing I would like  
6 to say is that I work with both the feds and also with  
7 the state in different situations, and we find it's much  
8 easier, much more accessible when we work with the  
9 federals. They are very good at trying to do the best  
10 that they can do to provide what we might need for their  
11 areas' services.

12 Most of the problems that we have run into are  
13 on the state level, and it just depends, like someone  
14 said earlier the mood of sometimes the correctional  
15 officer. If the correctional officer's in a certain type  
16 of a mood, then we might not have access.

17 We try to follow all the rules and regulations  
18 required to go into each facility. Sometimes working  
19 with the inmates, like I mentioned in other countries,  
20 sometimes it's a little bit more difficult, but things  
21 have changed over the last ten years because of the value  
22 of the meditation programs that we do provide for  
23 incarcerated persons.

24 MR. KLAUSNER: If I could just follow quickly on  
25 two quick questions. One, have you dealt with

1 Father Grabrian at all in your work as far as the federal  
2 site?

3 MR. DHARMA: Not directly. We were just talking  
4 earlier because he's the type of a man that's all over  
5 the place.

6 For about four years, there was this program  
7 called the Life Connections Program. That was up in  
8 Victorville -- a beautiful program. We even had men  
9 coming from the different facilities throughout the  
10 United States and we were given an actual cell block that  
11 we used as the LCP program and we worked together -- all  
12 the different religions together as spiritual guides.

13 But unfortunately somewhere along the line the  
14 program was lost and then they had to move it to another  
15 facility back somewhere at maybe Kansas or someplace like  
16 there and it was really heartbreaking for a lot of the  
17 men themselves but allowed the men that were still in  
18 contact with who are in the program. We try to work  
19 assiduously with them and whatever needs that they might  
20 need.

21 MR. KLAUSNER: I see, as far as the comparative  
22 experience, you know, nationally we're focusing obviously  
23 on problems in the United States in our work here with  
24 this hearing, but I was curious whether you have any  
25 experience that could let you draw any general

1 observations whether America tends to be more concerned  
2 with trying to rectify and accommodate these kinds of  
3 situations, or in your experience is it more hostile?

4 I just wonder what your experience --

5 MR. DHARMA: With that question, I'll have to  
6 try to be a little diplomatic because it depends on the  
7 state.

8 Now, the Buddhist Peace Fellowship -- we have a  
9 prison network program that goes throughout the whole of  
10 the United States and we have chapters all over America  
11 as well as in other parts of the country.

12 So it depends on the actual state and then we  
13 break it down to the facility and so we try to work  
14 through that through our chapters and things like that.

15 I'd say we're trying to do the best that we can  
16 under the circumstances, and we try to be as tolerant as  
17 we can and we try to work in such a way that we change  
18 the attitude of the facility.

19 In other words, we changed the attitude of, say,  
20 maybe the warden who's responsible for the religions --  
21 the Protestant chaplains or the Catholic chaplains. We  
22 also find that we work much better with the Catholic  
23 chaplains than we do with some Protestant chaplains  
24 because of maybe some slight bias or something,  
25 misunderstanding or something like that.

1           That's why I'm saying I'm trying to be  
2 diplomatic because -- because it depends on the  
3 individual person and place that we're working at at that  
4 time, but we do try to do the best that we can under the  
5 circumstances.

6           MR. KLAUSNER: Okay. Well, that -- you've  
7 actually -- I think is very helpful. Just one last  
8 question.

9           Do you have, from your foreign experience, any  
10 general observations that you could draw in terms of  
11 attitude of accommodation versus hostility to the task at  
12 hand?

13           MR. DHARMA: Well, one that I can give you is  
14 one of the situations was in India. In fact, they made a  
15 video about it.

16           It was the Vipassana project that was centered  
17 through Goenka in one of the prisons in India, and it was  
18 done like a pilot and an experiment; and it was so  
19 successful, not only within the prison, but also working  
20 with the men after they left and the women -- after they  
21 left the facilities, and we found that to be most  
22 beneficial when working with them in those types of a  
23 situation.

24           That's a difference that I have noticed over the  
25 years versus, say, foreign institutions and, you know,

1 local domestic institutions.

2 MR. KLAUSNER: Well, it seems to me that the  
3 work that you're all doing here and focusing on the  
4 reentry aspects certainly is of general society value,  
5 and it's good to see and experience people who have --  
6 know your way around the system and you know what your  
7 religion's about too, and tell us what is going on.

8 MR. DHARMA: Well, every day is really a  
9 learning experience for us. Everything is changing.  
10 Like now we have CDCR and so now we are putting a lot of  
11 pressure of the CDC to remember that they have to add the  
12 "R" to their name which we call "Rehabilitation."

