

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Civil Action No.: \_\_\_\_\_

AMERICAN HUMANIST ASSOCIATION and  
KWAME JAMAL TEAGUE

v.

FRANK L. PERRY, in his official capacity as  
Secretary of the NORTH CAROLINA  
DEPARTMENT OF PUBLIC SAFETY, W.  
DAVID GUICE, in his official capacity as  
Commissioner of the Division of Adult  
Correction and Juvenile Justice, GEORGE  
SOLOMON, in his official capacity as Director  
of Prisons, BETTY BROWN, in her official  
capacity as Director of Chaplaincy Services,  
GWEN NORVILLE, in her official capacity as  
Deputy Director of Prisons, DAVID  
MITCHELL, in his official capacity as  
Superintendent of Lanesboro Correctional  
Institution, and SARA R. COBB, in her official  
capacity as Program Services Coordinator of  
Lanesboro Correctional Institution

**COMPLAINT**

Seeking to protect and vindicate their civil liberties and constitutional rights, including the constitutional requirement of separation of church and state and equal protection, the above-captioned Plaintiffs state as their complaint against the above-captioned Defendants the following:

## **NATURE OF THE CLAIMS**

1. This action arises out of the Defendants': (1) refusal to allow a North Carolina inmate with sincerely held Humanist convictions to form a Humanist study group to meet on the same terms that Defendants authorize inmates of theistic religious traditions to meet; (2) refusal to allow inmates to identify as Humanists for assignment purposes. Defendants' policy and practice of discriminating against Humanist inmates because of their sincerely held convictions violates the Establishment Clause of the First Amendment of the United States Constitution as well as the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

2. Plaintiffs seek injunctive and declaratory relief and damages under 42 U.S.C. § 1983 against the Defendants to redress these constitutional violations, together with recovery of attorney's fees and costs under 42 U.S.C. § 1988 (b).

## **JURISDICTION AND VENUE**

3. This case arises under the First and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. § 1983 and presents a federal question within this Court's jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3). The Court has jurisdiction to issue a declaratory judgment under 28 U.S.C. § 2201 and to provide injunctive relief and damages under 28 U.S.C. § 1343 and Fed. R. Civ. P. 65.

4. Venue is proper within this judicial district pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the Plaintiffs' claims occurred herein, and because the majority of defendants reside herein.

## **PARTIES**

5. Plaintiff, the American Humanist Association (“AHA”), is a national nonprofit 501(c)(3) organization incorporated in Illinois with a principal place of business at 1777 T Street N.W., Washington, D.C. AHA is a membership organization with over 185 chapters and affiliates nationwide, including in North Carolina, and over 413,000 members and supporters, including members residing in North Carolina. AHA promotes Humanism and is dedicated to advancing and preserving separation of church and state and the constitutional rights of Humanists, atheists and other freethinkers. AHA brings this action to assert the constitutional rights of its members, including Humanist inmates in other institutions.

6. Plaintiff Kwame Jamal Teague (“Teague”), inmate #0401897, is a resident of the State of North Carolina. Teague is an inmate in the custody of North Carolina Department of Public Safety (hereafter the “Department”), currently incarcerated at the Lanesboro Correctional Institution in Anson County, North Carolina (“LCI”). Teague was admitted to the Department’s custody on or about May 31, 1996.

7. Defendant Frank L. Perry is the Secretary of the North Carolina Department of Public Safety. He is sued in his official capacity. The secretary of the Department of Public Safety serves as the sole representative on the governor's cabinet for the state's law enforcement and emergency response community. The Department is responsible for the care, custody and supervision of all adults and juveniles sentenced after conviction for violations of North Carolina law. North Carolina houses approximately 38,000 inmates in 61 state prison facilities.

8. Defendant Betty Brown is the Director of Chaplaincy Services for the Department. She is sued in her official capacity. North Carolina Prisons employs a Director of Chaplaincy Services to formulate and provide professional supervision of chaplaincy services.

The Director of Chaplaincy Services provides guidance and assistance for the religious activities to all the facilities within the North Carolina Prisons. According to Policy H.0100: “The Director of Chaplaincy Services is familiar with multiple religions, and coordinates those practices within DOP Policy and Procedures.”

9. Defendant George Solomon is the Director of Prisons for the Department. He is sued in his official capacity.

10. Defendant Gwen Norville is the Deputy Director of Prisons for the Department. She is sued in her official capacity as Deputy Director.

11. Defendant W. David Guice is the Commissioner of the Division of Adult Correction and Juvenile Justice, sued in his official capacity.

12. Defendant David Mitchell is the Superintendent at LCI. He is sued in his official capacity.

13. Defendant Sara R. Cobb is sued in her official capacity at Program Services Coordinator of LCI.

### **FACTS**

14. Teague is a North Carolina state inmate currently housed at LCI who has sincerely held Humanist convictions. He considers Humanism to be his religion, which guides him through whatever life presents.

15. LCI is a prison operated by the Department. It is located at 552 Prison Camp Road, Polkton, Anson County, North Carolina, 28135. (Mailing address is – PO Box 280, Polkton, N.C. 28135).

16. LCI houses approximately 1,400 inmates.



17. Teague is a member of the AHA and the Ethical Humanist Society of the Triangle in North Carolina.

18. Humanism comforts, guides, and provides meaning to Teague in the way that religions traditionally provide such comfort, guidance, and meaning. By practicing Humanist principles in his relationships, he is confident that he is acting in a positive way.

19. Humanist principles are promoted and defended by formal organizations such as the AHA (which provides a statement of Humanist principles in a document known as “Humanism and Its Aspirations,” signed by 21 Nobel laureates and thousands of others), as well as the International Humanist and Ethical Union (which provides a statement of Humanist principles known as “The Amsterdam Declaration”).

20. Humanists celebrate various holidays including National Day of Reason (May 2), Darwin Day (February 12), HumanLight (in December) and other solstice-related holidays.

21. Whereas Atheism is a religious view that essentially addresses only the specific issue of the existence of a deity, the Humanism affirmed by Teague is a broader worldview that includes, in addition to a non-theistic view on the question of deities, an affirmative naturalistic outlook; an acceptance of reason, rational analysis, logic, and empiricism as the primary means of attaining truth; an affirmative recognition of ethical duties; and a strong commitment to human rights.

22. Humanism also has a formal structure akin to many religions, with clergy (usually known as “celebrants” who perform Humanist weddings, funerals, baby-welcoming ceremonies, counseling, and other functions commonly performed by clergy), chaplains (including a Humanist Chaplain at Harvard University), and with formal entities dedicated to the practice of religious Humanism, such as the American Ethical Union (based on the Ethical Culture

movement founded by Felix Adler in 1876) and the Society for Humanistic Judaism (founded by Rabbi Sherwin Wine in 1969), among others.

23. AHA's adjunct organization, the Humanist Society, is a religious 501(c)(3) organization. The Humanist Society prepares Humanist Celebrants to lead ceremonial observances across the nation and worldwide, including weddings, memorial services, and other life cycle events. The Humanist Society started in 1939 by a group of Quakers who decided to form a nontheistic society based on similar goals and beliefs. In Humanism's tenets they saw the promise of a genuine union between science and ethics. The society was incorporated in December 1939, under the state laws of California as a religious, educational, charitable nonprofit organization authorized to issue charters anywhere in the world and to train and certify people, who upon endorsement would be accorded the same rights and privileges granted by law to priests, ministers, and rabbis of traditional theistic religions.

24. Modern Humanism, also called Naturalistic Humanism, Scientific Humanism, Ethical Humanism, and Democratic Humanism, was defined by one of its leading proponents, Corliss Lamont, as "a naturalistic philosophy that rejects all supernaturalism and relies primarily upon reason and science, democracy and human compassion."

25. Religious Humanism largely emerged out of Ethical Culture, Unitarianism, and Universalism. Today, many Unitarian Universalist congregations and all Ethical Culture societies describe themselves as Humanist in the modern sense. To serve personal needs, Religious Humanism offers a basis for moral values, an inspiring set of ideals, methods for dealing with life's harsher realities, a rationale for living life joyously, and an overall sense of purpose. Religious Humanism rejects the existence of a supreme being.

26. Secular Humanism is an outgrowth of eighteenth century enlightenment rationalism and nineteenth century freethought. Many secular groups, such as the Council for Secular Humanism and the American Rationalist Federation, and many otherwise unaffiliated academic philosophers and scientists, advocate this philosophy.

27. Secular and Religious Humanists both share the same worldview and the same basic principles. This is made evident by the fact that both Secular and Religious Humanists were among the signers of Humanist Manifesto I in 1933, Humanist Manifesto II in 1973, and Humanist Manifesto III in 2003.

28. Humanists are united under the Humanist Manifesto III, also known as “Humanism and Its Aspirations.” (A copy of the Humanist Manifesto III is attached herein as Exhibit 1). This document is a consensus of Humanist convictions. The ultimate concern for Humanists is to lead ethical lives of personal fulfillment that aspire to the greater good of humanity. The manifesto provides in part: “Humanists ground values in human welfare shaped by human circumstances, interests, and concerns and extended to the global ecosystem and beyond. We are committed to treating each person as having inherent worth and dignity, and to making informed choices in a context of freedom consonant with responsibility.” The Humanist Manifesto III further provides: “We seek to minimize the inequities of circumstance and ability, and we support a just distribution of nature's resources and the fruits of human effort so that as many as possible can enjoy a good life.”

29. Teague wishes to meet with other Humanists who share his sincerely held Humanist convictions.

30. When an inmate is admitted to a North Carolina prison, the inmate may designate a religious preference assignment. Staff will enter the religious preference information (RPI) into a system called OPUS (“Offender Population Unified System”).

31. OPUS is a real-time information system consisting of various sub-systems for processing inmate information. Data is owned by the appropriate sub-system, meaning that it is entered and updated by that sub-system. There is a shared access to this data among all the sub-systems. OPUS came online in phases, the first phase started in 1994.

32. The facility chaplain or other designated staff is responsible for approving inmate religious requests and assignments.

33. Teague wishes to identify as a Humanist on his official record with the Department.

34. As of January 15, 2015, the Department recognizes the following religious assignments (hereafter referred to as “Recognized Religions”):

- i. American Indian
- ii. Asatru
- iii. Assemblies of Yahweh
- iv. Buddhism
- v. Christian
- vi. Hindu
- vii. Islam
- viii. Judaism
- ix. Moorish Science Temple
- x. Rastafarian

xi. Wiccan

35. The above-listed religions are recognized in the Department's "RELIGIOUS PRACTICES REFERENCE MANUAL." A true and accurate copy of said Manual is attached herein as Exhibit 2.

36. The Department also recognizes the following sub-groups within several of the above religious assignments and permits inmates of the following to meet in their respective sub-groups:

- i. Christian-Protestant
- ii. Christian-Catholic
- iii. Christian-Eastern Orthodox

37. Inmates who are members of Recognized Religions receive privileges, including but not limited to the following: (1) ability to meet with community-funded or volunteer chaplains on a regular basis; (2) ability to keep religious items in cells; (3) eligibility for enrollment in a religious correspondence course; (4) have community chaplain perform religious rites/rituals.

38. Inmates who are members of Recognized Religions are allowed to meet with their respective subgroups so that their communities can develop their ethical foundations with some sense of consistency in their teaching.

39. Humanist inmates cannot meet in groups in the same way inmates who are members of Recognized Religions can meet.

40. Humanist inmates in North Carolina prisons have no venue for meetings.

41. Atheist inmates in North Carolina prisons have no venue for meetings.

42. The Department does not recognize Humanist as an assignment option.

43. It is the Department's position that Humanism is not a religion.
44. The Department does not recognize Atheism as an assignment option.
45. The Department does not recognize Atheism as a religion or religious-equivalent.
46. At present, there is no Humanist meeting group at any North Carolina state prison.
47. At present, there is no Atheist meeting group at any North Carolina state prison.
48. Neither Humanism nor Atheism is an option for prisoner registration purposes (OPUS).
49. Upon information and belief, there are at least 20 Humanist and Atheist inmates at the Lanesboro Correctional Institution alone.
50. According to Department policy, "Inmates who wish to have incorporated a religious practice that is not recognized by North Carolina Prisons must submit a DC-572 Request for Religious Assistance form to the facility chaplain or other designated staff, who will then consult with the Chaplaincy Services Director regarding the availability of temporary accommodations in conjunction with the facility head or designee." H.0103.
51. A true and accurate copy of Policy H.0103 is attached herein as Exhibit 3.
52. Defendant Brown received at least two DC-572 forms submitted by Teague.
53. In or around January 2012, Teague requested to have his OPUS commitment changed to "Humanist" pursuant to Chapter H, Section .0104 of the Division of Prison's Policies and Procedures. H.0104(a).
54. In or around January 2012, Teague also filed a "Request for Religious Assistance" (Form DC-572) to establish Humanist group meetings.

55. Both requests were denied on the stated grounds that the “Department of Public Safety does not recognize ‘Humanism’ as a religion.” (Exhibit 4, attached herein).

56. The Supreme Court in *Torcaso v. Watkins*, 367 U.S. 488, 495 n.11 (1961) recognized “Secular Humanism” as a religion for First Amendment purposes.

57. On or about February 29, 2012, Teague filed a formal grievance complaint with the Department of Corrections regarding the prison’s refusal to recognize Humanism as his OPUS designation and its refusal to authorize a Humanist meeting group.

58. The Department dismissed Teague’s grievance complaint.

59. In March 2012, Teague sent a letter to Chaplain Betty Brown, Director of Chaplaincy Services, requesting information regarding the correct procedures to have Humanism recognized by the Department of Corrections.

60. On March 8, 2012, Ms. Brown responded, advising Mr. Teague to prepare and file a “Request for Religious Assistance” (Form DC-572).

61. Teague complied and filed a DC-572.

62. Teague’s DC-572 Form was denied by his case manager, Mr. Richard Boisvert, who told Teague that Humanism was not recognized in North Carolina prisons.

63. In April 2012, Teague filed an administrative remedy appeal with the Department in connection with the prison’s refusal to recognize Humanism and authorize a Humanist group.

64. A true and accurate copy of the Department’s response to Teague’s administrative remedy appeal is attached herein as Exhibit 4.

65. The Department’s response to “step one” of the grievance form states: “Investigation into your complaint revealed that Mr Boisvert, Case Manager has explained to you that the Department of Public Safety does not recognize Humanism. You desire that a special

time be allowed for you to form a group. You are listed in Opus as Islamic. No one will disturb you in the orderly conduct of your religion. However, since the Department of Public Safety does not recognize 'Humanism' as a religion, no facilities will be provided same. There is no violation of the First Amendment Right, respecting an establishment of religion, or prohibiting the free exercise thereof. No further action is necessary at this time." (See Exhibit 4).

66. The response to "step two" of the grievance form, signed April 16, 2012, stated: "Additional investigation reveals that staff has addressed inmate's complaint appropriately. This should resolve your grievance."

67. On April 27, 2012, "step three" of Teague's administrative remedy form (DC-410B) was marked "received" by the Department of Correction.

68. The "Finding and Disposition Order," which was signed on May 7, 2012, provided:

Kwame Teague filed this grievance on February 29, 2012 at Warren Correctional Institution. He asserts that staff were not providing assistance to him in obtaining recognition of his religion

Staff response indicated that an investigation of the inmate's complaint was conducted. Staff concluded that the inmate has not been treated unfair or outside the scope of correctional policies and procedures.

This examiner has carefully reviewed the grievance and the response given by staff in the DC- 410A response. From this review, I am convinced that staff has adequately addressed this inmate's grievance concerns. I adopt the facts found by the staff investigator.

On this record, this inmate's allegations are insufficiently supported. Thus, this grievance is dismissed for lack of supporting evidence.

69. On June 21, 2012, Teague sent another letter to Ms. Brown, writing in part:

I am writing in response to your letter of March 8, 2012 relative to my request for information regarding the correct procedures to have my religion of secular humanism recognized by the Department of Correction as well as the State of North Carolina. You advised me to prepare and file a "Request for Religious



Assistance” (Form DC-572). This I did. However, Mr. Boisvert advised me that secular humanism is not recognized in N.C.

I currently appear in Inmate computer records as a Muslim. This does not reflect my faith. My religion is a form of secular humanism called Ethical Humanism. I am simply seeking information as to the steps I need to take to accomplish my objective of accurate reflection of my religion. I followed your advice, but it has resulted in the same answer (secular humanism is not recognized in N.C.) that caused me to initially write you.

Please help me in this matter. At this point, I am being denied the right of religious expression granted to Muslims, Christians and all other officially-recognized religious. I only want the same treatment that is afforded to these other faith groups.

Thank You,

70. A true and accurate copy of Teague’s letter to Brown, as quoted above, is attached herein as Exhibit 5.

71. On July 9, 2012, the AHA sent a letter to Defendant Brown regarding the unconstitutionality of the Department’s actions in refusing to recognize Teague’s request to change his OPUS assignment to Humanist and its refusal to accommodate a Humanist meeting group. A true and accurate copy of this letter is attached herein as Exhibit 6.

72. The 2012 AHA letter stated in part: “Humanism shares characteristics with many more traditional, widespread religions. It explores fundamental and ultimate questions of life and existence by appealing to science, reason, and our common humanity. Its beliefs are comprehensive in nature and encompass morality and meaning and purpose in life. Humanism even attempts to answer questions about the end of life. A document, the Humanist Manifesto, is a joint expression of humanist beliefs and goals. Humanist celebrants are trained to officiate marriages, funerals, and other life-cycle ceremonies. Organizations such as AHA provide structure and resources to members. Humanists often celebrate holidays such as the winter solstice and Darwin Day.”

73. The 2012 AHA letter further stated: “There is no doubt that Mr. Teague sincerely shares in these beliefs. While incarcerated, he has explored humanism and come to embrace it as a means of accepting personal responsibility for his life. He seeks the same rights and privileges other prisoners receive to explore and express his religious views. To deny him this is to discriminate against him in violation of the Constitution. As you know, violations of the civil liberties of inmates may be remedied by bringing suit under 42 U.S.C. §1983. It is my hope that no such suit will be necessary, and that you will do the right thing and change course. We respectfully request that you allow Mr. Teague to change his religious identification to reflect his current beliefs. In addition, we request that you work with Mr. Teague to meet his requests for religious assistance and accommodation, including access to resources, such as books and meeting space. AHA would be more than happy to provide you any particular information and materials to regarding humanism that you may require as part of any such effort.”

74. On July 16, 2012, Ms. Brown responded to the 2012 AHA letter, stating in part that, “[u]pon receipt of the DC-572, members of the NC Religious Practice Committee will then review it and subsequently send it up the chain of command with recommendations.”

75. A true and accurate copy of Defendant Brown’s response to the 2012 AHA letter is attached herein as Exhibit 7.

76. At the time of Ms. Brown’s July 2012 response, Teague’s DC-572 application had already been denied.

77. On May 15, 2013, Ms. Brown sent a letter to Teague, stating in part:

I responded to you via letter on March 15, 2013 regarding your DC-572 request to have “Humanism” as an accommodated faith practice by the North Carolina Department of Public Safety. I also stated that our records determine that you changed your faith on February 11, 2013 to Buddhist.