13 THE CHAIRPERSON: Okay. Were there any other  
14 questions in the front row there?

15 MS. KU'UIPO PAULO: I have a question for  
16 Ms. Milan.

17 You spoke of a chaplain that was practicing his  
18 ministry in an area that wasn't really his background.

19 MS. MILAM: Uh-huh.

20 MS. KU'UIPO PAULO: Was that being done on a  
21 voluntary basis?

22 MS. MILAM: My understanding -- and it's not  
23 my -- my particular case -- but that he was -- had been  
24 assigned to do that and asked to do that at a prison  
25 where they didn't have the appropriate person to handle



1 that festival they were having.

2 And it seems to be a problem of neither the  
3 chaplains nor the prisoners want that kind of event to  
4 occur, but what we wanted to -- wanted to make clear was  
5 that what we had the problem with was if that the  
6 prisoner themselves -- if the inmates themselves want to  
7 cross over to another religion, we have no problem with  
8 that.

9 It's actually asking the chaplains and the  
10 members that come in to facilitate another religion that  
11 they don't agree in as a problem with them, and the  
12 prisoner's uncomfortable with it as well.

13 On the other hand, if a prisoner just would like  
14 to go to another faith-based group, that's no problem  
15 whatsoever.

16 MR. DHARMA: And our LCD program that I  
17 mentioned earlier -- well, different religions we work  
18 together. Like, say, for example, if the Catholic  
19 spiritual guide wasn't there, then one of us would take  
20 over the class.

21 As Buddhists and going through our training, we  
22 are taught all the religions; but as for myself  
23 personally, I came out of a Catholic background before.  
24 That's how I went to the East in the first place.

25 So I have a great deal of knowledge about the

1 Catholic part, but we also learned about the Muslims --  
2 the Sufis, the Sunnis, the Shi'ites -- that we learned  
3 about the different Protestant traditions and the other  
4 different religions in the world.

5 And so in order to maintain the tolerance, as  
6 well as to prepare the men and women for when they leave  
7 the facility, they're just not going to leave and have to  
8 interact with, say, maybe Baptists or Catholics for the  
9 rest of their lives. They are going to interact with the  
10 whole of American society.

11 So we did have to do those things from time to  
12 time, but we work very carefully and very close together  
13 under the concept of inner faith and tolerance within the  
14 inner faith.

15 THE CHAIRPERSON: Ms. Milam.

16 MS. MILAM: I just wanted to address that.

17 I think -- I think it's not a matter of  
18 tolerance, but it's asking a pastor to perform or be  
19 involved in rituals or festivals that are Wiccan that in  
20 nature are real violations of his faith --

21 MR. DHARMA: Yeah, I understand that.

22 MS. MILAM: -- that they're objecting to, at  
23 least the pastors that are being called for assistance.

24 You know, it's -- you can't ask somebody to  
25 profess something they don't believe necessarily, a

1 ritual that is in direct violation to something they  
2 believe although they're certainly not trying to keep  
3 anyone else from believing it.

4 MR. IZUMI: First of all, thank you very much  
5 for all your presentations. I actually want to ask a  
6 quick question to Mr. Dharmer.

7 Given Warden Kramer's remarks this morning which  
8 seem address sincerely -- sincere efforts to meet the  
9 needs of his inmates, you mentioned that you seemed to  
10 have better luck with the federal institutions than the  
11 state institutions.

12 Is that a -- do you see that as being a result  
13 of some kind of systemic problem, or is it just an issue  
14 of individuals at those institutions?

15 MR. DHARMA: Again, I have to try to be  
16 diplomatic. It seems more like it's a specifically state  
17 problem, but it depends also on the institution itself  
18 and the people that are working in that institution.

19 To give you an example:

20 We have something that's called the  
21 Buddha, Dharma, Sangha; and they've been for years in  
22 SQ -- that's San Quentin -- and it's a very strong,  
23 powerful program, and it works very well.

24 So we haven't -- but they had a change in the  
25 administration. So we had to go through some

1 difficulties when they made that change because the  
2 person that was in charge of all these things beforehand  
3 was almost 100 percent interested in providing this type  
4 of meditation activities to these inmates whether they  
5 were lifers or short-timers.

6           And that was a slight situation, a problem for a  
7 while, but all that was worked out very well; but we seem  
8 to have had problems with the state before -- in some  
9 institutions, not all, before we are able to get into  
10 that place in the first place to provide services, not  
11 only religious services.

12           But like I said earlier, we are dealing with, in  
13 a holistic way, the whole person. So there's other  
14 issues that may come up, and we try to do all of these  
15 things to help them within the guidelines and the rules  
16 of the institution. That's what we usually try to do.

17           MR. IZUMI: So it's not necessarily something  
18 that's a state policy on paper, but it's something that  
19 has more to do with maybe implementation types of...

20           MR. DHARMA: That I'm not sure about because I'm  
21 not privy to state papers, but that was a problem here in  
22 Southern California for a while that, if you wanted to do  
23 some things through the sheriff's department, it was --  
24 had some statements made that you had to be Christian to  
25 do those things; but I think that policy has changed over

1 time.

2 MR. IZUMI: Thank you very much.

3 THE CHAIRPERSON: Shall we move to the back row  
4 then.

5 Dr. Citrin.

6 DR. CITRIN: Yeah. I want to first say that I'm  
7 extremely impressed by the efforts that you all are  
8 making on behalf of these prisoners and citizens. It's  
9 really commendable both to protect their constitutional  
10 rights and also to try to provide more, as you've said.

11 But I also have to say that I was very impressed  
12 by the efforts made on the part of the state prison  
13 officials and the Los Angeles County spokespeople this  
14 morning as well.

15 So, you know, our role is to communicate or to  
16 advise as to what we think the status of the situation  
17 is -- rule me out of order.

18 So I'm just trying to think, you know, if I was  
19 to give some advice or sort of state, you know, what the  
20 issues are, what should be done, you know, what -- how  
21 would I sort of combine these two presentations and come  
22 to some kind of overall conclusion.

23 And, you know, I start with the sort of  
24 principle in some sense people are in prison for a  
25 reason. You don't have the same kinds of opportunities

1 and resources and rights in prison as you do if you're  
2 not in prison.

3 So taking that as a premise, and, you know,  
4 taking the reality of resource constraints -- which I  
5 don't think anyone would disagree with in the terms of  
6 the supply of ministers to deal with the particular  
7 religions of inmates so that people aren't forced into  
8 the situation that you described.

9 So given all of that, and, you know, being a  
10 professor who also thinks that our department has fewer  
11 resources that we deserve as compared with the law  
12 schools, and being in the habit of giving people grades,  
13 what would be the GPA of the system as you presently  
14 experience it?

15 And, of course, it's not an A plus; it's not an  
16 A -- let's say I don't think anyone would say that it's  
17 perfect -- but how -- you know, your level of  
18 satisfaction, your level of concern, your level of a  
19 sense that, if you do have a problem, it's responded to  
20 in a reasonable way versus, boy, we really have to keep  
21 punching away.

22 I don't know. Is this a fair kind of overview  
23 question?

24 MR. SHAIKH: I think actually what you said is  
25 agreeable with me. To be honest, I think, yes, these

1 inmates are in this situation for a reason.

2 At the same time, I do feel that there are  
3 certain policies that are set into place, and a lot of  
4 these facilities do go out of their way to do these  
5 policy fixes and to make sure that prisoners have access  
6 and these rights.

7 I get that when I work with them. I get that  
8 when I came here. I mean it was an educational process  
9 for me to hear some of the things that were going on, and  
10 I completely see that point; but at the same time, I  
11 think that's where the balancing point comes because what  
12 we hear again -- as a community advocacy organization, we  
13 get the complaints.

14 So what we hear is that it's a constant  
15 challenge to actually safeguard and to uphold these  
16 practices when it comes to religious accommodation. I  
17 think that's the picture that I personally got listening  
18 to the different testimonies and listening to some of the  
19 cases that I deal with is that that's the issue.

20 And, of course, resources are a key, key concern  
21 in any sort of -- in any sort of situation, whether it's  
22 these facilities or even law enforcement. Law  
23 enforcement faces a lot of key issues when it comes to  
24 resources.

25 Again, as a community advocacy organization,

1 we're here to assist law enforcement as well as our  
2 community members because we try to serve that role as a  
3 bridge, and I can hope that, if anything, you could walk  
4 away with seeing that there ways that we can utilize the  
5 limited resources we have and the community organizations  
6 that we have out there to assist and make this process  
7 better.

8           Granted at the end of the day it's your decision  
9 and you're the ones that are going to come up with the  
10 conclusion based upon all the information you're  
11 provided, but with what I've seen today, this is how I  
12 would answer that question:

13           I couldn't give a grade.

14           MS. MILAM: Could I say something.

15           MR. DHARMA: Go ahead.

16           MS. MILAM: I am a lawyer. So it's hard for me  
17 not to analyze this on a legal issue, but there is a  
18 significant amount of law.

19           The United States Supreme Court has ruled on  
20 this specific issue as far as what prisoners forfeit as a  
21 result of their misdoings, and basically what the  
22 United States Supreme Court has said is prisoners do not  
23 forfeit all constitutional protection despite conviction  
24 and confinement in prison and that a prisoner retains  
25 those First Amendment rights that are not inconsistent



1 with his status as prisoner.

2 And the United States Supreme Court in the  
3 "Turner vs. The U.S." case established a balancing test  
4 basically. There's four different prongs that they look  
5 at and whether the restrictions that the prison has  
6 placed actually is a legitimate restriction, and, if it  
7 is, then they can impinge upon somebody's constitutional  
8 rights.