Now on May 8, 2013 I am in receipt of a second DC-572 requesting "Humanism" again. In reviewing the information you provided, you are referring the "Ethical Humanism Society." We made several attempts to contact the "Ethical Humanism Society." Mr. Best from the information you provided on the DC-572 and have not been successful as of this date. I research information you submitted regarding the "Ethical Humanism Society." I called the number listed on the website for "Ethical Humanism Society", in Chapel Hill, NC and spoke to someone regarding your membership; he could not confirm you being a member. I continued to read the information and could not find the information needed to move forward with your request.

Mr. Teague the purpose of a DC-572 is to assist the Religious Practices Committee in making necessary determination in order to protect the Constitutional rights of inmates. The Religious Practices Committee process is to obtain authentic information and meet with legitimate representatives of all religious groups who have practitioners incarcerated in North Carolina Prison's to discuss how their religious needs can be met within the constraints of a prison environment. To this date we have not been able to authenticate your information.

Religious Practices Committee did not recommend "Ethical Humanism Society" as an established faith within the North Carolina Department of Public Safety, Prisons Section. We are proceeding with good will and asking the facility where you are housed to accommodate you through individual private devotion in your cell, with publications that you may purchase. This is the least restrictive means. However, any books ordered must be within the publication policy guidelines.

It is our desire and policy to offer all inmates their religious rights within the boundaries of legitimate penological custody and security objectives.

78. A true and accurate copy of Defendant Brown's May 2013 letter is attached herein as Exhibit 8.

79. Mr. Randall Best, the leader of the Ethical Humanist Society of the Triangle has an answering machine and no messages were ever left by Defendant Brown as of May 15, 2013. (See Exhibit A, Declaration of Randall Best).

80. On June 10, 2013, Mr. Randall Best sent a letter to Defendant Brown, which stated in part:

I have been leaving voice mail messages for you to call me for over a week now. I know that you must be busy but I look forward to hearing from you soon.

I would like to talk to you about Ethical Humanism, also known as Ethical Culture, and Mr. Kwame Teague's application to have Ethical Humanism recognized as an accommodated faith practice by the North Carolina Department of Public Safety.

Ethical Culture/Ethical Humanism, founded in 1876 in New York City by Felix Adler, is a religion free from supernatural elements that focuses on ethical relationships and practices. We are a recognized religious denomination by the U.S. Government.

Some of the history of Ethical Culture/Ethical Humanism can be found on the Wikipedia website at: [http://en.wikipedia.org/wiki/Ethical\\_culture](http://en.wikipedia.org/wiki/Ethical_culture). The website for the Ethical Humanist Society of the Triangle, my congregation in Chapel Hill, is: <http://www.ncethicalsociety.org>.

I would be more than happy to talk to you about Ethical Humanism, Humanism in general, and answer any questions that you may have. The best way to reach me is on my cell phone, [redacted]. I hope to hear from you soon.

81. A true and accurate copy of Mr. Best's letter quoted above is attached herein as Exhibit 9.

82. After sending Defendant Brown the above-quoted letter and leaving her multiple voice messages, Brown eventually returned Mr. Best's call. However, she did not indicate that the prison would authorize a Humanist meeting group or allow Teague to identify as a Humanist for OPUS purposes.

83. On November 26, 2014, the AHA sent a second letter to Defendants, informing them that their refusal to accommodate Humanist inmates is unconstitutional and warning them that a lawsuit would follow if they did not change their practices immediately.

84. A true and accurate copy of this 2014 AHA letter is attached herein as Exhibit 10.

85. As of February 19, 2015, Defendants have yet to respond to AHA's second letter.

86. In addition to sending said letter, Plaintiffs' attorney, Monica Miller, made several phone calls to Betty Brown between January 8, 2015 and January 13, 2015, in an attempt to amicably resolve the issues complained of herein without resort to litigation. Ms. Miller left a

message with a woman in Ms. Brown's office yet Ms. Brown did not return her call. Ms. Miller also sent Ms. Brown a follow up email on January 12, 2015, attached herein as Exhibit 11, to which Ms. Brown never replied.

87. As of February 19, 2015, Defendants have yet to accommodate Teague's request to form a Humanist meeting group and his request to identify as a Humanist in OPUS.

88. Defendants' refusal to accommodate Humanist inmates with a Humanist group, while authorizing such groups for inmates of a wide array of religious traditions, including non-theistic traditions, is a clear violation of the Establishment Clause and Equal Protection Clause.

89. Defendants' refusal to recognize Humanism for OPUS purposes, while recognizing a wide array of religious traditions, including even non-theistic traditions, for OPUS purposes, is a clear violation of the Establishment Clause and Equal Protection Clause.

90. For instance, the Department recognizes Buddhism as a religion, which is a non-theistic tradition.

91. The reason that Humanist inmates were denied the opportunity to meet like Recognized Religious groups was not because the number of Humanist inmates desiring to meet was smaller than the number of inmates wishing to meet in other religious groups.

### **CAUSES OF ACTION**

#### **COUNT 1: VIOLATION OF THE ESTABLISHMENT CLAUSE OF THE FIRST AMENDMENT (U.S. CONST. AM. I; 42 U.S.C. § 1983)**

92. All preceding allegations are incorporated herein by reference.

93. The actions of Defendants and their agents, servants, or employees, as described above, violate the Establishment Clause of the First Amendment. Said violations include, but are not limited to:

- i. Defendants' refusal to recognize Humanist as a religious assignment in OPUS.
- ii. Defendants' refusal to authorize a Humanist study group.
- iii. Defendants' refusal to permit a Humanist inmate to form a Humanist study group to meet with other Humanist inmates to study and discuss their commonly held convictions and principles relating to religion on the same terms the Defendants authorize groups for inmates of other faith traditions.

94. Defendants' actions described above lack a secular purpose, have the effect of promoting, favoring and endorsing some religions over others and religion over non-religion generally, and result in an excessive entanglement between government and religion. Said actions also fail strict scrutiny because they lack a compelling governmental interest and the means used to achieve any said interest are not narrowly tailored.

95. Defendants intentionally or recklessly violated Plaintiffs' well-settled constitutional rights under the Establishment Clause.

96. Defendants acted under color of law in violating the First Amendment as described herein in violation of 42 U.S.C. § 1983.

**COUNT 2: VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE  
FOURTEENTH AMENDMENT (U.S. CONST., AM. XIV; 42 U.S.C. § 1983)**

97. All preceding allegations are incorporated herein by reference.

98. Defendants' refusal to recognize Humanist as a religious assignment violates the Equal Protection Clause of the Fourteenth Amendment.

99. Defendants' refusal to permit a Humanist inmate to form a group to meet with other Humanist inmates to study and discuss their commonly held convictions regarding religion

on the same terms Defendants authorize groups for inmates of other faith traditions violates the Equal Protection Clause.

100. Defendants' refusal to allow non-theistic inmates who identify as Humanist to meet on the same terms the Defendants authorize similarly situated theistic inmates to meet, including but not limited to those who identify as Catholic, Muslim, or Buddhist violates the Equal Protection Clause.

101. Defendants' actions described above lack a compelling, important or even legitimate governmental interest therefore violating the Equal Protection Clause.

102. Defendants intentionally or recklessly violated Plaintiffs' well-settled constitutional rights under the Equal Protection Clause.

103. Defendants acted under color of law in violating the Equal Protection Clause as described herein in violation of 42 U.S.C. § 1983.

**WHEREFORE**, Plaintiffs request that this Court grant the following relief:

- i. A declaratory judgment that Defendants' actions described above violate the Establishment Clause of the First Amendment to the United States Constitution.
- ii. A declaratory judgment that the following actions of Defendants violate the Establishment Clause:
  - a. Defendants' refusal to authorize a Humanist meeting group.
  - b. Defendants' refusal to recognize Humanism as an assignment option for OPUS.
- iii. A declaratory judgment that the above actions of the Defendants':
  - a. lack a secular purpose;

b. have the effect of endorsing, favoring, and preferring some religions over others, and in particular, theistic traditions over non-theistic traditions and religion over non-religion; and

c. result in excessive government entanglement with religion.

iv. A declaratory judgment that the Defendants' actions violate the Equal Protection Clause of the Fourteenth Amendment.

v. A declaratory judgment that the following actions of the Defendants violate the Equal Protection Clause:

a. Defendants' refusal to authorize a Humanist meeting group.

b. Defendants' refusal to recognize Humanism as an assignment option for OPUS.

vi. A declaratory judgment that the above actions of the Defendants lack a compelling, important or legitimate governmental interest in violation of the Equal Protection Clause.

vii. A declaratory judgment that the Defendants discriminated against Teague on account of his religious convictions in violation of the Equal Protection Clause.

viii. A declaratory judgment that Defendants' discrimination against Humanist inmates lacks a compelling, important or legitimate governmental interest in violation of the Equal Protection Clause.

ix. A declaratory judgment that Defendants intentionally or recklessly violated Plaintiffs' constitutional rights.

x. A permanent injunction ordering Defendants, their agents, successors, and any person in active concert with the Defendants to:



a. Authorize Humanist study groups in all Department prisons and allow such Humanist groups to meet on the same terms the Defendants authorize groups for inmates of other faith traditions;

b. Authorize Teague to meet in a Humanist study group on the same terms Defendants authorize for inmates of recognized faith traditions;

c. Authorize a Humanist study group upon the request of any inmate at any Department facility in which religious groups are permitted, and approve of said Humanist group without requiring inmates to file a formal request such as a DC-572 or administrative remedy appeal. Any such Humanist group must be provided with the same rights, privileges, and benefits of other recognized religious groups. Humanist study groups at BOP facilities must be permitted to have an outside volunteer under the same circumstances that outside volunteers are authorized for other religious study groups;

d. Recognize Humanism as a religious assignment option in OPUS; and

e. Recognize Humanism as an equivalent to already accepted religions in all Department facilities, such that no inmate shall be required to fill out a DC-572 or similar proposal to establish Humanist group meetings.

xi. A permanent injunction prohibiting the Defendants, their agents, successors and any person in active concert with the Defendants, from:

a. Refusing to authorize a Humanist study group to meet on the same terms the Department authorizes groups for inmates of other faith traditions;

b. Refusing to authorize an Atheist study group to meet on the same terms the Department authorizes groups for inmates of other faith traditions; and

c. Otherwise discriminating against Atheist and Humanist inmates.

xii. An award of nominal damages to the Plaintiffs.

xiii. An award to the Plaintiffs of their reasonable costs, disbursements and attorneys' fees as allowed by law from the Defendants pursuant to 42 U.S.C. § 1988.

xiv. An award of such other and further relief as the Court shall deem just and proper.

Respectfully submitted this 25th day of February, 2015.

/s/ Monica L. Miller  
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Abortion rights pioneer

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**Indumati Parikh**

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church-state activist

**Katha Pollitt**

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Nobel laureate in chemistry, 1977

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**Edd Doerr**, 1995–2002

**Michael W. Werner**, 1993–1994

**Suzanne I. Paul**, 1992

**Lyle L. Simpson**, 1981–1984

**Bette Chambers**, 1973–1979

**Lloyd L. Morain**, 1969–1972, 1951–1955

**Robert W. McCoy**, 1966–1968

**Vashti McCollum**, 1962–1965

# Humanism and Its Aspirations

## Humanist Manifesto III, a successor to the Humanist Manifesto of 1933\*

Humanism is a progressive philosophy of life that, without supernaturalism, affirms our ability and responsibility to lead ethical lives of personal fulfillment that aspire to the greater good of humanity.

The lifestance of Humanism—guided by reason, inspired by compassion, and informed by experience—encourages us to live life well and fully. It evolved through the ages and continues to develop through the efforts of thoughtful people who recognize that values and ideals, however carefully wrought, are subject to change as our knowledge and understandings advance.

This document is part of an ongoing effort to manifest in clear and positive terms the conceptual boundaries of Humanism, not what we must believe but a consensus of what we do believe. It is in this sense that we affirm the following:

**Knowledge of the world is derived by observation, experimentation, and rational analysis.** Humanists find that science is the best method for determining this knowledge as well as for solving problems and developing beneficial technologies. We also recognize the value of new departures in thought, the arts, and inner experience—each subject to analysis by critical intelligence.

**Humans are an integral part of nature, the result of unguided evolutionary change.** Humanists recognize nature as self-existing. We accept our life as all and enough, distinguishing things as they are from things as we might wish or imagine them to be. We welcome the challenges of the future, and are drawn to and undaunted by the yet to be known.

**Ethical values are derived from human need and interest as tested by experience.** Humanists ground values in human welfare shaped by human circumstances, interests, and concerns and extended to the global ecosystem and beyond. We are committed to treating each person as having inherent worth and dignity, and to making informed choices in a context of freedom consonant with responsibility.

**Life's fulfillment emerges from individual participation in the service of humane ideals.**

We aim for our fullest possible development and animate our lives with a deep sense of purpose, finding wonder and awe in the joys and beauties of human existence, its challenges and tragedies, and even in the inevitability and finality of death. Humanists rely on the rich heritage of human culture and the lifestance of Humanism to provide comfort in times of want and encouragement in times of plenty.

**Humans are social by nature and find meaning in relationships.**

Humanists long for and strive toward a world of mutual care and concern, free of cruelty and its consequences, where differences are resolved cooperatively without resorting to violence. The joining of individuality with interdependence enriches our lives, encourages us to enrich the lives of others, and inspires hope of attaining peace, justice, and opportunity for all.

**Working to benefit society maximizes individual happiness.**

Progressive cultures have worked to free humanity from the brutalities of mere survival and to reduce suffering, improve society, and develop global community. We seek to minimize the inequities of circumstance and ability, and we support a just distribution of nature's resources and the fruits of human effort so that as many as possible can enjoy a good life.

Humanists are concerned for the well being of all, are committed to diversity, and respect those of differing yet humane views. We work to uphold the equal enjoyment of human rights and civil liberties in an open, secular society and maintain that it is a civic duty to participate in the democratic process and a planetary duty to protect nature's integrity, diversity, and beauty in a secure, sustainable manner.

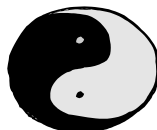
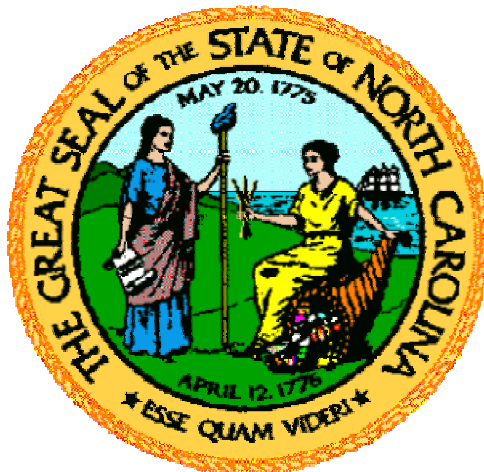
Thus engaged in the flow of life, we aspire to this vision with the informed conviction that humanity has the ability to progress toward its highest ideals. The responsibility for our lives and the kind of world in which we live is ours and ours alone.

\* Humanist Manifesto™ is a trademark of the American Humanist Association—© 2003 American Humanist Association

# **Exhibit 2**

North Carolina  
Department of Correction  
Division of Prisons

# RELIGIOUS PRACTICES REFERENCE MANUAL



Revised Edition  
2004

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## INTRODUCTION

The Religious Practices Committee has worked hard in revising this manual. Within every faith there are degrees and varieties of expression, worship, and practice; therefore, the information in this document is reliable to the best of our knowledge and ability. Each section in the manual has been reviewed and updated at regular intervals. This will allow the addition of relevant material from knowledgeable religious authorities to make it more accurate and usable. The Chaplaincy Services section stands ready to help correctional staff deal with spiritual problems, which extend beyond the scope of this desk reference.

This desk manual has been prepared for the use of chaplains, administrators and other staff of the North Carolina Department of Correction. It is not meant to be an exhaustive study of all religions. It does provide a brief background of most religions having offender followers in North Carolina prisons. This manual is intended only as a resource. It does not confer theological expertise. It will, however, provide correctional workers with the information necessary to deal with the religious problems commonly encountered. It can also assist those who have minimum contact with other faiths in expanding their appreciation of religious diversity.

Correctional staffs often face situations in which religious questions arise. Understanding will help improve their response. Also, law and policy establish the right to a reasonable expression of faith. Each section concludes with a listing of "Approved Practices" for offenders in prison for that faith group. Occasionally, operational and penological issues may conflict with the recognition of any religious faith group, or the faith practices of any recognized religious faith group. When this occurs, per Mr. Bennett memo dated March 2002, "the superintendent will forward through the chain-of-command to the Director of Prisons, a written report detailing the issues in conflict."

While these may be superseded at the direction of the Superintendent under special circumstances, they are otherwise essential practices to which even those in prison are entitled. The Division of Prisons approach will be to center on the core beliefs, values and practices of these many and diverse beliefs and ceremonies.

Inmates in the general population will be permitted to attend religious activities of their choice so long as that attendance does not cause an undue hardship on their work or program assignments and does not interfere with orderly operations of the facility. Inmates housed in segregation please refer to the Director of Prisons' memorandum in the Appendix.

All approved religious items are subject to routine searches, but all items must be handled with the utmost respect. The procedure for a routine search is: An inmate will make these items available for inspection, as is the case with all other personal property. Should any inmate refuse to display their Sacred Items, he/she will be subject to disciplinary procedures for refusal to follow a direct order. It will be confiscated for search for possible contraband. If items are determined to be contraband, they will be dealt with according to the contraband policy. Authorized items will be returned to the inmates. Any items donated or purchased by the prison facility for Corporate Worship shall be secured in the Chaplain office. If the prison does not have a

Chaplain the facility head will designate a staff member to secure the items. All approved religious items may be purchased through a vendor, subject to the approval of the facility head/or designee.

**Betty A. Brown**  
Chaplaincy Services Director

# **AMERICAN INDIAN RELIGION**

## **I. GENERAL**

The North Carolina Department of Correction recognizes the American Indian faith as an approved religion.

## **II. BASIC BELIEFS**

Practitioners of the American Indian Religion see all life as essentially sacred and do not segment human actions into secular and sacred. Therefore, all actions have spiritual significance and must be interpreted in the light of spiritual consequences. All life is sacred - human, animal, vegetable, or element. American Indian religion is not so much a set of rules, but a way of life leading toward the divine. At the heart of this religion is one's personal relationship with the Creator and is essential to receiving awareness. American Indian Religion practitioners do not have a written set of guidelines. Instead the tenements of the faith are basic to humanity – the written word cannot teach your soul the emotion of a sunrise or the depth of a rainbow.

## **III. AUTHORIZED PRACTICES**

### **A. Holy Days**

Every day is sacred to every person practicing American Indian religion.

### **B. Worship**

#### **1. Private**

Individual American Indian Religion practitioners smudge and pray on a daily basis. Smudging is done with one of the four sacred herbs – tobacco, sweetgrass, cedar, and white leaf sage.

#### **2. Corporate**

##### **a. Prayer Circle**

The prayer circle should be at least 5' radius of enclosed space. There should be markers at the four directions – North, South, East, and West

##### **b. Pipe Ceremony**

The Pipe Ceremony involves the use of the Sacred Pipe and is an essential religious activity for the American Indian religious practitioner. There are specific practices and rituals of purpose and design in using the pipe at ceremony.

Tobacco is the most common used sacred herb. The tobacco used for the pipe ceremony is the fine blended pipe tobacco.

**c. Drum Ceremony**

The Drum Ceremony is a core element of the practice of American Indian religion. The drum itself represents the heartbeat of the world and its living population. A drum and drumstick are required for this ceremonial practice.