9 But in this case, the one I did in the  
10 United States Supreme Court and the -- actually the  
11 District Court applied all four prongs of the test and  
12 found that they were burdening the prisoners' religious  
13 freedom without a legitimate reason for doing so by  
14 saying it's okay to get CDs from Amazon.com but it's not  
15 okay to get them from Jesus Christ Prison Ministry, and  
16 the security issues were pretty much the same.

17 And so there's a lot of -- there's a lot of  
18 incisors. There's a lot of preexisting  
19 U.S. Supreme Court law that has to be taken into effect  
20 on the civil rights of prisoners that everybody's trying  
21 to deal with and to accommodate. So...

22 Anyway, as far as in my case, since the fact  
23 that we -- the courts have decided that they are going to  
24 implement a pilot program, I think our grade's gone up  
25 considerably.

1 I think that California will probably be a model  
2 for the rest of the country if this pilot program works  
3 out, and hopefully it will spread to the federal systems  
4 as well. So there seems to be concern on the parts of  
5 the judges.

6 I would say probably, you know, a B minus at  
7 this point. There seems to be some real responsiveness  
8 and a real willingness on the part of the California  
9 Department of Corrections to implement the decision and  
10 ruling of the federal judge in this case consistent with  
11 security purposes and requirements. None of us wants to  
12 overlook those at all.

13 And just on the other issue as far as bringing a  
14 lawsuit -- you cannot bring a lawsuit until the prisoner  
15 goes through all three administrative steps and appeals  
16 of whatever it is that he wants.

17 The first thing the government's attorney would  
18 do is go into a motion to dismiss for not exhausting  
19 administrative review; and whenever I get a letter from a  
20 prisoner that's the first thing I ask them, you know,  
21 what have you done to resolve the program? What steps  
22 have you gone through in the appeal, and how can we  
23 resolve this without resorting to a lawsuit?

24 I would call it B minus. I think things are  
25 getting better at least in California.

1 MR. DHARMA: I would also say that things are  
2 getting better, and we are deeply aware --

3 Let's say -- for example, we work with a lot of  
4 youth at risk. We try to stop the problem before they  
5 get to the prison system in the first place, and because  
6 that has the value of being very important to your  
7 friends, especially in the gang levels of getting the  
8 badge of honor, of going to prison in the first place,  
9 and putting maybe a little peer tattoo, or some mark of  
10 recognition -- "I've been there."

11 And so we try to stop that in the first place.  
12 I would have to give them -- the whole system I would  
13 have to say maybe give a B as well because they're  
14 trying, but what we really need more than anything else  
15 is to work together, the correction officials and people  
16 in the prison and those of us who are on the outside.

17 And then I think if we really work together,  
18 then we can solve a lot of problems and resolve a lot of  
19 issues in the first place.

20 THE CHAIRPERSON: Dr. Lakoff.

21 DR. LAKOFF: My question is for Mr. Shaikh.

22 You indicated that there is a good deal of  
23 pluralism, if you will, among Muslims; and you also  
24 indicated that it's fairly easy for them -- for people to  
25 self-identify as Muslims.

1           And I was curious about whether your  
2 organization represents, not only those who might adopt  
3 Islam as a kind of charade in order to perform their gang  
4 activities, as you learned today, but also those who,  
5 let's say, belong to groups like the Nation of Islam.

6           I don't know whether you regard them as Muslims  
7 in the same sense as other Muslims and whether they  
8 regard you as a spokesman for them.

9           And I'm curious to know whether you have a  
10 problem with that because obviously Christian groups have  
11 a problem, let's say, with the groups that identify as  
12 white racists and that sort of thing but call themselves  
13 Christian.

14           Do you have something of that same problem with  
15 Muslims, and if you do, if I may just conclude the  
16 question, are some of the complaints you're getting from  
17 people like that?

18           MR. SHAIKH: Okay. Well, I guess I'll start  
19 with just the part of the question where you were asking  
20 about the spokesperson and who do we represent.

21           We're a membership-driven organization. We have  
22 members across the United States. Our organizations are  
23 started on a grassroots level in the community. So we  
24 represent the community.

25           Now, when we're talking about whether we

1 represent the Nation of Islam or whether we represent  
2 whatever sort of Islam there is out there, to be honest  
3 with you, what I can tell you is that we represent  
4 anybody that is willing to work with us, that sees eye to  
5 eye with our mission statement and the way that we  
6 envision American Muslims living in the United States.

7 Our key goals are engagement. Our key goal is  
8 making sure that Muslims are part of American society,  
9 and also our key goal is to make sure that Muslims have a  
10 voice.

11 We come to the table bringing basic Islamic  
12 principles, but we're willing to work with Shias. We're  
13 willing to work with any other religious organization  
14 that's out there, again, that's willing to work with us  
15 and recognize the work that we're doing.

16 They may disagree with a majority of what we're  
17 doing, but if they can respect and continue to work with  
18 us, we can do the same with them.

19 With this issue of them not agreeing with us,  
20 that's totally fine. We can't agree on everything.

21 DR. LAKOFF: Forgive me if I may press you  
22 because I believe that in the prison population there's  
23 likely to be a significant element of black Muslims and  
24 some of them may belong to the Nation of Islam; and we  
25 know from Malcolm X and so on that there is this

1 phenomenon.

2 MR. SHAIKH: Yes.

3 DR. LAKOFF: And I would appreciate it if you  
4 would tell me whether your organization does or does not  
5 have relations with the Nation of Islam and groups like  
6 that, or whether you distinguish between true Muslims and  
7 non-Muslim.

8 And I think this is not just an academic  
9 question because I read recently that a group of African  
10 American Muslims -- I think in New York -- had met with  
11 some Pakistani Muslims requesting financial aid because  
12 they felt that the Pakistani Muslims didn't really regard  
13 them as proper Muslims.

14 And I just wonder how your organization deals  
15 with this situation.

16 MR. SHAIKH: Okay. I have read that "New York  
17 Times" article as well, and I am aware of those issues.

18 I mean those are critical issues within the  
19 Muslim communities that need to be addressed. I think  
20 there's the immigrant mentality, and there's the  
21 mentality of the indigenous Muslims here in the United  
22 States.

23 Unfortunately, those two communities have not  
24 really worked well in the past, but there have been  
25 significant steps for Muslims to get involved with each

1 other definitely beyond ethnic lines.

2 I mean there was a community representative with  
3 Arabs and Pakistanis and south Asians -- all sorts of  
4 different ethnicities.

5 The issue is we don't -- when we get a case, we  
6 don't discriminate between who's sending us the case. It  
7 could be an Arab Christian that's sending us this case.  
8 We don't discriminate. We work on those cases based upon  
9 on how they come to us and what resources we have at our  
10 fingertips and how we're able to best help them.

11 There might be cases where we're not able to  
12 help them, but we do have an internal process. We make  
13 sure we work with the chaplain, if we can find a chaplain  
14 at the facility, to contact them and ask them about the  
15 situation, if they're aware of the situation.

16 Again, we ask them about what processes they  
17 have gone through to work out a solution in this  
18 situation.

19 These are just some of the things that we try to  
20 do, and I hope I answered your question.

21 DR. LAKOFF: I'm afraid not, but if I can press  
22 you, just one final question:

23 Are you getting complaints from members of the  
24 Nation of Islam, say, in the prisons, and do you treat  
25 them in same way you would, say, complaints from Sunnis,

1 Shi'ites?

2 MR. SHAIKH: Of course. If we are receiving  
3 them, I -- again, the cases that I have received, I don't  
4 discriminate. I read it, and I take it at face value and  
5 see what I can do to help this person. That's how I  
6 function. I can't speak for my other chapters because,  
7 again, I don't deal with their cases on an individual  
8 level.

9 I don't discriminate. I can't. As a community  
10 activist, to me that's the worst thing possible. So I  
11 work on whatever case comes to my attention.

12 DR. LAKOFF: Okay.

13 MS. MILAM: If I could just add a comment to  
14 that.

15 We represent religious freedom organizations,  
16 but we actually have a matter that we're working on now  
17 that involves a Muslim chaplain who is being forced to  
18 facilitate the Nation of Islam inmates, and he is very  
19 unhappy about that.

20 And what he's advised us is that there is an  
21 irreconcilable theological division between orthodox  
22 Islam and the Nation of Islam such that the two groups  
23 are not willing to worship together and are separate.

24 And I'm just basing that on the representations  
25 made by a Muslim chaplain who's come to us for help about



1 not wanting to be forced to facilitate the Nation of  
2 Islam.

3 DR. LAKOFF: I appreciate that explanation  
4 because that's why I was pressing Mr. Shaikh. It seemed  
5 to me that there probably is that problem.

6 MR. SHAIKH: Again, for our institution, the way  
7 we function, that's not something we take into  
8 consideration. We're not here to officiate religious  
9 practices. If we get into the business of doing that,  
10 then we're not going to be able to help the greater  
11 communities and help American Muslims in general.

12 THE CHAIRPERSON: Anyone else?

13 MR. MITCHELL: The problem of the schism  
14 between orthodox, as you defined them, and the black  
15 Muslims -- what is the central issue between them that  
16 creates this blood?

17 MS. MILAM: You know, I'm not enough of a  
18 scholar to actually answer that question without doing  
19 research.

20 I just know that the chaplain should feel --  
21 that we're representing feels very strongly that there is  
22 a huge theological divide, that they have different  
23 interests and different beliefs, and they cannot -- he  
24 cannot facilitate what they're doing. I'm just not  
25 educated enough in the specific differences.