**d. Songs**

Ceremonial and social songs are another core element in the practice of American Indian religion. Pan-Indian songs and chants are a direct means of communing with the Creator, Mother Earth, and all the living aspects of the world, previous generations, and the generations to come. Songs are also a necessary component of communicating with other practitioners.

See Appendix

**Note:** White sage is approved for corporate worship, and it and other items for corporate worship are to be kept in the custody of the chaplain or appropriate staff. All ceremonies will be held on the yard or in an approved area led by an American Indian Spiritual Leader or by an inmate Faith Helper, who will be selected based on his/her knowledge of the faith, maturity, and positive leadership, subject to the final approval of the facility head.

**C. Diet**

No formal diet requirement.

**D. Education**

The Facility Heads may, in consultation with the American Indian Spiritual Leader, provide education through on-site lectures, seminars, hand-outs, books, videos, etc. The availability of community volunteers may determine the frequency of these events.

**E. Work Assignments**

No Restriction.

#### IV. APPROVED RELIGIOUS PROPERTY

Item	Description
<b>Sacred Items Box</b>	<p>No larger than 14" L x 9" W. x 5" D. made of clear plastic. All religious items listed above must fit in the Sacred Items Box.</p> <p>For custody <b>searches</b> of the medicine bag or Sacred Items Box, the inmate will be ordered to display the contents without staff touching the items. Should any inmate refuse to display the items, he/she will be subject to disciplinary procedures for refusal to follow a direct order. Upon refusal to display the medicine bags or Sacred Items Box contents (<b>all items must be handled in the utmost respect</b>) It will be confiscated for search for possible contraband. If items are determined to be contraband, they will be dealt with according to the contraband policy. Authorized items will be returned to the inmates.</p>
<b>Prayer Feathers</b>	4 turkey feathers - must fit in the Sacred Items Box. May be bound together with yarn or cloth. The yarn/cloth is not to exceed 5 inches in length.
<b>Sweet-grass (for smudging)</b>	1 Braid no longer than 30 inches - 1 inch wide
<b>Cedar (for smudging)</b>	1 Small package. Maximum amount is not to exceed 4 ounces.
<b>Ceremonial Tobacco</b>	1 Small bundle: Maximum amount is not to exceed 6 ounces. (Ceremonial tobacco is either leaf or pipe tobacco)
<b>Headband</b>	Maximum: 4 Solid colors (red, blue, white, yellow, green, black). Should be a single piece of cotton material no more than 2" wide x 43" long. Approved practitioners may wear at all times and in all places, but it must be removed for searches.
<b>Pipe</b>	Personal prayer pipe (Only one stem and bowl)

**Smudge Pot**

A shell or other heat-resistant vessel may be used for this purpose. Not to exceed 6" diameter.

**Medicine Bag**

The over all dimensions of medicine bag should not exceed 3" wide x 3" long. A tied shut or drawstring bag closed. Contents may include, but not limited to, tobacco (leaf form), cedar, sweet-grass, small pebbles, or beads. Worn from belt or belt loop, kept in pocket or locker **(not to be worn around one's neck)**

**Prayer Shawl (women)**

A piece of fabric with fringed borders (45" width x 45"). **If the prayer shawl is too large to go into the Sacred Item Box, it should be folded and placed under the box.**

**Prayer Cloth (women)**

A piece of wool (10" width x 14") for prayer items.

**Reading Material**

# **ASATRU**

## **I. GENERAL**

The North Carolina Department of Correction recognizes Asatru (pronounced “A-suh-troo”) as an approved religion.

## **II. BASIC BELIEFS**

Asatru is a polytheistic religion (accepting a number of gods and goddesses). Asatru is characterized by a conviction that the goal of living is to lead a worthwhile and useful life. Values are based on an individual liberty which is tempered with responsibility and loyalty to one’s Kindred and community. The Kindred is the organizational structure of Asatru, but many Asatruers prefer to practice the religion alone. For additional information, see Appendix.

## **III. AUTHORIZED PRACTICES**

### **A. Holy Days See Appendix**

### **B. Worship**

#### **1. Private**

Provided there is no conflict with program or work assignments, an inmate may observe daily meditation and reflection; study of the faith and practices; and/or observe a personal Blot in the inmate’s housing area (items needed to be provided by the inmate).

#### **2. Corporate**

The Blot is the most common ritual in the practice of Asatru. Such gatherings should be conducted under the leadership of a qualified priest (Gothi). Inmate leadership may be considered but will be reviewed on a case-by-case basis.

### **C. Diet**

No formal diet requirements

### **D. Education**

The Facility Heads may provide education through on-site lectures, seminars, hand-outs, books, videos, etc. The availability of community volunteers may determine the frequency of these events.

**E. Work Assignments**

No Restrictions

**IV. APPROVED RELIGIOUS PROPERTY**

<b>Item</b>	<b>Description</b>
<b>One set of twenty-four Runes</b>	Runes developed as the alphabet (or futhark) of the Vikings and other European tribes. While there were variations in the futharks, the one known as the Elder Futhark is most widely used today. There are 24 runes in this particular alphabet, each of which has a phonetic value as well as a symbolic meaning.
<b>Religious Medallion</b>	One medallion not to exceed 2 ¼ inches at the widest/longest point; made of solid construction; and of non-precious material. Must be kept in one's pocket or locker <b>(not to be worn around the neck)</b> .
<b>Reading Material</b>	Beowulf, the Elder Edda, the Elder Futhark, Rune Alphabet, and the Prose Edda



## **ASSEMBLIES OF YAHWEH**

### **I. GENERAL**

The North Carolina Department of Correction recognizes the Assemblies of Yahweh as an approved religion.

### **II. BASIC BELIEFS**

Assemblies of Yahweh believe that Yahweh is the revealed personal name of the Heavenly Father and Yahshua is the name of His Son, the Messiah. The New Testament scriptures are interpreted through the teachings of the Old Testament.

### **III. AUTHORIZED PRACTICES**

#### **A. Holy Days**

**Sabbath** (Saturday) and other religious Holidays (see Appendix).

#### **B. Worship**

##### **1. Private**

Members read their Bible and other religious literature and pray.

##### **2. Corporate**

Only ordained, credentialed ministers or certified men in training by the Assemblies of Yahweh shall conduct services.

#### **C. Diet**

Non-Meat Entree Alternative Diet; no shellfish or catfish.

#### **D. Education**

N/A

#### **E. Work Assignments**

Contact with ritually unclean items (e.g., pork, etc.) is against the beliefs of this religion. Whenever and wherever possible, this should be considered when making job assignments; however, operational needs will be the overriding factor in making assignments.

#### **F. DRESS/HAIR/GROOMING**

Women, in order to reflect modesty, must cover their heads during worship.

#### **IV. APPROVED RELIGIOUS PROPERTY**

<b>Item</b>	<b>Description</b>
<b>Head coverings</b>	Scarf approved for women; large enough to cover the top of the head (approximately 16"x16") and worn only for ceremonies.
<b>Bethel Edition Bible</b>	Old and New Testament
<b>Reading Material</b>	

# **BUDDHISM**

## **I. GENERAL**

The North Carolina Department of Correction recognizes Buddhism to be an approved religion.

## **II. BASIC BELIEFS**

**Buddha:** The Enlightened One  
**Dharma:** The Teaching of the Path or the Law  
**Songhai:** The Assembly of followers

For additional information, see Appendix.

## **III. AUTHORIZED PRACTICES**

### **A. Holy Days**

There are special days in Buddhism see appendix.

### **B. Worship**

#### **1. Private**

Private prayers occur two times each day - morning and evening.

#### **2. Corporate**

Worship may be conducted once a week by an approved Buddhist leader.

### **C. Diet**

The Inmate may choose either a lacto-ovo-vegetarian or vegan diet.

### **D. Education**

The Facility Heads may provide education through on-site lectures, seminars, hand-outs, books, videos, etc. The availability of community volunteers may determine the frequency of these events.

### **E. Work Assignments**

No Restrictions.

#### IV. APPROVED RELIGIOUS PROPERTY

Item	Description
Prayer Beads	Prayer beads may be kept in ones pocket or locker and used during private time. They are not to exceed 38" open end to end. <b>(Not to be worn around one's neck)</b>
Religious Medallion	One medallion not to exceed 2 ¼ inches at the widest/longest point; made of solid construction; and of non-precious material. Must be kept in one's pocket or locker <b>(not to be worn around the neck)</b> .
Reading Material	The Sutras are the Buddhist holy books.

# CHRISTIAN - PROTESTANT

## I. GENERAL

The North Carolina Department of Correction recognizes the Christian faith as an approved religion.

## II. BASIC BELIEFS

Christianity is made up of many denominations who view the Bible as the divinely inspired word of God and the guide for belief and practice. Christianity can be divided into three major groups: 1) Protestant, 2) Catholic & 3) Eastern Orthodox. Religious concepts and practices within Protestantism vary greatly from denomination to denomination (See other denominations and Sects in the Appendix). However, there are a group of beliefs and practices that are common to all Christian denominations: God as revealed in Jesus Christ; the Holy Spirit as the third person of the Holy Trinity; Salvation through Christ.

## III. AUTHORIZED PRACTICES

### A. Holy Days

**Sunday** is generally observed as the day of worship, study, prayer, and fellowship. **Denominational Services are not Offered.** See other Holy days in the Appendix.

### B. Worship

#### 1. Private

Individual worship involves study, meditation, and prayer.

#### 2. Corporate

Community worship is of the utmost importance in the Protestant faith. Most Protestants meet at least once a week, normally Sunday, for a period of group worship that includes hymns, prayers, scripture, and a sermon. Communion and baptismal services may be offered through coordination with the facility chaplain and administrator.

### C. Diet

No formal diet requirements.

**D. Education**

The Facility Heads may provide education through on-site lectures, seminars, hand-outs, books, videos, etc. The availability of community volunteers may determine the frequency of these events.

**E. Work Assignments**

No Restriction.

**IV. APPROVED RELIGIOUS PROPERTY**

<b>Item</b>	<b>Description</b>
<b>Religious Medallion</b>	A medallion/cross not to exceed 2 ¼ inches at the widest/longest point of cross, of solid construction, and of non-precious material. It must be kept in pocket or locker <b>(not to be worn around one's neck).</b>
<b>Reading Material</b>	Bible, Bible study materials, and devotional material

# CHRISTIAN - CATHOLIC

## I. GENERAL

The North Carolina Department of Correction recognizes the Christian faith as an approved religion. Christianity is made up of many denominations who view the Bible as the divinely inspired word of God and the guide for belief and practice. Christianity can be divided into three major groups: 1) Protestant, 2) Catholic & 3) Eastern Orthodox.

## II. BASIC BELIEFS

The Catholic Church is Christian in belief and practice. The head of the Catholic Church is the Pope (the Bishop of Rome).

## III. AUTHORIZED PRACTICES

### A. Holy Days

**Sunday** is generally observed as the day of worship and fellowship. **Denominational Services Are Not Offered.** See other Holy days in the Appendix.

### B. Worship

#### 1. Private

Individual worship involves study, meditation, and prayer.

#### 2. Corporate

Community worship is of the utmost importance in the Catholic faith. Most Catholic worship is highly liturgical. There are seven sacraments that are celebrated by Catholics. They are listed in the appendix to this document.

### C. Diet

No formal diet requirements.

### D. Education

The Facility Heads may provide education through on-site lectures, seminars, hand-outs, books, videos, etc. The availability of community volunteers may determine the frequency of these events.

**E. Work Assignments**

No Restrictions.

**IV. APPROVED RELIGIOUS PROPERTY**

<b>Item</b>	<b>Description</b>
<b>Religious Medallion</b>	A medallion/cross not to exceed 2 ¼ inches at the widest/longest point of the cross and of solid construction and of non-precious material. It must be kept in pocket or in locker <b>(not to be worn around one's neck)</b> .
<b>Rosary</b>	Rosary may be kept in one's pocket or locker and used during private time. They are not to exceed 38" inches open end to end. <b>(Not to be worn around one's neck)</b> .
<b>Scapular</b>	A religious artifact consisting of one or two small squares of cloth connected by a string. The scapula string should be cut and the scapula kept in pocket or in locker.
<b>Religious Calendar</b>	
<b>Reading Material</b>	Bible, Bible study materials, and devotional material



# CHRISTIAN - EASTERN ORTHODOX

## I. GENERAL

The North Carolina Department of Correction recognizes the Christian faith as an approved religion. Christianity is made up of many denominations who view the Bible as the divinely inspired word of God and the guide for belief and practice. Christianity can be divided into three major groups: 1) Protestant, 2) Catholic & 3) Eastern Orthodox.

## II. BASIC BELIEFS

The Eastern Orthodox Church is Christian in doctrine and practice. The Orthodox Church came about as a result of a split with the Roman Church in 1054. Orthodox churches recognize and honor the Ecumenical Patriarch of Constantinople, but no single Orthodox center has infallible authority.

## III. AUTHORIZED PRACTICES

### A. Holy Days

**Sunday** is generally observed as the day of worship and fellowship.  
**Denominational Services Are Not Offered.** See other Holy days in the Appendix.

### B. Worship

#### 1. Private

Daily prayer and scripture reading.

#### 2. Corporate

Must be led by an Orthodox priest.

### C. Diet

No formal diet requirements.

### D. Education

The Facility Heads may provide education through on-site lectures, seminars, hand-outs, books, videos, etc. The availability of community volunteers may determine the frequency of these events.

### E. Work Assignments

No Restrictions.

#### IV. APPROVED RELIGIOUS PROPERTY

Item	Description
Religious Medallion	A medallion/cross not to exceed 2 1/4 inches at the widest/longest point of the cross and of solid construction and of non-precious material. It must be kept in pocket or in locker <b>(not to be worn around the neck)</b> .
Reading Material	Bible, Bible study materials, and devotional material

# **HINDU**

## **I. GENERAL**

The North Carolina Department of Correction recognizes the Hindu faith as an approved religion.

## **II. BASIC BELIEFS**

Hinduism is a "Way of life" rather than a religion. Anyone following the basic principles of Truth, Right Conduct, Peace, Love, and Non-violence on a daily basis is considered to be a Hindu. God manifests in different forms, people can choose what god to worship. But adhering to the above principles is most important. See Appendix for additional information.

## **III. AUTHORIZED PRACTICES**

### **A. Holy Days**

There are many holy days during the year. Hindus will usually recognize these days privately.

### **B. Worship**

Worship is primarily individualistic rather than congregational. It consists of daily meditation and chants.

### **C. Diet**

The Inmate may choose either a Lacto-Ovo-Vegetarian Diet or Vegan Diet.

### **D. Education**

Private study of materials listed below under Reading Material.

### **E. Work Assignments**

No Restrictions.

#### IV. APPROVED RELIGIOUS PROPERTY

Item	Description
Religious Medallion	One medallion not to exceed 2 ¼ inches at the widest/longest point; made of solid construction; and of non-precious material. Must be kept in one's pocket or locker <b>(not to be worn around the neck)</b> .
Journal	To denote one's spiritual journey
Reading Material	Simhitas, Brahmanas, Aranyakas, Geetha, Epics, Upanishad

# **ISLAM**

## **I. GENERAL**

The North Carolina Department of Correction recognizes Islam as an approved religion.

## **II. BASIC BELIEFS**

Islam is a way of life practiced by Muslims who believe Allah is God and Muhammad is his prophet. They have five basic beliefs: Declaration of faith, Prayer, Zakat (Charity), Fasting during the month of Ramadan, and if possible a Pilgrimage to Mecca (Makkah) at least once in a lifetime. More information is found in the Appendix.

## **III. AUTHORIZED PRACTICES**

### **A. Holy Days**

#### **Friday - Jumah**

**Eid al Fitr** – the feast following Ramadan (a memo will be produced annually from the Central Office; see Appendix)

**Eid al Adha** – the Feast of Abraham (a memo will be produced annually from the Central Office; see Appendix)

### **B. Worship**

#### **1. Private**

Five daily prayers (listed in the Appendix) are recommended to be done in congregations, but may be done individually in cells, dormitories, or an available clean area which does not negatively affect the security or management of the institution. Ablution (ceremonial washing) is required before prayer. Institutions and/or centers shall make provisions to allow Muslim inmates to perform this ritual.

#### **2. Corporate**

Friday (Jumah) is the most important day of worship in Islam. A minimum (Jamaat) of three or more adult Muslims is required to hold the service. The Ghusl (ceremonial washing - complete bath) is required before the prayer. Correctional facilities shall provide an

opportunity for Muslim inmates to participate in a Jumah Service of no less than one hour between 12:00 p.m. and 3:00 p.m. Efforts should be made to schedule Jumah to minimize conflicts with work, education, and program activities. The lunch period shall not be used as an option. If conflicts occur, reasonable efforts should be made to permit the inmates to fulfill their religious duty. The Service will be supervised by the unit chaplain or other personnel and will be conducted by an Islamic Chaplain, an Imam from the community or an approved Muslim Prayer leader, who will be selected, based on his (her) knowledge of the faith, maturity, and positive leadership, subject to the final approval of the facility head.

**C. Diet**

The inmate may select either a Lacto-Ovo-Vegetarian Diet or Non-Meat Entree Alternative Diet.

**D. Education**

Time should be provided to allow Muslim inmates an opportunity to engage in the General study (ta'alim) of the Islamic faith. The duration of this study should be not less than one (1) hour. This activity should be open to any inmate in the population who desires to attend. The day and time for scheduling this activity may vary based on the availability of space and provided it does not adversely affect the security, custody, safety and institutional management. Supervision of this activity should be carried out in the same way it is for Jumah (Friday Prayer Service). (See section B above). It will be conducted by an Islamic Chaplain, a volunteer Imam from the community or an approved Muslim inmate prayer leader.

**E. Work Assignments**

Contact with ritually unclean items (e.g., pork) is against the beliefs of this religion. Whenever and wherever possible this should be considered when making job assignments.

**F. Language**

The Arabic Language is the religious language of the Islamic faith. It is inseparable from Islam and virtually impossible to worship appropriately without the use of the Arabic language. Consequently, the Arabic language for religious purposes is exempt from North Carolina DOP policy prohibiting the use of any foreign language within the Division of Prisons.

#### IV. APPROVED RELIGIOUS PROPERTY

Item	Description
Head coverings (limit 4)	The Kufi (prayer cap) for males and a scarf (approximately 12"x36") for females are the only authorized religious head coverings for Islamic inmates. Kufis and scarves may be worn at all times <b>except when ordered to remove them for search</b> . Muslim inmates may keep four kufis/scarves in their possession.
Prayer Rug	Islamic inmates shall be allowed to possess an individual prayer rug approximately 26" by 44".
Prayer Beads	Prayer beads may be kept in one's pocket or locker and used during private time. They are not to exceed 38" inches open end to end <b>(not to be worn around the neck)</b> .
Religious Medallion	A medallion not to exceed 2 ¼ inches at the widest/longest point, made of solid construction and of non-precious material. Must be kept in pocket or in locker. <b>(not to be worn around neck)</b>
Oils	Islamic inmates are authorized to possess and use non-alcoholic and nonflammable cosmetic perfume oil for religious services. Such oil shall be purchased through the facility canteen in plastic containers not to exceed one (1) ounce in size.
Reading Materials	Holy Qur'an and other related material.