1 MR. MITCHELL: Is he a Muslim theologian?

2 MS. MILAM: He's a -- yes. He's a Muslim.

3 MR. MITCHELL: Is he Sunni or --

4 MS. MILAM: I don't really know offhand. I just  
5 know he was asked to do Nation of Islam, and he doesn't  
6 want to. He said that it violate his views.

7 MR. MITCHELL: I am wondering if the schism  
8 between the so-called orthodox and Muslims is larger or  
9 smaller than the schism between the Sunni and the  
10 Shi'ite.

11 MS. MILAM: How much time have you got?

12 MR. MITCHELL: As we're seeing -- witnessing  
13 today it's quite -- quite a difference that they're  
14 trying to amend or not amend. I'm not quite sure. I'm  
15 with my colleague in identifying such a difference  
16 between the three. Two are grouped and one is -- one  
17 is --

18 DR. LAKOFF: I'm merely asking the question. I  
19 don't know the answer.

20 MR. MITCHELL: Thank you.

21 MS. MILAM: Oh, you're welcome. I'm more than  
22 happy to provide whatever information I have.

23 THE CHAIRPERSON: Looks like we have one more  
24 question here.

25 MR. ROSENTHAL: Thank you.

1 I'm just curious. Do any of you have any  
2 incidents about people using their religion inside the  
3 system in order to oppress or suppress other people, for  
4 example, consistent repeated proselytization that  
5 translates into harassment or exportation of conflicts  
6 from other parts of the world that manifest themselves  
7 within the prison system?

8 Do you have any kind of testimony again where  
9 you really -- inmates are using their religion as a  
10 method to violate the civil rights or to create some sort  
11 of difficulties for other inmates?

12 MS. MILAM: You know, not that I'm aware of in  
13 the prison population. I can tell you all kind of  
14 stories about people out in the workplaces that are  
15 trying to proselytize one another.

16 MR. ROSENTHAL: I can tell you some too.

17 MS. MILAM: I'm sure you can, but I'm not aware  
18 of any.

19 MR. SHAIKH: I am not aware of this either.

20 MR. DHARMA: We haven't had any problems like  
21 that because that goes against the first five basic  
22 precepts, and the person has to be willing to become --  
23 to take those precepts on their own vocally.

24 MR. ROSENTHAL: Well, you can get complaints  
25 that others are doing it too -- Buddhists harassing

1 Buddhists based upon -- you know, some inmate might say  
2 you're practicing a bad religion. You should, you know,  
3 practice my religion kind of a thing.

4 MR. DHARMA: Well, we find that all the way  
5 across the board with the inmates and I saw that in the  
6 federal prison and I saw that in the state.

7 It just seems like they get together and just  
8 sort of like to rag each other about whose religion is  
9 the best religion because all of a sudden everybody  
10 decided they want to join this religion in the first  
11 place and that had they thought about that before they  
12 even got in that situation in the first place, they would  
13 never have been in prison.

14 So I've seen that all the time a lot being in  
15 the different institutions that I have been in. So it's  
16 sort of like I think my car's better than your car, some  
17 of those things like that; but I haven't seen it get  
18 really serious but it's almost like dishing, you might  
19 say.

20 THE CHAIRPERSON: Well, thank you all three of  
21 you for your input. We really appreciate it.

22 MR. DHARMA: Thank you.

23 MR. SHAIKH: Thank you.

24 MS. MILAM: Thank you. On behalf of the Pacific  
25 Justice Institution, thank you for inviting us.

1 THE CHAIRPERSON: We are now going to go on to  
2 our open session, and we have Stuart Beckman who has  
3 wished to provide us with some testimony.

4 Please, Mr. Beckman.

5 MR. BECKMAN: May I use the table or --

6 THE CHAIRPERSON: Absolutely.

7 MR. BECKMAN: My name is Stuart Beckman. I am  
8 with the Freedom From Religion Foundation and it's  
9 probably not a situation you heard about today or at all  
10 but we're here today because we have some concerns here.

11 Like most of the people you've heard from today,  
12 I am here to express concern --

13 Are you hearing this okay?

14 THE REPORTER: No. Actually --

15 MR. BECKMAN: I am here to express concern about  
16 the First Amendment being upheld in our prisons, but for  
17 us that concern covers two groups:

18 One is those inmates who hold naturalist rather  
19 than religious beliefs; and, two, taxpayers who are  
20 concerned whether our government is spending funds to  
21 promote religion.

22 Now, from the reports I've heard today -- and I  
23 think what you've heard as well -- it seems that our --  
24 that religious beliefs are being respected and  
25 accommodated pretty well in the prison system from the

1 reports we've heard, and we recognize that right. We  
2 have no problem with that right. These efforts are fine.