# JUDAISM

## I. GENERAL

The North Carolina Department of Correction recognizes Judaism as an approved religion.

## II. BASIC BELIEFS

Judaism believes that there is only one indivisible God who is the creator and ruler of the universe and all that is in it; God is transcendent and eternal, knowing and seeing everything. God revealed the law (Torah) through Moses. Through Abraham, God promised the land of Israel to Jewish people. Within Judaism, there are four major sects (listed in the Appendix).

## III. AUTHORIZED PRACTICES

**A. Holy Days** - Jewish Holy days are reckoned from sundown (of the prior evening) through sundown.

**The Sabbath (Shabbos)** is considered the most important of all Jewish religious Holy days. The Sabbath is observed 18 minutes prior to sunset Friday until three stars are visible (approximately one hour) past sunset Saturday. Other Holy Days are listed in the Appendix.

### B. Worship

#### 1. Private

The "Shema" is recited three times a day every morning and evening by the devout Jew.

#### 2. Corporate

A quorum (minyan) of ten adults is usually required to hold a formal Jewish worship service, but this requirement may be waived in a prison setting when led by a Rabbi.

### C. Diet

The inmate may select either a Lacto-Ovo-Vegetarian Diet or Alternative Diet. Diet should not contain any pork, shellfish, or catfish.



#### **D. Education**

The Facility Heads may provide education through on-site lectures, seminars, hand-outs, books, videos, etc. The availability of community volunteers may determine the frequency of these events.

#### **E. Work Assignments**

Contact with ritually unclean items (e.g., pork) is against the beliefs of this religion. Whenever and wherever possible this should be considered when making job assignments.

### **IV. APPROVED RELIGIOUS PROPERTY**

<b>Item</b>	<b>Description</b>
<b>Religious Medallion</b>	One medallion not to exceed 2 ¼ inches at the widest/longest point; made of solid construction; and of non-precious material. Must be kept in one's pocket or locker <b>(not to be worn around the neck)</b> .
<b>Skull Cap (Yarmulke)</b>	4 Head covering are allowed - may be worn at all times, including indoors; however, it <b>must be removed for searches</b> .
<b>Prayer Shawl (Tallis)</b>	Worn during morning prayers by females.
<b>Calendar</b>	Containing lunar dates, Jewish Holy Days, Torah portion readings, etc.
<b>Reading Material</b>	Scriptures (a Hebrew Bible is approved), Prayer Book, and other religious literature.

# **MOORISH SCIENCE TEMPLE OF AMERICA**

## **I. GENERAL**

The North Carolina Department of Correction recognizes the Moorish Science Temple of America as an approved religion.

## **II. BASIC BELIEFS**

Moorish Science Temple of America believes that theirs is the true and divine creed of Islam brought by Prophet Noble Drew Ali. Allah is God. (Additional information may be found in the Appendix).

## **III. AUTHORIZED PRACTICES**

### **A. Holy Days**

#### **Friday**

**January 8** Birthday of Prophet Noble Drew Ali (a feast is authorized; a memo will be produced annually from the Central Office).

**January 15** Moorish American New Year

**Note:** These are the ONLY Authorized practices. Moorish inmates may request to be released from assigned work and/or program assignments in order to observe these two holidays.

### **B. Worship**

#### **1. Private**

Moorish inmates are required to pray daily.

#### **2. Corporate**

A one hour service on Friday, under the leadership of an approved outside volunteer or an inmate approved to serve in the position of Acting Grand Sheik, may be scheduled. Moorish inmates may nominate from their number someone to serve in the position of Acting Grand Sheik based on his knowledge of the religion, sincerity, discernable humility, emotional maturity, and responsible behavior. That individual may be screened by the Grand Governor of NC, MST of A, and will be subject to approval by the facility head. All services will be supervised by the facility chaplain or other staff. **Each facility must have an Affirmation of Authority from MSTA (obtained through the Director of Chaplaincy Services).**

**C. Diet**

Non-Meat Entree Alternative diet; no pork

**D. Religious Education**

Moorish inmates are required to participate in "Sunday School" which should be scheduled weekly for at least one hour. It is permissible to schedule this activity on a day other than Sunday if necessary. The teacher will be an approved outside volunteer or an inmate approved to serve in the position of Acting Grand Sheik and will be subject to approval by the facility head. The class is taught from the booklet, Koran Questions for Moorish-Americans, "and the Holy Koran of the Moorish Science Temple of America (sometimes referred to as the circle Seven Koran). Moorish inmates may purchase these items from their personal funds. All classes will be supervised by the facility chaplain or staff member.

The Facility Heads may provide education through on-site lectures, seminars, hand-outs, books, videos, etc.

**E. Work Assignments**

Contact with ritually unclean items (e.g., pork) is against the beliefs of this religion. Whenever and wherever possible this should be considered when making job assignments.

**III. APPROVED RELIGIOUS PROPERTY**

Item	Description
Head covering	The Fez is a crushable, tapering, maroon, felt hat approximately six inches in height, with a black tassel hanging from a flat crown. The Fez will be worn only during Holy Day Services. At all other times, it is to be kept with the inmate's personal belongings and not on the inmate's person. (Limit: four fezes). <b>NOTE: The kufi (koofi) and Crown is not authorized for Moorish inmates.</b>
Flags	One national flag of Morocco and one of the United States, not to exceed the dimensions of 4"x10" each. The flags are anchored in a common base, made of plastic or wood.

**Picture of Prophet Noble  
Drew Ali (9"x 22" unframed)**

**Nationality Identification  
Card**

Obtained by the inmate from the National  
headquarters of MSTA.

**Reading Material**

Including Circle Seven Koran

## **RASTAFARIAN**

### **I. GENERAL**

The North Carolina Department of Correction recognizes the Rastafarian faith as an approved religion.

### **II. BASIC BELIEFS**

Rastafarians have a strong belief in God, or Jah, as they know Him. They also believe Blacks are oppressed, powerless, poor, and uneducated because they abandoned the holy, divine way of living, as God's chosen people. They believe themselves to be Black Israelites and are dedicated to keeping Old Testament hygienic and dietary laws. For additional information, see the Appendix.

### **III. AUTHORIZED PRACTICES**

#### **A. Holy Days**

1. **May 5:** Ethiopian Liberation Day
2. **July 23:** His Imperial Majesty's Birthday
3. **First Monday in August:** Jamaican Independence
4. **August 17:** Marcus Garvey's Birthday

#### **B. Worship**

1. **Private**

Members read their Bible and other religious literature and pray.

2. **Corporate**

Worship may be conducted once a week by an approved worship leader chosen for his personal spiritual growth. (There is no published mandatory requirement).

#### **C. Diet**

The Inmates may choose either a Lacto-Ovo-Vegetarian Diet or Vegan Diet.

#### **D. Education**

The Facility Heads may provide education through on-site lectures, seminars, hand-outs, books, videos, etc. The availability of community volunteers may determine the frequency of these events.

#### **E. Work Assignments**

No Restrictions.

#### **F. DRESS/HAIR/GROOMING**

The wearing of locks and beards are generally accepted. A seashell, no more than ¼ inch, may be worn in the hair, and must be easily removable and searchable. Females may wear dresses and keep their head covered in public.

### **IV. APPROVED RELIGIOUS PROPERTY**

<b>Items</b>	<b>Description</b>
<b>Bible</b>	King James Version of the Holy Bible.
<b>Religious Medallion</b>	One medallion not to exceed 2 ¼ inches at the widest/longest point; made of solid construction; and of non-precious material. Must be kept in one's pocket or locker <b>(not to be worn around the neck)</b> .
<b>Seashell</b>	A shell, no more than ¼ inch.
<b>Head coverings</b>	Prayer Crown (for males), a large, knit cap that enables an inmate to keep his locks covered, may be worn by men (it must be above shoulder length). A male inmate may keep four prayer crowns in his possession. The bib size should not exceed 2½ inches. Female inmates may keep four scarves (no larger than 12" x 36").
<b>Reading Material</b>	King James Version of the Holy Bible and devotional material

# **WICCA**

## **I. GENERAL**

The North Carolina Department of Correction recognizes Wicca as an approved religion.

## **II. BASIC BELIEFS**

Wiccans tend to find and worship the Sacred as found in nature, often personified as Mother Earth and Father Sky. Many different names for Deity are used, and individuals will often choose goddesses or gods whose stories are particularly inspiring. These Deities become the focus of personal devotions. Similarly, covens will use chosen Deity names that are often held in secret by group members. Wiccans strongly deny any worship or belief in Satan, the Devil or similar entities. Wiccans practice “magic” as a part of rituals and ceremonies, by which is meant the direction and use of “psychic energy”, those natural and invisible forces which surround all living things. For additional information, see Appendix.

## **III. APPROVED PRACTICES**

### **A. Holy Days (see appendix.)**

### **B. Worship**

#### **1. Private**

Most rituals/ceremonies will be handled individually using only the religious paraphernalia authorized in this reference manual.

#### **2. Corporate**

**There are no requirements for corporate worship.** The facility may, however, allow groups to observe special days together, led by an approved Volunteer, or the supervision of the chaplain.

**Note:** Candles, incense, plastic god, and goddess figurines (3” x 4”), provided by a local Wiccan community, may be approved for use on special days. The Chaplain will keep these items in a secured location.

### **C. Diet**

No formal diet requirements.

#### **D. Education**

The Facility Heads may provide education through on-site lectures, seminars, hand-outs, books, videos, etc. The availability of community volunteers may determine the frequency of these events.

#### **E. Work Assignments**

No Restrictions.

### **IV. APPROVED RELIGIOUS PROPERTY**

<b>Item</b>	<b>Description</b>
<b>Book of Shadows</b>	A personal record of rituals and ceremonies and the spiritual growth of the individual ( <b>no medal binders; no larger than 12"x14"</b> ). It should be treated with utmost respect.
<b>Sacred Cloth</b>	To cover sacred items and used as an Altar cloth, not to exceed approximately 26"x 44"
<b>Cordon</b>	Bowl and Chalice; a Styrofoam cup not to exceed 6oz.
<b>Talisman Bag</b>	(Approximately 3"x3") Holds items of personal significance, such as a tooth, finger nail, lock of hair, or stone no larger than a silver dollar. Items need to fit neatly in the talisman bag and are to be cataloged and documented, subject to approval by facility head/designee. <b>Not to be worn around one's neck.</b>
<b>Tarot Cards</b>	One (1) pack of cards may contain as little as 21 but not more than 78 cards. These cards may be named Rune Cards, Animal Oracle, Druid Pack, Gypsy Fortune Telling Deck, Crystal Oracle, Domino Yoruba, I Ching Deck and etc. <b>Note: These cards are for personal use only.</b>
<b>Wand</b>	One (1) small piece of soft wood or cardboard approximately 1" x 3"x 4".



**Athame**

One (1) approved picture of a ceremonial knife no larger than 3"x5"

**Religious Medallion**

One medallion not to exceed 2 ¼ inches at the widest/longest point; made of solid construction; and of non-precious material. Must be kept in one's pocket or locker **(not to be worn around the neck)**.

**Reading Materials**

**Note:** The items approved for use by a Wiccan inmate are to be treated with utmost respect, but are subject to routine searches. An inmate will make these items available for inspection, as is the case with all other personal property.

## APPENDIX

### AMERICAN INDIAN

Upon request, a video of American Indian Religion may be obtained.

#### Prayer Circle



The Prayer Circle is a sacred area to American Indian Religious Practitioners. It should be at least 10' diameter, or larger depending on the size of the group. The Circle contains four directional stones [White (north), Black (east), Yellow (south), and Red (west)] and no other rocks. The circle is entered from the east and is a place of communion, thought, and prayer.

#### Pipe Ceremony

The Pipe Ceremony is a means of offering prayers to the Creator. After smudging, the first participant takes the pipe and offers it to the Creator by lifting it and turning clockwise 180 degrees; the participant then prays inwardly while drawing on the pipe; the release of the smoke carries the prayer to the Creator. The participant then offers



the pipe to the person on his/her left. This continues until all participants have completed the ritual. The leader then removes the bowl from the stem, allows the tobacco to cool inside the bowl, and the tobacco is then given back to the Earth.

## Drum Ceremony

Drumming represents the heartbeat of Mother Earth. Drumming along with singing or chanting is practiced.

## Smudging

Smudging is an act of burning either of four sacred herbs (cedar, white sage, sweet grass, and tobacco) or a mixture of them to produce smoke. Turkey feathers or the hand can be passed through the smoke and passed over the head and body of the individual and then offered to the Four Directions as an act of purification and offering prayers to the Creator. The place of worship and any item used in ceremonies are smudged at the beginning of the ceremony.



## ASATRU

### Additional Holy Days

- |    |                              |              |
|----|------------------------------|--------------|
| 1. | <b>Disablot</b>              | January 31   |
| 2. | <b>Ostara</b>                | March 21     |
| 3. | <b>Valpurgis</b>             | April 30     |
| 4. | <b>*Midsummer</b>            | June 21      |
| 5. | <b>Freysfest</b>             | July 31      |
| 6. | <b>Haustblot</b>             | September 23 |
| 7. | <b>Winter Nights</b>         | October 31   |
| 8. | <b>*Mother Night of Yule</b> | December 21  |

**\*Considered the most important days.**

Asatru is said to be the modern reconstruction of the ancient religion of the Germanic peoples. The linguistic/anthropological term “Germanic” refers to a grouping of Northern Europeans who at one point shared a common language, culture, and religion. By the year 500 CE, the Germanic peoples had spread across Northern Europe into the areas which would later become Denmark, Norway, Sweden, Germany, Holland, and England. By the year 700 CE, the various dialects of the common Germanic tongue were evolving into the distinct languages of German, Dutch, English, and Scandinavian.

Although the early Germanic peoples were literate, they tended to use their runic alphabet sparsely. Reliance was primarily on “law-speakers” and skalds (bards/poets) to memorize and pass on their stories and history through oral tradition. No detailed historical records were ever written by pre-Christian Germanic peoples.

It is through Roman Catholic monks and priests who wrote during the period 600-1300 CE that we have gained knowledge of the early religion of the Germanic peoples, their sagas, and mythology. Practitioners of this religion are called Asatruar, Asatrue, or Asafolk.

Asatru (sometimes Odinism) has been described by its practitioners as a polytheistic, tribal/folk form of pre-Christian Norse paganism. The word “Asatru” means belief in (also “a faith in,” “a loyalty to,” “true to”) two families of gods and goddesses, the Aesir (AY-seer) and the Vanir (VAHN-eer), as well as belief in various land spirits, reverence for one’s ancestors, an after-life and reincarnation. A third family of gods is the Jotnar,

referred to as giants, who, as agents of chaos and destruction, remain in a constant state of war with the Aesir.

The Aesir, primarily warrior gods, are the gods and goddesses who preside over the domains of thought and spirit, of poetry and prose. The Vanir are the gods and goddesses of Earth, of existence (fertility) and determination, of life and death, though they may also fight.

Odin, the Allfather, is the god who gifted humankind with a divine nature. He is the One-Eyed God who traded an eye for wisdom and hung on the World Tree to learn the mysteries of magic and the runes. Odin receives slain warriors in his hall, where they prepare for the final battle of Ragnarok, where many of the gods will die and the existing world will come to an end and be reborn.

With regard to our origins, humankind is literally descended from the gods. One deity, Rig, visited the earth and fathered the human race through earthlings. "Ond" is the gift of ecstasy, provided to humans by the gods. It is what separates humankind from other animals and forms the eternal link with the gods.

While Asatru maintains a strong emphasis on individual spiritual experience, a commonly held belief is that each person is dependent on others and that only by working together can people truly live in harmony. To this end, Asatruar frequently form small, independent groups known as Kindreds (also Hearths, Garths, Felags, and Halls). Some Kindred are under the leadership of a Gothi (priest) and a Gythia (priestess); however, others do not desire any formal leadership, preferring to utilize volunteers to lead the various meetings and celebrations.

In addition, Kindreds may seek voluntarily to affiliate with one of several organizations such as the Asatru Alliance of Independent Kindreds, the Raven Kindred Association, or the Asatru Folk Assembly.

Some Asatru writings contain a notable bias against Christianity, Judaism and Islam; however, most descriptions of the religion affirm that Asatru is open to everyone, regardless of "gender, race, color, ethnicity, national origin, language, sexual orientation or other divisive criteria." In addition, there appears to be little or no interest in seeking converts to Asatru; therefore, **proselytizing is not an expectation of its members.**

With regard to Kindred membership, a great deal of emphasis is placed on such things as needing people whom you can trust and depend on; having "members who you feel comfortable around and whom you can trust explicitly;" and having "a small, loyal, tightly knit group."

The Asatru Alliance requires of its member Kindreds that each will have ***at least three members and meet on a regular basis (weekly is preferred)***. Meetings may involve

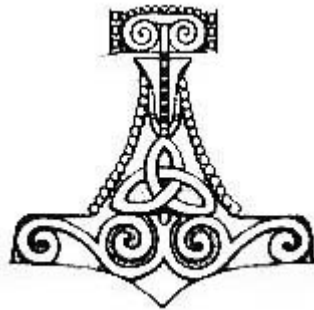
study of the various Holy Writings (especially the Havamal), study of and casting the Runes and the study of Old Norse “for liturgical reasons and for everyday conversation.”

The Blot consists of three main parts: (1) the hallowing or consecrating of an offering; (2) the sharing of the offering with the Gods; and (3) members drink of a libation. Depending on the preference of the Kindred, the Blot may include other components such as a meditation, special prayers, and toasts to the God or Goddess being honored as well as to the members of the Kindred. The basic ritual is very brief and if performed alone can be completed in only a few minutes. For the most part, Blots are not poured for the purpose of Kindred gathering or festivity, but because it must be undertaken in honor of a God or Goddess on their special day.

Adherents believe in **Nine Noble Virtues**: **Courage** (facing life's struggles); **Truth** (life as it is); **Honor** (acting with nobility); **Fidelity** (true to Asatru and its values); **Hospitality** (a willingness to share); **Discipline** (self-control and steadfastness); **Industriousness** (a refusal to be mere spectators in life); **Self-Reliance** (dependence on personal strength and character); **Perseverance** (holding to the chosen path; proud to be strong).

#### **Medallion:**

Thor's hammer



## ASSEMBLIES OF YAHWEH

The basic beliefs of the Assemblies of Yahweh are listed in their "Statement of Doctrine." The Old Testament is used as the basis of the faith. The Old Testament scripture saw partial fulfillment in the account recorded in the New Testament; however, they will not be completely fulfilled until the years that will follow the second coming of the Messiah.

The belief in the Almighty One is central to the faith. The Messiah has come in human form and is recognized in the New Testament as the Savior.

The Holy Spirit is the mighty power from the Heavenly Father and the Messiah. The Holy Spirit dwells within the people so that they may have the ability and strength to attain a state of perfection pleasing to the Heavenly Father. Baptism by immersion is a necessary act following repentance.

**Religious Holidays:** Based on a lunar calendar; therefore, they are different each year.

### **Additional Holidays:**

**New Year:** Nissan 1

**Passover:** The fourteenth day of the scriptural month of Abib, which occurs at the end of March or the beginning of April.

**Feast of Unleavened Bread:** Abib 15 - 21.

**First High Sabbath:** Abib 15

**Second High Sabbath:** Abib 21

**Feast of Weeks** (Pentecost): Seven weeks after Passover.

**Feast of Trumpets** in anticipation of Savior's return from heaven for his bride, the Assembly (usually in September).

**Day of Atonement:** Tishrei 10, late September or early October, the holiest day of the year for the Assembly.

**Feast of Tabernacles** (Tishrei 15-23; September/October)

**First High Sabbath:** Beginning of the Feast

**Last Great Day:** Last day of the Feast

# BUDDHISM

## Additional Holy Days

1. **April 8**                      Budda Birthday
2. **December 8**              Bodhi Day (Rohatsu)

Buddhism began in India in the early Fifth Century B.C.E. Approximately 6% of the people on earth—some 257 million—follow some aspect of this many faceted religion.

As it spread east and north from India, Buddhism developed two major schools that corrections officials are likely to encounter. The Theravada School, known as the southern school and centered in India, is the older, more conservative school. The Mahayana, northern school, centered in China, India, and Japan, is the newer and more liberal school. Variations between the schools of Buddhism will be detailed.

There are three basic beliefs:

### A. **Buddha, The Enlightened One**

Siddhartha Gautama was born in the late sixth century B.C.E. or early fifth century B.C.E., the son of a king in India. He was reared in luxury with the expectation of ruling. At the age of 29, however, he turned away from that destiny, and meditated for six years under a tree (known either as the Bo-Tree or the Bodhi Tree). By the end of that period of meditation, he had experienced enlightenment, and so became Buddha, the Enlightened One.

Human beings, the Buddha declared, can become enlightened from within themselves. The process is to become what you are, to develop the full, innate Buddha mind. This development occurs by destroying the ignorance-produced and desire-maintained illusion of self, which binds individuals to the Wheel of Becoming, thus to endure one life after another. Through certain practices and meditation based on Right Wisdom, (see II. B. Dharma) the Buddhist reached toward Nirvana. Nirvana is “emptiness”, a state in which all human defilement and passion have been extinguished. The goal of Buddhism is to liberate the timelessness of humans from all that has its being in space and time. But, according to the Buddhist, this can be attained only through a strictly ethical life with controlled meditation and concentration.

All forms of life, said the Buddha, can be shown to have three characteristics in common:



**Annica:** (impermanence) all existence and phenomena change every second. Everything dies each moment, thus causing suffering. Annica, however, is neither pessimistic nor fatalistic, because both advancement and reproduction involve constant change.

**Dukkha:** (suffering) All that we understand about pain, illness, disease (mental as well as physical), disharmony, discomfort, and painful awareness of incompleteness or insufficiency are Dukkha. Dissatisfaction and discontent also are Dukkha. Dukkha is the opposite of all that we mentally conceive as well being, perfection, wholeness and bliss.

**Annta:** (non-ego) All existence and phenomena in this world, including human consciousness or ego, ultimately have no substantial reality.

Related to this concept is Karma, the Buddhist law of cause and effect. The present is always determined by the past, yet the future remains free and open to our decisions. Every action we make depends on what we have come to be at the time, but what we are coming to be at any time depends on the direction of the will today. Hence, every one is free within the limitations of one's self-centered karma, which is the result of past action of body, speech and thought.

The Buddha left five **Sila**, or general precepts for the ordinary person to practice:

1. Do not kill.
2. Do not steal.
3. Do not do anything impure.
4. Do not tell falsehoods.
5. Do not take harmful food and drink, including alcohol or drugs.

These Sila demonstrate that the ethics of Buddhism are much like that of Christianity. Buddhism asserts, however, that human deliverance lies firmly in one's own hands, the Buddha and the Dharma (teaching) which he proclaimed can only point the way.

## **B. Dharma (Teaching)**

### **1. Four Noble Truths**

Buddhism is not so much a set of rules as a technique of action, and is devoted to the elimination of pain and human suffering through the Middle Path between the extremes of self-indulgence and self-denial. The Middle Path shows the path of right living and mental disciplines, and is summarized in the Dharma, the teaching of the Four Noble Truths.

- a. Noble truth of Suffering. Existence is characterized by suffering; suffering is universal.
- b. The Noble Truth of the Cause of Suffering. Suffering has a cause that is rooted in ignorance, desire, want and craving for personal, selfish satisfaction and gratification.
- c. The Cessation of Suffering. Once this craving for satisfaction and gratification is completely ended, forsaken, and relinquished, all suffering will cease, and there will be release and detachment from suffering. Sorrow and suffering can be eliminated, as experienced by the Buddha.
- d. The Noble Eightfold Path. The ending of suffering can be achieved by following the eightfold path of: right understanding, belief, and views; right thought and resolution; right speech; right action and conduct; right vocation or livelihood; right effort; right concentration, mindfulness, and attentiveness; and right meditation and tranquility of mind.



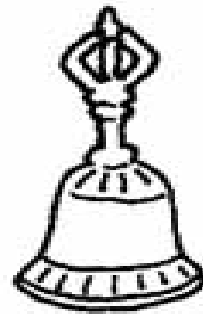
**Medallion:**



Buddhism



Golden Buddha



Ghanta

## CHRISTIAN-PROTESTANT

Authentic Christian faith includes every realm of a person's life and is the foundation of all of life. Authentic faith includes three elements: 1) believing that God is; 2) a trusting in God; and 3) obedience to God. God has disclosed himself in the Bible and in history and truth, sufficient for salvation, is within one's understanding. Faith includes action and loyalty. One seeks to make his/her lifestyle consistent with God's will. Most profoundly, Christian faith finds the focus of its truth, the object of its trust, and the model for its living in Jesus Christ, who it declares as the Truth, the Way, and the Life.

### A. Sacraments or Ordinances

1. **Baptism:** Immersion, Sprinkling, or Pouring, depending on denomination.
2. **Holy Communion:** The Lord's Supper

### B. Additional Holy Days

1. **Lent Season:**  
Ash Wednesday  
Holy Week: The last week in Lent  
Easter: The yearly celebration of the Resurrection of Christ - the oldest and most solemn Christian feast, and considered the center of the Liturgical Year.
2. **Advent Season:**  
Christmas: December 25, the celebration of the birth of Christ.  
Epiphany: January 6; celebration of the arrival of the Magi following the birth of Christ; the day of gift giving.

- C. Denominations & Sects  
Baptist, Methodist, Pentecostal, Charismatic, United Church of Christ, Interdenominational, Assemblies of God, Episcopal, Lutheran, Church of Christ, Scientist; Latter Day Saints (Mormons); Jehovah's Witness; Unitarian Universalist, and Seventh Day Adventists, and etc. Inmates within these groups are encouraged to attend Christian Worship.

## CHRISTIAN - CATHOLIC

Believers have been incorporated into Christ through Baptism. The power of this faith centers on the belief that Jesus Christ was sent by God to be our Redeemer. As such He is the head and founder of the Church. As an organized and visible society, this people of God share the same faith and are governed by the successors of Peter (the Popes), and the Bishops in communion with the Pope. The doctrine and practices of the Church significantly affect the religious life of its people, none more significantly than the seven sacraments. A sacrament is believed to be an encounter with the person of Christ in one of seven special rites of the Church. Sacraments celebrate a faith-reality already happening in a person's life, and make Christ present by symbolic action.

### A. Sacraments

1. **Baptism** - It is the cleansing by water of all sins, which incorporates the person into the Church. One of the sacraments of initiation.
2. **Confirmation** - The affirmation/sealing of one's baptism through the gift of the Holy Spirit. Also a sacrament of initiation.
3. **Eucharist** - A celebration consisting of the liturgy of the Word and the liturgy of the Eucharist (the gifts of bread and wine are believed to be changed into the Body and Blood of Christ). This is the third sacrament of initiation, and is also known as Mass.
4. **Penance** - Confession and true repentance of the sinner to an ordained priest to pronounce forgiveness/pardon.
5. **Anointing the Sick** - Done with holy oils to strengthen the spiritual and physical health of the sick. Serious illness or old age is sufficient reason to receive this sacrament.
6. **Matrimony** - A marriage which cannot be dissolved. Latin rite Catholics are required to be married before an official Church witness, normally a priest or deacon. (An official representative must be consulted well in advance of any planned marriage date to comply with several additional marriage preparation requirements of the Church.)
7. **Holy Orders** - The sacrament by which men are ordained by a bishop for special ministry in the Church as deacons, priests or bishops.

## **B. Additional Holy Days**

### **1. Lent Season:**

Ash Wednesday

Holy Week: The last week in Lent

Easter: The yearly celebration of the Resurrection of Christ - the oldest and most solemn Christian feast, and considered the center of the Liturgical Year.

### **2. Advent Season:**

Christmas: December 25, the celebration of the birth of Christ.

Epiphany: January 6; celebration of the arrival of the Magi following the birth of Christ; the day of gift giving.

**Six Holy Days of Obligation** in the United States are as follows:

- 1. Solemnity of Mary the Mother of God** - January 1
- 2. Ascension of the Lord** - 7<sup>th</sup> Sunday after Easter
- 3. Assumption of the Blessed Virgin Mary** - August 15
- 4. All Saints Day** - November 1
- 5. Immaculate Conception of the Blessed Virgin** - December 8
- 6. Nativity of Our Lord** - December 25

## CHRISTIAN - EASTERN ORTHODOX

Tradition is conveyed through: the Bible, the Creed, doctrinal and canonical decisions and formulations of the Ecumenical Councils, liturgies and hymns, the writing of the fathers and icons.

For the Orthodox, the scripture is not self-interpreting; it is organically linked to the church and its tradition. The scriptures are seen to contain both the human and the divine.

The Orthodox sees the acquisition of the Holy Spirit as the aim of a Christian life. The union between mankind and the Divine is made possible because of God's uncreated and eternal energies (glory, light, grace, and love) that permeate the universe.

Orthodox display icons on their church walls and on icon screens. These icons are representative of holy men and women who have glorified God and now lead others to have a relationship with him. These icons are venerated rather than worshiped, just as the Orthodox venerates the book of Gospels, which is seen to be a verbal icon of Christ and has its place on the altar.

### A. Sacraments

1. **Baptism:** Immersion, Sprinkling, or Pouring, depending on denomination.
2. **Holy Communion:** The Lord's Supper

### B. Additional Holy Days

1. **Lent Season:**  
Ash Wednesday  
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## HINDU

**GOD:** God, or Brahman, is the one impersonal, ultimate, but unknowable, spiritual Reality. Secretarian Hinduism personalizes Brahman as Brahma (Creator), Vishnu (Preserver) and Shiva (Destroyer). Most Hindus worship two of Vishnu's ten mythical incarnations: Krishna and Rama. Hindus may worship other gods, as well as family and individual deities, on religious holidays. Hindu scriptures claim there are 330 million gods. Beliefs in astrology, evil spirits, and curses prevail.

**CREATION:** Brahman alone exists; everything else is ultimately an illusion (Maya). God "breathed forth" itself to cause the illusion of creation. There is no beginning or conclusion to creation, only endless repetitions or cycles of creation and destruction. History has little value since it is based on an illusion.

**MAN:** The eternal soul, or atman, of mass is a manifestation or "spark" of Brahman mysteriously trapped in the physical body. Repeated lives or reincarnations are required before the soul can be liberated from the body. An individual's present life is determined by the law of karma or his actions, words and thoughts in previous lifetimes. The physical body is ultimately an illusion (Maya) with little inherent or permanent worth.

### Medallion:



Hindu deity Shiva



Khanda

## **ISLAM**

### **A. Five Pillars of Islam**

#### **1. Shahadah (Declaration of Faith)**

A written Declaration of Faith for purposes of religious identification may be submitted voluntarily by an inmate in the Division of Prisons who desires to be a Muslim. Declaration forms may be obtained from the Office of Islamic Services Coordinators. Completed forms will be placed on file in the Office of the Islamic Services Coordinator and the correctional facility chaplain's office.

#### **2. Prayer**

#### **3. Charity (Zakat)**

Money collected for charity and propagation of the faith. Each facility may permit a local Zakat using the trust fund accounting system.

#### **4. Fasting In the Month of Ramadan**

Provisions shall be made for Muslims to fast during the Islamic month of Ramadan. Muslim inmates shall be permitted to fast during the daylight hours and to observe prescribed times of prayer and reading of the Holy Qur'an individually after lockup provided this activity does not cause a security problem. As a result of the rotation of the months of the Islamic lunar calendar, the date of the fast will be sent out prior to the beginning of Ramadan by the Director of Prisons on recommendation from the Director of Chaplaincy Services annually.

- a.** Muslims desiring to observe Ramadan shall make their intentions known in writing to the correctional facility superintendent two weeks prior to the beginning of Ramadan. Those transferred during Ramadan will be allowed to continue the fast from the previous correctional facility.
- b.** The observance of Ramadan will not interfere with regular work or program assignments.
- c.** The regular menu will be the source of all food for inmates observing Ramadan with the exception of pork and pork derivatives. A morning meal to be eaten before dawn and an evening meal immediately after sunset are to be made available to those inmates observing the fast. Specific times for these meals will



be contained in the memorandum from the Director's Office. Inmates observing the fast may be authorized to eat with the kitchen crew before dawn, or a pack-out meal may be provided the night before or before dawn. Pack-out meals may be provided in a suitable location. At least one of these two meals should be served hot.

- d. Since the purpose of Ramadan is to develop individual discipline and self-restraint, it is not necessary to monitor the participation of individual inmates unless this activity causes a security problem.
- e. The Night of Power is the observance of the night in which the first revelations of the Qur'an began during Ramadan. This observance is marked by prayer and Qur'anic reading after sunset to be supervised by staff, unit chaplains, or volunteer Muslim Imams. The specific date and time will be in a memorandum to be issued by the Director of Prisons annually.

## **5. Pilgrimage to Makkah**

### **B. Additional Holy Days and Feasts**

#### **1. Eid al Fitr (Prayer and Feast of the Fast Breaking)**

This celebration consists of a prayer service and a special meal. The prayer service should last no more than one hour and should occur before noon on the day after the last fasting day, and the special meal may be on any one of the first three days after the last fasting day. The meal may consist of the regular menu enhanced by fruit punch and other special food items. If a local Islamic Community is not available to assist, then approved family members should be allowed to prepare and transport special food items to the facility. The food must be delivered in disposable containers. Only one day for the EID (Feast of Fast Breaking) may be selected. A final determination of the day of the fast breaking shall be based on unit operations by the unit superintendent or institution head. Islamic inmates shall be afforded an opportunity to be excused from their regular institution work assignments to observe this Holy Day. The inmate must initiate the request to be excused. Family members may be invited, subject to the approval of the facility head.

#### **2. Eid Al Adha (Celebration of the Sacrifice of Abraham)**

This celebration follows the end of Ramadan by approximately ten weeks. The specific date will be issued in a memorandum from the Director of Prisons. The observance consists of a prayer service to be held before

noon and lasting no more than one hour. A special meal is to be served to those persons of the Islamic faith. The meal may consist of the regular menu enhanced by fruit punch or other special items.

Special food items may be prepared if a local Islamic Community is available to assist. If a local Islamic Community is not available to assist, then approved family members may be allowed to prepare and transport special food items to the facility. The food must be delivered in disposable containers. Islamic inmates shall be afforded an opportunity to be excused from their regular institution work assignments to observe this Holy Day. The inmate must initiate the request to be excused. Family members may be invited, subject to the approval of the facility head.

- a. **Dawn** - To be offered as early as the first break of day and up to one hour before sunrise.
- b. **Early Afternoon** - To be offered between midday (after the sun begins to decline) and before 2:30 p.m.
- c. **Late Afternoon** - 2:30 p.m. to just prior to sunset.
- d. **Sunset** - Immediately after sunset.
- e. **Night** - Before retiring to bed.

### C. Burial Protocol

In the event of the death of a Muslim inmate, the unit chaplain should notify the Office of Islamic Services Coordinator in his/her region (burial must occur within 72 hours of death). Janazah (funeral) prayer is a religious obligation on part of the Islamic Community where the deceased was a member. The prayer service may be conducted without the body of the deceased being present. Islamic inmates should be allowed to fulfill this religious duty. The duration of this service is ten to twenty minutes and should be conducted by the Islamic Services Coordinator, an Imam from the community or an approved Inmate Prayer Leader.

### Religious Items:



# **JUDAISM**

## **I. Sects of Judaism**

### **A. Orthodox Judaism**

The traditionalist approach that believes in the divine origin of the Torah is seen as the changeless revelation of God's eternal will and therefore fully authoritative. Following Halachah (i.e., Rabbinic Law) is obligatory, and thus, of all the branches of Judaism, Orthodox Judaism places the greatest and strictest demands on its adherents in its concern for preserving religious belief and observing religious belief and observing strict religious codes of behavior.

### **B. Conservative Judaism**

The historic development of the Jewish tradition is emphasized. This allows it to make adjustment and change since it views basic Jewish theological and ritual concepts as objects of continuing and evolving change. With Conservative Judaism there is a strong emphasis on preserving "the people of Israel" and on Zionism.

### **C. Reform Judaism**

This variation of Judaism views Jewish religious law as guidance rather than as divine revelation. It emphasizes ethical concepts more than the ritual Law. Reform Judaism believes that Judaism is still evolving, since revelation is thought to be a continuing process. Reform Judaism is, therefore, non-authoritarian.

### **D. Reconstructionist Judaism**

The smallest and most recent branch follows an approach to Judaism developed by Rabbi Mordecai Kaplan, which emphasizes human values and the centrality of Jewish peoplehood. In practice it is very close to Reform Judaism.

**Note:** Within the three largest groups there may be subdivisions that will arise. In general, however, Judaism remains relatively constant in terms of basic beliefs and practices, and most Jews see themselves as members of the Jewish community rather than as members of a single branch.

## **A. Additional Holy Days**

### **1. Rosh Hashanah (Tishrei 1-2)**

The Jewish New Year is a period of self-examination and resolution. A ram's horn (shofar) is blown as a call to look into one's soul and improve one's ways. It is customary at the meal on the eve of Rosh Hashanah to eat apple dipped in honey and to wish others a good sweet year. A new fruit (usually a pomegranate), a sweet carrot dish (tzimmes), honey cake, round challah bread, and other foods are traditional. It is also customary to send greeting cards to one's relatives and friends. **Note:** The ten days of Rosh Hashanah through Yom Kippur are considered to be the days of awe and repentance.

### **2. Yom Kippur (Tishrei 10)**

Is the most solemn day in the Jewish calendar, a Day of Atonement, and God's forgiveness. The day is spent fasting and praying. White garments are worn and the ram's horn is blown (as on Rosh Hashanah). On the afternoon prior to the fast, it is traditional to eat a special meal of pieces of dough filled with meat or chicken (krepalach).

### **3. Succoth (Tishrei 15-16)**

This is the season of rejoicing on which temporary shelters (tabernacles) of branches are built on porches, terraces, roofs, in the yard, etc., and observant Jews eat their meals and may sleep within these huts. Four species of plants—the citron (Esrog), palm branch (Lulav), myrtles (Hadassim), and willows (Aravos)—as enumerated in the Torah, are bound together and used by each Jew individually during services in the synagogue and huts.

### **4. Shemini Atzeres (Tishrei 22)**

This holy day corresponds to the 8th day of Succoth, but is a separate and complete holy day in its own right. It is a day of special feast and celebration.

### **5. Simchat Torah (Tishrei 23)**

This is a day of great rejoicing, corresponding with the end of Succoth and marking the completion of the annual reading of the Torah and start of the next reading cycle.