3           However, we, as an organization, do and have  
4 received complaints from inmates across the country of  
5 aggressive coerced proselytizing to push inmates into  
6 religious programs.

7           Over the past two years, Freedom From Religion  
8 Foundation has challenged two state programs elsewhere in  
9 the country to shut down a faith-based program that was  
10 found to go beyond religious neutrality and use  
11 taxpayer's dollars to exclusively promote fundamentalist  
12 Christianity. They did this by giving perks to  
13 participating inmates and denigrating other beliefs that  
14 were found in the prison.

15           So we remain concerned that such programs may be  
16 initiated elsewhere in the country. We recognize that  
17 prison officials walk a very fine line between  
18 accommodation and promotion, as you do today. So I'm not  
19 making your job any easier, and I recognize that;  
20 however, these days the dangers seems to lean towards too  
21 much rather than too little accommodation.

22           So I'm here to ask you to please not to forget  
23 or forsake our secular prisoners and to respect their  
24 right to be free from religious proselytization, which  
25 would adhere to the letter and the intent of the

1 First Amendment.

2 THE CHAIRPERSON: Thank you.

3 MR. BECKMAN: Thank you.

4 THE CHAIRPERSON: Any questions in the front  
5 row?

6 MR. KLAUSNER: Do you have any list of problems  
7 specifically?

8 Is this -- your general admission makes sense,  
9 and I think it's totally appropriate and desirable that  
10 you came here to let us know your position.

11 What about -- do you have a catalog of  
12 grievances and problems that you have seen, or did you  
13 just give us a sample?

14 MR. BECKMAN: Well, I don't have a catalog with  
15 me because we didn't realize we actually had a forum we  
16 could bring them to; but I can tell you that, as an  
17 organization member, we have been receiving probably on  
18 the order of six to twelve complaints every year from  
19 prisoners claiming this or that religious belief was  
20 forced on them.

21 And not just from other inmates, from guards or  
22 other people who are trying to "coerce" them -- perhaps  
23 that's too strong a word -- strongly encourage them to  
24 get involved in a religious program when they haven't  
25 asked for it.

1           Now that I know there is such a commission here,  
2 I'm going to -- our organization will start cataloging  
3 these efforts.

4           MR. ROSENTHAL: Do you have any complaints from  
5 inmates who don't seem to have access to secular-type  
6 programs and therefore they feel like, if they want any  
7 type of rehabilitation or counseling or whatever, that  
8 they feel forced to participate in some sort of religious  
9 arena?

10           MR. BECKMAN: There is a sense from several of  
11 our people who write to us that they feel there's an  
12 unfair advantage given to those who profess some  
13 religion.

14           I know that one letter I can remember talked  
15 about how he wanted to complain about the religious  
16 proselytization that he was feeling he was being  
17 subjected to but when he went to talk to anyone in the  
18 prison, they say go talk to the chaplain, who he felt,  
19 well, that's -- I'm not sure he's the most objective  
20 person to go to.

21           So, yeah, there is the comment from them. How  
22 real it is I don't know since I haven't been in the  
23 prisons, but those comments are made, yes.

24           MR. ROSENTHAL: Thank you.

25           DR. LAKOFF: Do you have the resources to



1 investigate any of these complaints, or are you simply  
2 collecting them?

3 MR. BECKMAN: Well, I wouldn't say I'm proud  
4 that we have resources to file lawsuits although we do  
5 that. We certainly have the resources to investigate  
6 questions of issues here.

7 DR. LAKOFF: The reason I'm asking is I think we  
8 would appreciate a submission by you to our group such as  
9 we've had from others like the ACLU and so on that might  
10 bring some -- put some flesh on these bones or give us  
11 chapter and verse as to whether your complaint is a  
12 serious -- one that's serious enough to warrant some  
13 advice on our part to the Commission.

14 MR. BECKMAN: I absolutely agree, and I do  
15 recognize that deficiency. So I wasn't trying to say  
16 this is a problem to address, just simply concerns.

17 MR. SCHWARZSCHILD: I should just say we don't  
18 want to cause that to be a specific form of chapter and  
19 verse.

20 MR. DOLLINGER: Good afternoon. Thank you as  
21 well for coming today. I think this is very interesting  
22 and important.

23 I'm trying to get a sense from you, if you can  
24 sort of assess, where you see the risk or the danger. I  
25 heard you talk about prisoners, I'm assuming, acting

1 individually to sort of proselytize. I've heard about  
2 guards who then would be sort of agents of the prison  
3 system perhaps doing the same. I've heard what may be an  
4 unintended consequence of religious protection that those  
5 who are religious would benefit in some way.

6 I'm thinking perhaps, you know, the food might  
7 be better if you're on a separate diet, talking about the  
8 cost -- the cost of the food being improved; and then you  
9 mentioned discerning between an accommodationist approach  
10 and then something that would be more of advocacy for  
11 religion.