**6. Chanukah (Kislev 25 - Tevet: 2)**

The Festival of Lights - eight nights (see interfaith calendar)

**7. Purim (Adar 14)**

A celebration of the story of Esther.

**8. Pesach (Passover)**

This, the best known of all Jewish festivals, recalls the deliverance of the Jews from slavery in Egypt during biblical times and marks the beginning of the Jewish Nation. It lasts for eight days, beginning with the Passover feasts (Seder) on the first two evenings, during which the deliverance from Egypt is recounted from a special book (Haggadah). Certain ceremonial foods are eaten—including unleavened bread (matzah) and bitter herbs—and four cups of wine (or grape juice) are consumed. No products containing any leavening can be consumed during this period. The Seders are required to be festive and they are often the highlight of the year for Jewish inmates. A proper authority should be consulted regarding approved Passover foods.

**9. Shavuot**

The Festival of Weeks - commemorating the giving of the Torah.

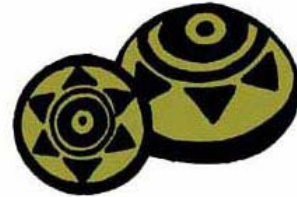
**10. Tisha B'av (Av 9)**

Shavout commemorates God's gift of the law (Torah) to the Jewish Nation. On the eve of Shavout, it is customary for adult males (those over the age of 13) to stay up all night and study the Torah. On Shavout, the Ten Commandments that are contained in the law that was given at Mount Sinai are publicly read. A dairy meal is traditional at lunch on the first day of Shavout.

**Note:** In addition to the full fast days (from before sunset to the following night) on Yom Kippur and Tisha B'av, there are daybreak through nightfall fasts on the 10th of Tevet, the 17th of Tammuz, and the 3rd of Tishrei which are associated with mourning the destruction of the Temple; on the 13th of Adar commemorating Esther's own Purim fast; and on the 14th of Nisan for first-born males (only) commemorating the killing of the first-born during Pesach. Eating and drinking are prohibited on fast days by all Jewish males over the age of 13 and all Jewish females over the age of 12, except for pregnant and nursing women and people requiring special medical care. On Yom Kippur and Tisa B'av, wearing leather shoes, washing for pleasure,

and using perfumes, is not permitted. It is traditional to end the fast with a light snack, followed about one hour later with a regular meal.

**Colors and designs may vary**



Skull Caps (Yarmulke)



Prayer Shawl (Tallis)



**Medallion:**



Star of David



Menorah

## **MOORISH SCIENCE TEMPLE OF AMERICA**

The Moorish Science Temple of America was founded by Timothy Drew (1886-1929; A.K.A. Prophet Noble Drew Ali) of North Carolina, "Allah's last Prophet in these days," and the first Temple was established in Newark, New Jersey, in 1913.

In 1925, Noble Drew Ali moved the headquarters of the M.S.T. of A. (preferred abbreviation) to Chicago, Illinois, incorporating the organization in 1926. Noble Drew Ali served as the head official from 1913 until his death in 1929.

Branch Temples are those Temples which operate under a Warrant of Authority and are located in institutions. Such a Temple is a branch of a lawfully Chartered Temple of the Moorish Science Temple of America and is an extension of that Temple at the site where it is functioning.

By directive of the Grand Sheik, all members of Branch Temples are to conduct their business with the Minister of Institutional Affairs [P.O. Box 68, Lockport, Illinois 60441].

The M.S.T. of A. reports that there are over 260 Temples and Branch Temples in the United States, and that its membership count is not known accurately, but there could be over 1,000,000 card carrying members around the country.

Because the Moorish Science Temple of America believes itself to be true Islam, there is frequent use of the terms Moslem (preferred spelling) and Koran (preferred spelling).

When one joins the M.S.T. of A., he/she purchases a Nationality and Identification Card which must be carried at all times, it is for their salvation. A member is not required to learn anything prior to receiving the Card, because no obstacle or burden should be put upon them, to slow them down from getting that which will save them. At the time of joining, the individual is, also, given his/her tribal name.

The tribal names are El and Bey. It is said there were three tribes of the Moabites: El, Bey and Ali, but by decree of the Prophet Noble Drew Ali, only El and Bey are to be used. Moors are not to use the name Ali and are not to name their children Ali.

A troubling aspect of the M.S.T. of A. is the Adept Chamber. It is shrouded in absolute secrecy, and no one in an institutional Branch Temple is to request anything relating to it nor is anything about it to be taught in an institution by an Adept or non-Adept. Nothing written relating to the Chamber is to be in an institution, because institutions are open to inspection, supervision and confiscation of property by those who are non-Adepts (the institutional authorities), thereby Adept property is not safe (Its secrets are not safe in an Institution), so a true Moor should not wish to endanger these teachings.

Moorish-Americans believe in reincarnation, thus the Prophet Noble Drew Ali and many of the Prophets of Allah are honored as being the same person reincarnated.

Moorish-Americans are to pattern themselves after the Prophet Noble Drew Ali, practicing daily the Divine Principles of Love, Truth, Peace, Freedom and Justice. Followers are instructed to love and honor others in order to be in harmony with Allah and work to overcome racial and economic oppression. Said the Prophet, "I brought you everything that it takes to save a nation; now, take it and save yourself." At the same time he said that, he was holding a Holy Koran of the M.S.T. of A. and a Questionnaire ("Koran Questions for Moorish Americans") "to show [them] the books [they] need to save ourselves with."

As Moslems, the Holy Day is Friday, and Sunday School is the preferred vehicle for religious education. Members of the M.S.T. of A. honor all of the sacred books sent from Allah through His Prophets. In practice, however, unconditional allegiance is given to Prophet Noble Drew Ali, the Koran of the M.S.T. of A. and various other pieces of M.S.T. of A. literature.

The M.S. T. of A. Headquarter states that Moorish Science practitioners do not observe Ramadan, Jumah or Ta'alim.

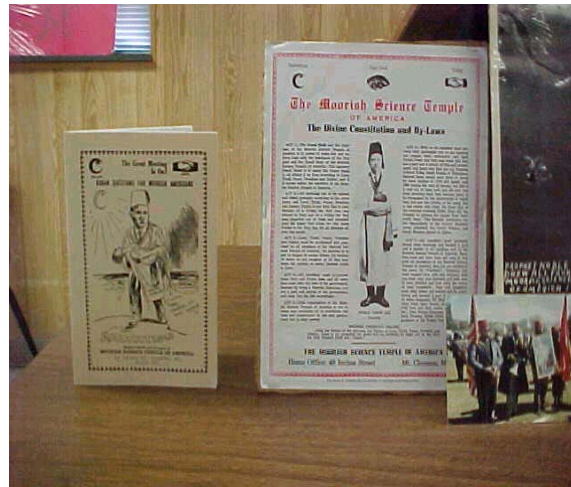
Items needed for corporate worship should include the following:

- Affirmation of Authority from MSTA (obtained through the Chaplaincy Service Director)
- Divine Constitution and By-Laws
- Picture of Prophet Noble Drew Ali
- Set of Moroccan and American Flags
- Holy Koran of the MSTA (Circle Seven Koran)
- Statement: "A warning from the Prophet in 1928"
- Booklet: Humanity, Moorish Literature, Branch Temple information and Koran Questions for Moorish Americans
- Songbook: Moorish Praises in Lyrics
- Mufti Laws
- Oral Statement

### **Marriage and Funeral / Burial Protocol**

Services should be conducted by an ordained M.S.T. of A. minister.







## RASTAFARIAN

In 1930, Ras Tafari Makonnen was crowned Emperor of Ethiopia. He became known as Emperor Haile Selassie (Power of the Holy Trinity). To the Rastafarian movement, he was perceived as a symbol of African independence and freedom and the fulfillment of Marcus Garvey's prophecy. Many began praying to Haile Selassie as a living god who could redeem and liberate Black people.

Rastafarians believe themselves to be Black Israelites and are dedicated to keeping Old Testament hygienic and dietary laws.

Rastafarians believe the Bible (Old and New Testament) is a holy book. But due to controversy surrounding original scriptures, they are very selective in their belief in scriptural readings.



### Medallion:



Lion of Judah

## WICCA

### Additional Holy Days

1. **February 2** (called Imbolg, Imbolic, Oimele, and Brigit's Day)
2. **March 21** (Ostara or Spring Equinox)
3. **April 30/May 1** (Beltaine or May Eve)
4. **June 21** (Midsummer, Litha, or Summer Solstice)
5. **July 31** (Lunasa, Lughnasda or Lammas) (May be celebrated between July 31 B August 2)
6. **September 21** (Harvest, Mabon, or Autumn Equinox)
7. **October 31** (Samhain, or All Hallows Eve)
8. **December 21** (Yule or Winter Solstice)

**Note: The above celebrations are subject to approval of the facility head and shall in no way interfere with work assignments.**

In as much as the Wiccan religion may be misunderstood and misperceived, it is important that practitioners not misuse the belief and practices; instead, the practitioner is to take responsibility to avoid the intimidation/threat to others. Failure to adhere to these guidelines could result in disciplinary action, the confiscation of religious items and restriction of practices.

There is no known central leadership, authority nor organizational structure. This makes it difficult to determine comprehensive, uniform beliefs and/or set practices. In addition, secrecy and the clandestine nature of Wicca impede both the identification of religious officials and attempts at authoritative consultation.

Wiccans do not proselytize and tend to look with disfavor upon those who do. It is believed that no one Path to the Sacred is right for all people, and Wiccans see their own preferences as existing among many which are worthy. Wiccans are encouraged to respect all religions that foster honor, integrity and compassion in their adherents.

Many, but not all, believe in reincarnation, which is viewed in different ways. It is important to understand that neither reincarnation nor any other literal belief can be used as a test of validity concerning an individual's belief or practice of Wicca.

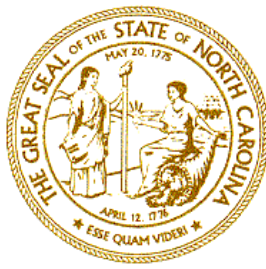
Wiccans may be affiliated with a coven, a small group of people, headed by a High Priestess, often with the assistance of a High Priest. Covens may be of mixed gender or

Covens and individuals practice “magic” as a part of rituals and ceremonies, by which is meant the direction and use of “psychic energy”, those natural and invisible forces which surround all living things. Sometimes the word is spelled “magic,” to distinguish it from sleight of hand entertainment. As a means of focusing and directing psychic energy for the purpose of healing, protecting and/or aiding members in various endeavors, Wiccans may employ dance, chant, meditation, creative visualization and/or hypnosis.

## Altar Set-Up



## Appendix



## North Carolina Department of Correction

Michael F. Easley  
Governor

Boyd Bennett  
Director of Prisons

Theodis Beck  
Secretary

831 West Morgan Street • 4260 MSC • Raleigh, North Carolina 27699-4260  
Telephone (919) 838-4000 Fax (919) 733-8272

### MEMORANDUM

**TO:** Region Directors, Wardens, Correctional Administrators, Institution Heads,  
Correctional Center Superintendents

**FROM:** Boyd Bennett

**DATE:** November 5, 2004

**RE:** **Revised: Conditions of Confinement for H-Con, Max-Con and I-Con Inmates &  
Approved Religious Property Items**

Effective this date, this memorandum supersedes the memorandum dated July 25, 2003 and the following religious items are approved for inmates on control status. For all religious practices issues outside of the allowable religious items, staff should consult the Religious Practices Reference Manual, Division of Prisons Policy, chaplains and the appropriate chain of command for guidance.

Also, be advised that all religious reading material is to be limited to the two cubic feet rule for personal property. This information will be listed in the Division's Religious Practices Manual.

Your assistance in this matter is appreciated.

/ftw

cc: Dan Stieneke , Bob Lewis, Norma Batten, Betty Brown, Dennis Rowland,  
Deborah McSwain  
File

Revised: Memorandum, Conditions of Confinement - Approved Religious Property

November 5, 2004  
2 Page

**American Indian**

1. Sacred Items Box
2. Prayer Feathers
3. Headband
4. Medicine Bag – String should not cause a security risk
5. Prayer Shawl & Prayer Cloth
6. Religious Reading Material

**Asatru**

1. Religious Medallion – Non-precious, non-metallic; not to be worn around the neck
2. Runes (1 set of 24)
3. Religious Reading Material

**Assemblies of Yahweh**

1. Religious Reading Material

**Buddhism**

1. Prayer Beads
2. Religious Reading Material
3. Religious Medallion – Non-precious, non-metallic; not to be worn around the neck

**Christian-Protestant**

1. Medallion Cross – Non-precious, non-metallic; not to be worn around the neck
2. Religious Reading Material

**Christian-Catholic**

1. Medallion Cross – Non-precious, non-metallic; not to worn around the neck
2. Rosary
3. Scapular
4. Prayer book, Pictures and Holy Card (issued by a Chaplain)
5. Religious Calendar – Paper/pocket size
6. Religious Reading Material

**Christian-Eastern Orthodox**

1. Medallion Cross – Non-precious, non-metallic; not to be worn around the neck
2. Religious Reading Material

**Hindu**

1. Religious Reading Material
2. Religious Medallion – Non-precious, non-metallic; not to be worn around the neck

Revised: Memorandum, Conditions of Confinement - Approved Religious Property  
November 5, 2004



**Islam**

1. Kufi-1
2. Prayer Rug-small
3. Religious Medallion – Non-precious, non-metallic; not to be worn around the neck
4. Religious Reading Material
5. Prayer Beads
6. Oils – limited to one bottle at a time
7. Holy Koran

**Judaism**

1. Skull Cap (Yarmulke)
2. Prayer Shawl (Tallis) – Size can not interfere in space limits
3. Calendar 1 (Paper/pocket size)
4. Religious Reading Material
5. Torah/Scriptures
6. Prayer Book
7. Religious Medallion – Non-precious, non-metallic; not to be worn around the neck

**MSTA of America**

1. Fez-1 (Head Covering)
2. Flags – Paper
3. Picture of Prophet Noble Drew Ali (8x10 unframed)
4. Nationality Identification Card – Paper
5. Religious Reading Material
6. Holy Koran

**Rastafarian**

1. Religious Medallion – Non-precious, non-metallic; not to be worn around the neck
2. Prayer Crown-Head Covering – Above shoulder length
3. Religious Reading Material

**Wiccan**

1. Book of Shadows
2. Altar Cloth – Not to exceed 26" x 44"
3. Cordon
4. Water Bowl and Salt Dish
5. Talisman Bag 3" x 3"
6. Tarot Cards – 1 pack
7. Wand – Paper
8. Athame – Paper
9. Religious Medallion – Non-precious, non-metallic; not to be worn around the neck
10. Religious Reading Material



# **Exhibit 3**



***State of North Carolina***  
***Department of Public Safety***  
***Prisons***

Chapter: H  
Section: .0100  
Title: **Religious Services**  
Issue Date: 08/28/12  
Supersedes: 10/17/07

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**POLICY & PROCEDURES**

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**.0101 SCOPE**

- (a) North Carolina Prisons employs a Director of Chaplaincy Services to formulate and provide professional supervision of chaplaincy services. The Director of Chaplaincy Services provides guidance and assistance for the religious activities to all the facilities within the North Carolina Prisons. The Director of Chaplaincy Services is familiar with multiple religions, and coordinates those practices within DOP Policy and Procedures. The Director of Chaplaincy Services communicates with religious judicatory leaders, clinical pastoral care supervisors, theological educators, medical, attorneys, prison administrators, legislators, volunteers, inmates and their families. The Director of Chaplaincy Services and staff are responsible for coordinating recruitment, screening as the Subject Matter Expert and selection of State-funded, Temporary, Community-Funded and Volunteer Chaplains. The Chaplaincy Services Central office staff will provides technical support for the facilities' Clinical Chaplains or other designated staff.
- (b) North Carolina Prisons employs Clinical Chaplains or other designated staff to provide moral, spiritual and pastoral care, and ministerial services to inmates in the custody of the North Carolina Prisons. Each chaplain is required to maintain the endorsement of his/or her religious body and remain in good standing according to its requirements. A chaplain shall not be required to personally conduct religious services which violate his religious body's doctrine or teachings. However, chaplains or other designated staff will be required to coordinate/or supervise such services. All chaplains or other designated staff shall maintain confidentiality i.e. clergy privileged communication, except in cases when there is a threat to safety, security and health of staff, inmates and the general public.
- (c) North Carolina Prisons shall provide access for approved religious services or practices and pastoral care in all North Carolina prison facilities. Inmate participation shall be voluntary. No inmate shall be subjected to coercion, harassment, or ridicule due to religious affiliation. In the event an inmate reports that he/or she has been subjected to coercion, harassment, or ridicule due to religious affiliation he/or she should report to facility staff.
- (d) The Director of Chaplaincy Services is responsible for maintaining the North Carolina Prisons Religious Practices Resource Guide and Reference Manual. The manual recognizes the official religions, practices, and authorized religious items for the inmate population. The manual also includes a list of authorized religious items for inmate in control population (HCON, MCON, ICON).
- (e) All Chaplains (State-funded, Temporary, Community Funded and Volunteers) are required to participate in New Chaplains Orientation and Training. A DVD recording of all recognized faiths and their sacred items are made available for the training of all staff

that has direct contact with inmates. Additionally, all Chaplaincy staff and volunteers are required to participate in annual training as outlined by North Carolina Prisons policy.

#### **.0102 COMMUNITY-FUNDED AND VOLUNTEER CHAPLAINS**

- (a) Community-funded chaplains are chaplains funded by community churches or other religious organizations. These chaplains must have the proper credentials and have a signed covenant on file at the Director of Chaplaincy Services Central office. These chaplains will be appointed by the Director of Chaplaincy Services, subject to the approval of the Prisons Section Chief. The Prisons Section Chief may, at will, remove any community-funded chaplain.
- (b) Volunteer chaplains are chaplains funded by community churches or other religious organizations. These chaplains must have the proper credentials and have a signed covenant on file at the Director of Chaplaincy Services Central office. These chaplains will be appointed by the Director of Chaplaincy Services, subject to the approval of the Prisons Section Chief. The Prisons Section Chief may, at will, remove any volunteer chaplain.
- (c) All North Carolina Prisons' Covenanted Volunteer and Community-Funded Chaplains will be required to have a picture identification card. The representative's photographs and identification card will be captured through the automated Digital Photo System and/or Auxiliary Photo Capture Stations.
- (d) At the discretion of the facility head, the chaplain or other designated staff will have access to all areas of the facility to minister to all inmates.
- (e) At the discretion of the facility head, relevant contents of prison records may be communicated to a community-funded chaplain by an appropriate staff member when such information is considered essential to the fulfillment of the chaplain's duties. Confidentiality shall be maintained by the chaplain.

#### **.0103 PROCEDURES**

- (a) Religious practices for inmates other than those in the regular population will be reviewed and approved by the facility head in consultation with the chaplain or designated staff consistent with this policy. Requests for practices exceeding those authorized in H .0106 should be referred to the Religious Practices Committee for final determination.
- (b) Inmates who wish to have incorporated a religious practice that is not recognized by North Carolina Prisons must submit a DC-572 Request for Religious Assistance form to the facility chaplain or other designated staff, who will then consult with the Chaplaincy Services Director regarding the availability of temporary accommodations in conjunction with the facility head or designee. Determinations regarding temporary accommodations are made on a case-by-case basis and are subject to the operational requirements of each

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facility.

- (c) Specific religious practices policies and procedures are detailed in the North Carolina Prisons' Religious Practices Reference Manual. This manual includes a list of the current faith practices that are now officially recognized by North Carolina Prisons. It also includes a brief description of the basic beliefs, authorized practices, worship procedures and authorized religious items associated with each faith. A copy of this manual may be found in the office of the Chaplain or other designated staff.
- (d) Inmate End of Life Care Protocol

The purpose of this section is to ensure that North Carolina Prisons staff understand and be consistent in applying the End of Life Protocol procedures. In the last phase of life people seek peace and dignity. To help realize this, every inmate should be able to fairly expect elements of care from physicians, health care institutions, and the Department of Public Safety, Prisons. The nature of dying and death has changed, it is occurring more frequently as a result of chronic illness. The following procedures will be followed for providing End of Life Care:

- (1) The Facility
  - (A) Inmate patient admitted to outside facility.
  - (B) Outside hospital physician/staff will contact the prison facility (medical, facility head, or officer-in-charge) concerning seriously ill designation, or
  - (C) The DOP officer assigned to the inmate's room will communicate with the OIC that the inmate's condition has downgraded to seriously ill.
  - (D) The OIC will notify the facility head and the facility chaplain or other designated staff. If the facility chaplain or other designated staff is not available the OIC will communicate to the officer in the inmate's room to activate the End of Life Protocol (EOLP).
  - (E) The DOP officer assigned to the inmate's room will request that the hospital nurse contact the hospital chaplain.
  - (F) The DOP officer assigned to the inmate's room will note the hospital chaplain's name and visit in the activity log.
  - (G) During regular work hours, the facility head shall contact the inmate's next of kin or immediate family or if the facility head is not available, the chain of command process is to be used.
  - (H) All persons granted a visit with the inmate must be cleared through the facility's officer-in-charge.

- (2) The Community Hospital Chaplain  
Pastoral Caregivers provides spiritual support and guidance to ill and dying patients, their families and our staff. Pastoral Caregivers, work closely with physicians, nurses, and North Carolina Prisons. Most hospitals have resources available 24- hours a day, seven days a week to listen, offer prayer, ease stress, and help the inmate and family deal with end-of-life issues. Pastoral Care providers work with patients of all denominations.
- (3) The Hospital Chaplain
  - (A) Will not make any phone calls to inmate family members
  - (B) Will ensure that the inmate's faith practice is observed.
  - (C) May provide pastoral care with inmate's family if requested.
  - (D) No hospital clergy will be allowed to accompany the family members in the inmate's room unless it is approved by the facility head or officer-in-charge.

(e) Inmate Transportation and Religious Items

When being transported via bus, inmates must pack their personal religious property in their property bag.

**.0104 INMATE RELIGIOUS AFFILIATIONS**

- (a) Inmates shall have the freedom to make a religious commitment, change a religious commitment, or reject religion altogether.
- (b) Inmates may request a Declaration of Faith form to register a change in religious affiliation. All requests to change religious affiliation will be reviewed separately. All requests must be completed by the inmate and submitted to the facility chaplain or other designated staff. Any change shall be documented on the inmate's religious preference information in OPUS. The inmate's religious property specific to her/his former religious preference must be sent outside the facility or destroyed according to the inmate preference and facility policy.

**.0105 INMATE REQUEST FOR RELIGIOUS ASSISTANCE**

- (a) An inmate whose religion is not currently recognized by the North Carolina Prisons or whose religious request cannot be met within the framework of existing approved religious services must submit a written request for assistance using the designated DC-572 Inmate Request for Religious Assistance: Fact Sheet form.

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- (b) The form shall be made available to any inmate, upon request, regardless of custody status. The form must be submitted to the facility chaplain or other designated staff by the inmate. Upon receipt of the completed form, the facility chaplain or other designated staff shall process the inmate's request for religious assistance.
  - (c) The inmate must provide an authoritative source of information for the requested religion or faith practice to the facility chaplain or designated staff in order to verify the existence of the religion.
  - (d) The facility chaplain or designee will have 30 days to assist the inmate with the request. Upon completion of the inmate's DC-572, the facility chaplain or other designated staff will create a memorandum detailing the steps taken to provide assistance and shall forward the DC-572, memo, and other pertinent information to the Director of Chaplaincy Services. If this step has not been complete within 30 days, the chaplain will send a letter to the inmate, facility head, and Director of Chaplaincy Services advising of the status of the inmate's request.
  - (e) An inmate's request for religious accommodation shall be evaluated by the Religious Practices Committee within 90 days and the inmate will be notified of the committee's recommendation. The Religious Practice committee will conduct a subject matter review and research the information provided. The committee's recommendation and the DC-572 shall be maintained by the Director of Chaplaincy Services. Should the Religious Practices Committee recommend the establishment of policy for a new religious or faith practice, the draft policy will be sent through the normal chain of command for review. Any legal review will be documented and forwarded back to the Prisons Section Chief for disposition. If this step is not completed within 90 days, the Chaplaincy Services Director will send a letter to the inmate, facility head, the facility chaplain or other designated staff advising them of the status of the inmate's request.

#### **.0106 AUTHORIZED RELIGIOUS PRACTICES**

- (a) Race, color, creed or national origin shall not be a basis for excluding an inmate from attending any religious service.
- (b) Regular population inmates are allowed to attend any corporate worship service held at the facility.
- (c) Due to safety and security concerns, SAFEKEEPERS, inmates in Segregation or on Control status (HCON, MCON, ICON) will not be allowed to attend corporate worship services with other inmates as outlined in the North Carolina Prisons, Conditions of Confinement policy F.1219 (d)
- (d) Any inmate may privately pray, meditate, and study scriptures or religious literature in his or her cell or other designated area as long as the inmate does not interfere with other inmate(s), the inmate's own assigned program or work assignments, security or operational management.

- (e) Upon request, an inmate may be considered for enrollment in religious correspondence courses. An inmate's request to use a foreign language for religious study shall be reviewed on a case-by-case basis.
- (f) Clergy and other spiritual advisors may be admitted to visit an inmate at the inmate's request, subject to DOP policies regarding visitation and coordination of the facility chaplain or other designated staff and approval of the facility head.
- (g) An inmate may request a community religious official to perform a wedding, baptism, or other religious rites/rituals subject to DOP policies regarding visitation and after coordination with the facility chaplain or other designated staff and approval of the facility head.
- (h) Sacramental wine may be approved for religious services. Requests must be made to the facility chaplain or other designated staff and will be reviewed on a case-by-case basis. Only the religious official leading the rite may consume alcohol. The Director of Chaplaincy Services shall maintain a list of faith groups approved for the use of sacramental wine. Inmates are not allowed to consume ANY alcoholic beverages while in the custody of the Department of Public Safety.
- (i) The policies and procedures detailed in the North Carolina Prisons' Religious Practices Reference Manual, and any others authorized by the Religious Practices Committee and the Prisons Section Chief or designee shall be used to administer all religious practices. A copy of this manual may be found in the office of the Chaplain or other designated staff.

#### **.0107 UNAUTHORIZED RELIGIOUS PRACTICES**

No inmate shall exercise religious authority over any other inmate(s). The Chaplaincy Service Central office shall provide technical support and assistance in the recommendation of inmate leadership for non-Christian faith groups. Any inmate who provides leadership will be selected by the facility chaplain or other designated staff in consultation with Chaplaincy Services Central office staff, subject to the approval of the facility head. No inmate shall be recognized as clergy (Reverend, Imam, Priest, etc.) and shall not be permitted to function as such. Inmates shall not organize nor conduct group meetings without prior approval of the facility head or designee.

#### **.0108 COMMITTEES**

##### **(a) ADVISORY COMMITTEE ON RELIGIOUS MINISTRY IN PRISONS**

- (1) General. The Secretary of Public Safety hereby establishes the Advisory Committee on Religious Ministry in Prisons for the purpose of serving as a resource for the expansion and strengthening of chaplaincy services and religious activities within North Carolina Prisons. Committee activities shall be governed by the rules and regulations promulgated by the Department of Public Safety. The Committee shall report to the Prisons Section Chief.

## (2) Appointment

- (A) Recommendation for appointment will be made by the appropriate person or agency responsible for prison ministry in each recognized judicatory and will be forwarded through the chain of command for review by the Prisons Section Chief. The list of nominees will be submitted to the Secretary for consideration.
- (B) The Secretary shall appoint committee members to staggered three-year terms. Committee appointments will be made annually, with appointments effective January 1 of each year. When unscheduled vacancies occur, new appointees will serve the unexpired term of the council member being replaced, and may be eligible for reappointment to a full term.
- (C) Committee membership is interfaith and interdenominational, comprised of representatives from each recognized religious judicatory.
- (D) The Secretary may remove any committee member for misfeasance, malfeasance, or nonfeasance.

## (3) Ex-Officio Members

- (A) The Assistant Director of Support Services will serve as the liaison between the Advisory Committee and the Prisons Section Chief.
  - (B) A representative(s) from North Carolina Prisons' funded chaplains will attend all meetings of the Advisory Committee. The chaplain representative(s) will be elected by the large body of funded chaplains to serve a two-year term.
  - (C) The Director of Chaplaincy Services will attend all meetings and clerical support staff will be responsible for providing clerical assistance to the committee. The Director will represent the Assistant Director of Support Services in his/or her absence. The Chaplaincy Services secretary will attend all meetings to serve as recording secretary, and shall be responsible for distributing minutes to all appropriate individuals, including all state-funded chaplains.
- (4) By-Laws. The Committee shall adopt standard by-laws. Issues not addressed by the standard by-laws are reserved at the discretion of the Committee to be resolved in accordance with state law and with agency rules and regulations.

(b) THE RELIGIOUS PRACTICES COMMITTEE

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General. The Prisons Section Chief or designee shall appoint and may remove at will members of the Religious Practices Committee. Inmate requests for religious practices not officially recognized or approved by North Carolina Prisons must be approved by the Religious Practices Committee prior to the practice being allowed. Factors generally considered by the committee in an evaluation include, but are not limited to, the following:

- (1) whether the inmate has a sincerely held belief in the religion;
- (2) whether the requested practice or paraphernalia has a recognized role in the particular faith;
- (3) whether the inmate sincerely desires the practice or paraphernalia for religious reasons;
- (4) conformity or conflict with valid penological considerations such as order, security, operation, safety, effect on inmate relationships, etc.;
- (5) custody status of an inmate or group of inmates;
- (6) availability of staff, departmental and community resources; and
- (7) duplication of existing services

(c) THE CHAPLAINS STEERING COMMITTEE

- (1) General. The Steering Committee is authorized to assist the North Carolina Department of Public Safety with improving chaplaincy services and religious activities within North Carolina Prisons. The committee shall be called the "Chaplains Steering Committee" and shall function through the Director of Chaplaincy Services.
- (2) The purposes for which this Committee exists are:
  - (A) To facilitate the discussion of on-going administration and ministerial task/concerns with the larger body of chaplains;
  - (B) Work with the Director of Chaplaincy Services in coordinating and facilitating communication between the chaplains, members of the North Carolina Religious Advisory Committee and with North Carolina Prisons Administration;
  - (C) To be responsible in conjunction with the Director of Chaplaincy Services for the planning of regular meetings, annual training and activities for Chaplaincy Services.

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(D) To identify the priorities and objectives of Chaplaincy Services and to filter and focus ideas for presentation on the total body of chaplains by:

(i) Evaluation of priorities and objectives

(ii) Conduct annual needs assessment

(3) Membership Structure

The membership of the Steering Committee is composed of a total of 19 Members: 1 Director, 1 Islamic, 1 Female, 1 Regional Chaplain, 5 Regional Representatives, 1 Community-Funded, 1 Volunteer Chaplain, 1 Female Institution, 1 Youth Institution, 2 Temporary Chaplains, and 4 At-Large Members. Committee appointments will be staggered to ensure continuity.

Before nominating a representative, the nominator must communicate with the nominee to confirm the nominee's willingness to serve if elected. No nominee can be nominated unless confirmed prior to the election.

(A) Any state employed chaplain in each region can be nominated to represent their region.

(B) Any Islamic state employed chaplain can be nominated to represent the position.

(C) Any female chaplain in any region can be nominated to represent the position of female member.

(D) Any state employed or community-funded chaplain at a female institution can be nominated to represent.

(E) Any temporary chaplain in any region can be nominated to represent the position of temporary chaplain position.

(F) Any community-funded chaplain (with a covenant) in any region can be nominated to represent the position of community-funded chaplain member.

(G) Any volunteer chaplain (with a covenant) in any region can be nominated to represent the position of volunteer member.

(H) Any state employed chaplain at a youth institution in any region can be nominated to represent the position of the youth institution

(I) The Director of Chaplaincy Services shall appoint four (4) members at large.

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- (J) If a member resigns the Director of Chaplaincy Services will appoint an appropriate replacement.
- (4) Meetings
- (A) The full committee shall meet once a month as determined by the Director of Chaplaincy Services at the beginning of each calendar year.
- (B) Attendance policy: any member shall be replaced after two (2) consecutive, unexcused absences from committee meetings. The Director of Chaplaincy Services shall be responsible for interpreting this rule and informing the Steering Committee.
- (C) Committee members WILL NOT be reimbursed for travel mileage or expenses.
- (D) The Chaplaincy Services will provide clerical assistance for the committee and will attend all meetings. Minutes will be sent to all appropriate individuals.
- (5) Duration of Service  
The Director, Regional Chaplain, and the *Members At Large* are not positions of nomination.

**Members of the Chaplains Steering Committee shall be:**

Western Region – 2 Years	Piedmont Region – 3 Years
Central Region – 3 Years	South Central Region – 2 Years
Eastern Region – 3 Years	

**Specialized**

Islamic – 5 years	Community Funded – 3 years
Volunteer – 2 years	Female – 5 Years
Youth Institution – 2 Years	Members At Large – 4 Years
Female Institution – 3 Years	* Two – three year positions
(Including Community-Funded)	* Two – five year positions
Temporary Chaplain – 2 years	

- (6) AD HOC COMMITTEES
- (A) The committee will establish sub-committees as necessary to perform special assignments.
- (B) The Director shall appoint members to sub-committees. Sub-committees may then elect their own Chairpersons.

- (C) Two representatives from the full body of Division of Adult Correction/Prisons chaplain will attend all meetings of the NC Religious Advisory Committee in order to improve communication between the two bodies. These Chaplain Representatives will be elected by the full body of DPS chaplains to serve on the NC Religious Advisory Committee for two (2) years.

(7) AMENDMENTS

These By-Laws may be amended at the Statewide Chaplains Meeting **by a vote of 2/3 of the members present and voting**, provided that all chaplains receive, at least fifteen days before the meeting in which an Amendment will be considered, a copy of the Amendment and notice of the date, time, and place of the meeting at when it will be considered. The Director of Chaplaincy Services will submit all Amendments for review by the Body of Chaplains, who will be responsible for making the final endorsement.

**Addendum:** In the event that a scheduled meeting for the full body of Chaplains is cancelled for any reason, the business planned for the meeting may be carried out at the Regional level, votes taken, and results compiled to determine statewide outcomes. If regional meetings are not possible, then any necessary votes may be taken electronically or by other means determined by the Director of Chaplaincy Services.

  
Prisons Section Chief      Date

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# **Exhibit 4**

**NORTH CAROLINA DEPARTMENT OF CORRECTION  
DIVISION OF PRISONS  
ADMINISTRATIVE REMEDY PROCEDURE**

VA-309

**Step One - Unit Response**20. Grievance No.: 4290-1-12-008121. Inmate Name: Kwame Teague22. Inmate No.: 0401897

23. Grievance Response (Item #25 to be completed within 15 calendar days of date in item #17):

Investigation into your complaint revealed that Mr Boisvert, Case Manager has explained to you that the Department of Public Safety does not recognize Humanism. You desire that a special time be allowed for you to form a group. You are listed in Opus as Islamic. No one will disturb you in the orderly conduct of your religion. However, since the Department of Public Safety does not recognize "Humanism" as a religion, no facilities will be provided same. There is no violation of the First Amendment Right, respecting an establishment of religion, or prohibiting the free exercise thereof.

No further action is necessary at this time.

Response to Step 1 delayed due to Mr. Boisvert being out on family sick leave.

24. Date: 4/12/1225. [Signature]  
Superintendent Signature26. (A) ☐ Agree with grievance response(B) ☒ Appeal to Step Two (24-hour limit)27. Date: 4/12/1228. [Signature]  
Inmate Signature**Step Two - Area/Complex/Institution Response**

29. Step two response (Item #31 to be completed within 20 calendar days of date in item #27):

Additional investigation reveals that staff has addressed inmate's complaint appropriately. This should resolve your grievance.

30. Date: 4/16/1231. [Signature]  
Administrator Signature32. (A) ☐ Agree with grievance response(B) ☐ Appeal to Secretary, DOC (24-hour limit)33. Date: 4/16/1234. [Signature]  
Inmate Signature

**DISTRIBUTION:** White to point of final disposition; Blue for Unit Record; Green to Inmate

## NORTH CAROLINA DEPARTMENT OF CORRECTION

STATE OF NORTH CAROLINA  
BEVERLY EAVES PERDUE  
GOVERNOR

FINESSE G. COUCH  
EXECUTIVE DIRECTOR

INMATE GRIEVANCE RESOLUTION BOARD  
MSC 4207, Raleigh, NC 27699-4207

REV. REGINALD E. MIDGETTE, SR.  
CHAIRMAN

MEMBERS  
LUCIEN CAPONE, III, ESQ.  
HAROLD L. POLLOCK, ESQ.  
MATTHEW ROUSE, JR., D.H.L.  
ROGER SMITH, JR., ESQ.

Administrative Remedy ProcedureStep Three

35. Inmate Name Teague, Kwame

36. GRB Grievance No.: 11755

AKA:

37. Inmate # 0401897

38. Unit Grievance No. 42901120081

39. Location: Warren CI 4290

40. Date Received: 4/27/2012

41. GRIEVANCE EXAMINER: Findings and Disposition Order

Kwame Teague filed this grievance on February 29, 2012 at Warren Correctional Institution. He asserts that staff were not providing assistance to him in obtaining recognition of his religion.

Staff response indicated that an investigation of the inmate's complaint was conducted. Staff concluded that the inmate has not been treated unfair or outside the scope of correctional policies and procedures.

This examiner has carefully reviewed the grievance and the response given by staff in the DC-410A response. From this review, I am convinced that staff has adequately addressed this inmate's grievance concerns. I adopt the facts found by the staff investigator.

On this record, this inmate's allegations are insufficiently supported. Thus, this grievance is dismissed for lack of supporting evidence.

42. Date: 5-7-2012

43.

*R.R.A.*  
Inmate Grievance Examiner

DISTRIBUTION: Originals (DC-410, DC-410A & DC-410B) to location of final action.

cc: [ ] Unit Superintendent

# **Exhibit 5**



Kwame J. Teague  
0401897  
P.O. Box 399  
Manson, NC 27553

June 21, 2012

Ms. Betty Brown,  
Director of Chaplaincy  
Department of Correction  
831 W. Morgan St.  
Raleigh, NC 27699-4260

Dear Ms. Brown:

I am writing in response to your letter of March 8, 2012 relative to my request for information regarding the correct procedures to have my religion of secular humanism recognized by the Department of Correction as well as the State of North Carolina. You advised me to prepare and file a "Request for Religious Assistance" (Form DC-572). This I did. However, Mr. Boisvert advised me that secular humanism is not recognized in N.C.