12 So I'm wondering -- I'm just a little confused  
13 on sort of how those boundaries work out in terms of the  
14 way you frame the arguments and so of what direction we  
15 would move to try to organize exactly what a  
16 recommendation might look like.

17 So I wonder if you could sort of help with those  
18 categories.

19 MR. BECKMAN: Well, I think the issue for us is  
20 a matter of where the assistance or request for  
21 assistance comes from. Does it come from the individual  
22 saying I have religious beliefs. I have religious needs  
23 that need to be met for me to honor my beliefs, or is it  
24 coming from some outside source saying if you accept this  
25 new faith, then something will be different, something

1 will be better. Maybe your prison term will be shortened  
2 or you'll get better food or have better accommodations.

3 I'll say that there were a couple of comments I  
4 heard while sitting in the audience today that kind of  
5 raised a red flag for me.

6 I don't know if you heard them, but I know that  
7 Chaplain Colavitti -- is that how you pronounce that? I  
8 think so -- he was referring to a person who -- I think  
9 it was San Bernardino County -- had a chaplain there who  
10 tended to promote just their denomination, their sect.

11 He said -- a chaplain called Eddie said -- he  
12 doesn't know what a nondenominational service looks like,  
13 and I'm thinking how can you be a chaplain and not know  
14 what a nondenominational service looks like unless you're  
15 just promoting your own religion.

16 Two of the other guests, Mr. Chandler and  
17 Ms. Milan, also expressed concerns or complaints that  
18 their chaplains weren't allowed -- or actually they were  
19 required to conduct services outside of their religious  
20 faith.

21 I'm very concerned, our organization is very  
22 concerned that that's a really fine line between  
23 supporting religion and actually having taxpayers fund an  
24 actual religious preference.

25 There was an article in the "Ventura County

1 Star" many months ago about the youth correctional system  
2 and they had interviewed the Muslim chaplain out there  
3 and I wrote this statement down that again was another  
4 red light to me.

5 It was like he said, "I'm glad that I can be  
6 here to help those who need it; and sometimes, when I can  
7 convert someone, that's a wonderful feeling."

8 And I thought that's not what my tax dollars are  
9 going for, at least I didn't think it was.

10 The two lawsuits that were initiated by  
11 Freedom From Religion in the past two years were both for  
12 programs that were providing preferential treatment to  
13 participants that were given special places they could  
14 stay and special food they could eat and were allowed for  
15 privileges simply because they signed up for a program.

16 I don't know how you balance, on a human rights  
17 commission, what's fair for a religious versus a  
18 secularist especially in such an institution as a prison.

19 So I appreciate and sympathize with the  
20 challenge that you have to face to do that, but those are  
21 the concerns that we have on this.

22 MR. DOLLINGER: A follow-up question:

23 Is your organization opposed to the funding of  
24 chaplains as an expense within the system?

25 MR. BECKMAN: Yes, we do, but that's not what I

1 was going to bring today. So...

2 MR. DOLLINGER: I understand. I was trying to  
3 understand how things are working.

4 MR. BECKMAN: We think that's too far over the  
5 First Amendment line. That's our position.

6 MR. DOLLINGER: Thank you.

7 MR. BECKMAN: Thank you for having me.

8 THE CHAIRPERSON: Well, thank you.

9 This then concludes the California Advisory  
10 Committee's brief on religious access and accommodation  
11 to prisoners.

12 You might be interested, Mr. Beckman, to know  
13 that the record for this meeting will remain open for a  
14 period of 30 days following the hearing today, and so you  
15 are welcome to submit written comments in that  
16 30-day period, or exhibits, and we would love to have  
17 them.

18 I want to thank everyone who's been involved in  
19 this briefing today, and we stand adjourned.

20 (Whereupon, proceedings concluded at the  
21 hour of 2:37 P.M.)

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1 STATE OF CALIFORNIA )  
2 ) ss.  
3 COUNTY OF LOS ANGELES )  
4

5 I, ANNE ELIZABETH STAPLES, Certified Shorthand  
6 Reporter for the State of California do hereby  
7 certify:

8 That the foregoing transcript is a true  
9 and correct transcription of my original stenographic  
10 notes.

11 I further certify that I am neither  
12 attorney or counsel for, nor related to or  
13 employed by any of the parties to the action; and  
14 furthermore, that I am not a relative or employee  
15 of any attorney or counsel employed by the parties  
16 hereto or financially interested in the action.

17 IN WITNESS WHEREOF, I have hereunto set  
18 my hand this 18<sup>th</sup> day of April 2007,

19  
20  
21 Anne E. Staples

22 ANNE E. STAPLES,

23 Certified Shorthand Reporter

24 Certificate No. 12862/RPR  
25