I currently appear in Inmate computer records as a Muslim. This does not reflect my faith. My religion is a form of secular humanism called Ethical Humanism. I am simply seeking information as to the steps I need to take to accomplish my objective of accurate reflection of my religion. I followed your advice, but it has resulted in the same answer (secular humanism is not recognized in N.C.) that caused me to initially write you.

Please help me in this matter. At this point, I am being denied the right of religious expression granted to Muslims, Christians and all other officially-recognized religious. I only want the same treatment that is afforded to these other faith groups.

Thank You,

Kwame J. Teague

# **Exhibit 6**



1777 T Street NW, Washington DC 20009-7125 | T 800.837.3792 202.238.9088 | F 202.238.9003 | [legal@americanhumanist.org](mailto:legal@americanhumanist.org) | [www.humanistlegalcenter.org](http://www.humanistlegalcenter.org)

July 9, 2012

Chaplain Betty Brown  
Director, Chaplaincy Services  
4263 Mail Service Center  
Raleigh, North Carolina 27699-4263

cc: [Richard.Boisvert@doc.nc.gov](mailto:Richard.Boisvert@doc.nc.gov)  
cc: Kwame Teague

Re: **Dept. of Correction's Refusal to Recognize an Inmate's Humanist Beliefs**

Dear Ms. Brown:

I am writing on behalf of Kwame Teague,<sup>1</sup> who is housed at the Warren Correctional Institution. Mr. Teague recently contacted us for assistance in regards to his request to change his religious identification to "humanist" in his official records. We understand that Mr. Teague requested that this change be made pursuant to Chapter H, Section .0104, of the Division of Prison's Policies and Procedures. We also understand he filed a "Request for Religious Assistance" (Form DC-572). Mr. Teague tells us that both of these requests were denied because "humanism is not recognized as a religion by the Department of Corrections."

The American Humanist Association ("AHA") is a national nonprofit organization representing humanists, founded in 1941, with over 10,000 members across the country. Humanism is a progressive lifstance that, without theism or other supernatural beliefs, affirms our ability and responsibility to lead ethical lives of personal fulfillment that aspire to the greater good of humanity. It is a comprehensive moral worldview of long-standing that is a central importance to its adherents, comparable to that of theistic religion in the life of a believer.

Humanism shares characteristics with many more traditional, widespread religions. It explores fundamental and ultimate questions of life and existence by appealing to science, reason, and our common humanity. Its beliefs are comprehensive in nature and encompass morality and meaning and purpose in life. Humanism even attempts to answer questions about the end of life. A document, the Humanist Manifesto, is a joint expression of humanist beliefs and goals. Humanist celebrants are trained to officiate marriages, funerals, and other life-cycle ceremonies. Organizations such as AHA provide structure and resources to members. Humanists often celebrate holidays such as the winter solstice and Darwin Day.

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<sup>1</sup> Mr. Teague's inmate number is 0401897.

The Department of Corrections' refusal to recognize a prisoner's humanist beliefs in his official records, and subsequently to grant such prisoner that same rights and privileges granted to members of theistic religions, is an unconstitutional form of discrimination. The Establishment Clause of the Constitution, as part of its mandate of a separation of church and state, forbids government from promoting or favoring any particular religious views. In particular, the Supreme Court has interpreted it to forbid the government from preferring or favoring "those religions based on a belief in the existence of God as against those religions founded on different beliefs." Torcaso v. Watkins, 367 U.S. 488, 495 (1961). "Secular Humanism" is included among the latter group of "religions in this country which do not teach what would generally be considered a belief in the existence of God." *Id.* at n. 11. Accordingly, the law is clear: the government cannot discriminate against certain religious views based on the fact that they are not centered on a belief in a god or gods (or, for that matter, the fact that government officials may not be familiar with or understand them).<sup>2</sup>

There is no doubt that Mr. Teague sincerely shares in these beliefs. While incarcerated, he has explored humanism and come to embrace it as a means of accepting personal responsibility for his life. He seeks the same rights and privileges other prisoners receive to explore and express his religious views. To deny him this is to discriminate against him in violation of the Constitution.

As you know, violations of the civil liberties of inmates may be remedied by bringing suit under 42 U.S.C. §1983. It is my hope that no such suit will be necessary, and that you will do the right thing and change course. We respectfully request that you allow Mr. Teague to change his religious identification to reflect his current beliefs. In addition, we request that you work with Mr. Teague to meet his requests for religious assistance and accommodation, including access to resources, such as books and meeting space. AHA would be more than happy to provide you any particular information and materials to regarding humanism that you may require as part of any such effort.

Please notify me within two weeks of the date hereof with a description of the steps you are taking with regard to Mr. Teague's request.

Thank you for your time and attention to this matter. If you have any questions or would like to discuss this matter further, please do not hesitate to contact me at [bburgess@americanhumanist.org](mailto:bburgess@americanhumanist.org) or (202) 238-9088 x102.

Sincerely,

William J. Burgess, Esq.  
Appignani Humanist Legal Center  
American Humanist Association

---

<sup>2</sup> In the prison context, for example, the courts have recognized the right of prisoners to start a number of non-traditional religious groups, including Black Muslims, Rastafarians, the Aryan Brotherhood, and MOVE, Hebrew Israelite, Santeria, Moorish Science Temple, and atheism. *See e.g.* 2 Rights of Prisoners § 7:14 (4<sup>th</sup> ed.)

# **Exhibit 7**



# North Carolina Department of Public Safety

## Prisons

Beverly Eaves Perdue, Governor  
Reuben F. Young, Secretary

Jennie Lancaster, Chief Deputy Secretary  
Robert C. Lewis, Section Chief

July 16, 2012

Mr. William J. Burgess  
American Humanist Association  
1777T Street, NW  
Washington, DC, 20009-7125

Dear Mr. Burgess:

Thank for your letter received at my office on July 13, 2012. You alleged that inmate Kwame Teague, who is housed at Warren Correctional Institution, has requested to change his religious identification to "Humanist Secularism" and has been denied. You state that he has filed a DC-572 (Request for Religious Assistance Form) but was denied because "humanism" is not recognized as a religion by the Department.

Let me assure you that we have no interest in denying Mr. Kwame his religious preference nor are we engaged in a campaign against Humanism. But the Chaplaincy Services in the NC Department of Public Safety, Prison Section have procedures that must be adhered to if the DC -572 is to reach the appropriate people. We have never received a DC-572 from Mr. Teague or Warren Correctional Institution.

We have made contact with the facility and expects to receive the completed DC- 572 within a reasonable period of time. Upon receipt of the DC-572, members of the NC Religious Practice Committee will then review it and subsequently send it up the chain of command with recommendations.

We appreciate your desire to have "Humanism" recognized in the Department of Public Safety Prison Section; but please understand that in a system where the right to practice religion is counterbalanced by custody and security concerns, the process will not be done haphazardly or hastily.

Again thank you for your letter and for in advance for your cooperation.

Sincerely,

Betty A. Brown  
Director of Chaplaincy Services

cc: Joyce Kornegay, Donald Mobley

**MAILING ADDRESS:**  
4260 Mail Service Center  
Raleigh, NC 27699-4260  
[www.ncdps.gov](http://www.ncdps.gov)



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831 W. Morgan St.  
Raleigh, NC 27699-4260  
Telephone: (919) 838-4000  
Fax: (919) 838-4749

# **Exhibit 8**



# North Carolina Department of Public Safety

## Prisons

Pat McCrory, Governor  
Kieran J. Shanahan, Secretary

W. David Guice, Commissioner  
George T. Solomon, Director

May 15, 2013

Kwame Teague #0401897  
Scotland CI #4860  
P. O. Box 1808  
Laurinburg, NC  
Courier No: 14-85-02

Dear Mr. Kwame Teague:

I responded to you via letter on March 15, 2013 regarding your DC-572 request to have "Humanism" as an accommodated faith practice by the North Carolina Department of Public Safety. I also stated that our records determine that you changed your faith on February 11, 2013 to Buddhist.

Now on May 8, 2013 I am in receipt of a second DC-572 requesting "Humanism" again. In reviewing the information you provided, you are referring the "Ethical Humanism Society." We made several attempts to contact the "Ethical Humanism Society." Mr. Best from the information you provided on the DC-572 and have not been successful as of this date. I research information you submitted regarding the "Ethical Humanism Society." I called the number listed on the website for "Ethical Humanism Society", in Chapel Hill, NC and spoke to someone regarding your membership; he could not confirm you being a member. I continued to read the information and could not find the information needed to move forward with your request.

Mr. Teague the purpose of a DC-572 is to assist the Religious Practices Committee in making necessary determination in order to protect the Constitutional rights of inmates. The Religious Practices Committee process is to obtain authentic information and meet with legitimate representatives of all religious groups who have practitioners incarcerated in North Carolina Prison's to discuss how their religious needs can be met within the constraints of a prison environment. To this date we have not been able to authenticate your information.

Religious Practices Committee did not recommend "Ethical Humanism Society" as an established faith within the North Carolina Department of Public Safety, Prisons Section. We are proceeding with good will and asking the facility where you are housed to accommodate you through individual private devotion in your cell, with publications that you may purchase. This is the least restrictive means. However, any books ordered must be within the publication policy guidelines.

It is our desire and policy to offer all inmates their religious rights within the boundaries of legitimate penological custody and security objectives.

Sincerely,

Betty Brown  
Director of Chaplaincy Services

cc: George Solomon  
Sorrell Saunders

Cynthia Bostic  
Chaplain Gullett

**MAILING ADDRESS:**  
4260 Mail Service Center  
Raleigh, NC 27699-4260  
[www.ncdps.gov](http://www.ncdps.gov)



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**OFFICE LOCATION:**  
831 W. Morgan St.  
Raleigh, NC 27699-4260  
Telephone: (919) 838-4000  
Fax: (919) 838-4749



# **Exhibit A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Civil Action No.: \_\_\_\_\_

AMERICAN HUMANIST ASSOCIATION and  
KWAME JAMAL TEAGUE

v.

FRANK L. PERRY, in his official capacity as  
Secretary of the NORTH CAROLINA  
DEPARTMENT OF PUBLIC SAFETY, W.  
DAVID GUICE, in his official capacity as  
Commissioner of the Division of Adult  
Correction and Juvenile Justice, GEORGE  
SOLOMON, in his individual and his official  
capacity as Director of Prisons,  
BETTY BROWN, in her individual and her  
official capacity as Director of Chaplaincy  
Services, GWEN NORVILLE, in her official  
capacity as Deputy Director of Prisons, DAVID  
MITCHELL, in his official capacity as  
Superintendent of Lanesboro Correctional  
Institution, and SARA R. COBB, in her official  
capacity as Program Services Coordinator of  
Lanesboro Correctional Institution

**Randall Best Declaration**

I, Randall Best, hereby state and declare as follows:

1. I am a Humanist Minister with the Ethical Humanist Society of the Triangle. I have held this position since January 2008.

2. Ethical Humanism, also called Ethical Culture, was founded by Felix Adler in 1876. Ethical Culture is a humanistic, religious, and educational movement working to create a better world through ethical actions. We are dedicated to the ideal that the highest value is

human worth and that our relationships to each other are of greatest ethical concern. Our commitment is to the worth and dignity of the individual and to treating each human being so as to bring out the best in him or her. Members join together in ethical societies to assist each other in developing ethical ideas and ideals, to celebrate life's joys, and support each other through life's crises.

3. On May 15, 2013, Defendant Betty Brown, Director of Chaplaincy Services, sent a letter to Plaintiff Kwame Teague, which stated in part: "In reviewing the information you provided, you are referring the 'Ethical Humanism Society.' We made several attempts to contact the 'Ethical Humanism Society.' Mr. Best from the information you provided on the DC-572 and have not been successful as of this date. I research information you submitted regarding the 'Ethical Humanism Society.' I called the number listed on the website for 'Ethical Humanism Society', in Chapel Hill, NC and spoke to someone regarding your membership; he could not confirm you being a member. I continued to read the information and could not find the information needed to move forward with your request." I received a copy of this letter from Mr. Teague. A true and accurate copy of said letter is attached to the Complaint as Exhibit 8.

4. The Ethical Humanist Society of the Triangle has an answering machine and no messages were ever left by Defendant Brown as of May 15, 2013.

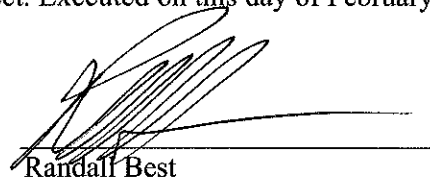
5. On June 10, 2013, I sent a letter to Defendant Betty Brown in regards to Plaintiff Kwame Teague's efforts to establish a Humanist meeting group in the North Carolina prison system. A true and accurate copy of the letter that I mailed to Ms. Brown is attached to the complaint as Exhibit 9.

6. After sending Ms. Brown the letter, I continued to attempt to reach Ms. Brown by telephone. When she eventually returned my call, she did not indicate that she would authorize a

Humanist meeting group or allow Teague to identify as a Humanist for OPUS purposes.

7. In September 2013, I submitted a "Minister/Pastoral Care Giver Application" to officials with the North Carolina Department of Public Safety ("the Department") Office of Chaplaincy Services to permit me to visit Mr. Teague as his pastor and conduct Humanist services in North Carolina state prisons. I never received a response to my request.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this day of February 13, 2015.



Handwritten signature of Randall Best, consisting of stylized, overlapping loops and a horizontal line extending to the right.

Randall Best



# **Exhibit 9**



ETHICAL  
HUMANIST  
SOCIETY *of the*  
TRIANGLE

P.O. Box 3132  
Chapel Hill, NC 27515  
Voice Mail: (919)  
919-833-1584  
info@ncethicalsociety.org

*Reaching for a More Ethical Life*

June 10, 2013

Ms. Betty Brown  
Director of Chaplaincy Services  
North Carolina Department of Public Safety  
4260 Mail Service Center  
Raleigh, NC 27699-4260

Dear Ms. Brown –

I have been leaving voice mail messages for you to call me for over a week now. I know that you must be busy but I look forward to hearing from you soon.

I would like to talk to you about Ethical Humanism, also known as Ethical Culture, and Mr. Kwame Teague's application to have Ethical Humanism recognized as an accommodated faith practice by the North Carolina Department of Public Safety.

Ethical Culture/Ethical Humanism, founded in 1876 in New York City by Felix Adler, is a religion free from supernatural elements that focuses on ethical relationships and practices. We are a recognized religious denomination by the U.S. Government.

Some of the history of Ethical Culture/Ethical Humanism can be found on the Wikipedia website at: [http://en.wikipedia.org/wiki/Ethical\\_culture](http://en.wikipedia.org/wiki/Ethical_culture). The website for the Ethical Humanist Society of the Triangle, my congregation in Chapel Hill, is: <http://www.ncethicalsociety.org>.

I would be more than happy to talk to you about Ethical Humanism, Humanism in general, and answer any questions that you may have.

The best way to reach me is on my cell phone, 919-672-9076.

I hope to hear from you soon.

Sincerely,

Randall Best  
Leader (Humanist Minister)  
Ethical Humanist Society of the Triangle

CC: James Teague  
Kwame Teague  
George Soloman

# **Exhibit 10**





1777 T Street NW, Washington DC 20009-7125 | T 800.837.3792 202.238.9088 | F 202.238.9003 | [legal@americanhumanist.org](mailto:legal@americanhumanist.org) | [www.humanistlegalcenter.org](http://www.humanistlegalcenter.org)

November 26, 2014

*Via Email and Certified Mail*

George Solomon, Director of Prisons; [George.Solomon@ncdps.gov](mailto:George.Solomon@ncdps.gov)  
Gwen Norville, Deputy Director of Prisons; [Gwen.Norville@ncdps.gov](mailto:Gwen.Norville@ncdps.gov)  
North Carolina Department of Public Safety  
831 West Morgan Street  
4260 Mail Service Center  
Raleigh NC 27699-4260

Chaplaincy Services  
Chaplain Betty Brown, Director; [betty.brown@ncdps.gov](mailto:betty.brown@ncdps.gov)  
4263 Mail Service Center  
Raleigh, NC 27699-4263  
Fax: (919) 838-3625

**Re: Notice of Intent to File Lawsuit for Constitutional Violations**

Dear Mr. Solomon, Ms. Norville, and Ms. Brown,

Our office represents Kwame Teague (0401897), a Humanist inmate currently incarcerated at Lanesboro Correctional Institution in North Carolina. We are writing in regards to the North Carolina Department of Public Safety's (hereafter "Department") refusal to accommodate Humanist inmates generally, and specifically, with its refusal to grant Mr. Teague's request for a Humanist group and its refusal to allow him to identify as a Humanist in OPUS ("Offender Population Unified System."). Such actions amount to a violation of the Establishment Clause of the First Amendment, which prohibits the government from favoring some religions over others, or religion over nonreligion, and the Equal Protection Clause of the Fourteenth Amendment, which prohibits the government from discriminating against an inmate for his deeply held Humanist convictions.

The American Humanist Association (AHA) is a national nonprofit organization with over 350,000 supporters and members across the country, including many in North Carolina. The mission of AHA's legal center is to protect one of the most fundamental principles of our democracy: the constitutional mandate requiring separation of church and state. Our legal center includes a network of cooperating attorneys from around the country, including North Carolina, and we have litigated constitutional cases in state and federal courts from coast to coast.

The Department recognizes a variety of religions (including several non-theistic “religions” such as Asatru,<sup>1</sup> Buddhism, and Wicca<sup>2</sup>), for OPUS purposes and authorizes inmates of these religions to meet in groups with other inmates of their respective religious preferences on a weekly basis. Recognized religions authorized for such meeting groups include: (1) American Indian; (2) Asatru; (3) Assemblies of Yahweh; (4) Buddhism; (5) Christian-Protestant; (6) Christian-Catholic; (7) Christian-Eastern Orthodox; (8) Hindu; (9) Islam; (10) Judaism; (11) Moorish Science Temple; (12) Rastafarian; (13) Wiccan.<sup>3</sup> Neither Humanism nor Atheism is an option for prisoner registration purposes (OPUS). There is no authorized meeting group for Humanists and Atheists either. Yet there are at least 20 Humanist and Atheist inmates at the Lanesboro Correctional Institution alone.

In 2012, Mr. Teague converted from Islam to Ethical Humanism. Humanism guides him, comforts him, and answers many of life’s big questions. Humanism is more than a disbelief in deities. Humanism includes an affirmative naturalistic outlook; an acceptance of reason and empiricism as the primary means of attaining truth; an affirmative recognition of ethical duties; and a strong commitment to human rights. Humanism has formal structure, with clergy, chaplains, and formal entities dedicated to the practice. Humanist principles are promoted and defended by formal organizations such as AHA (which provides a statement of Humanist principles in a document signed by 21 Nobel laureates and thousands of others), as well as International Humanist and Ethical Union. AHA’s adjunct organization, Humanist Society, a religious 501(c)(3) incorporated in 1939, is authorized to train and certify people who upon endorsement are accorded the same rights and privileges granted by law to priests, ministers, and rabbis.

Accordingly, Mr. Teague requested to have his OPUS commitment changed from Islam to Humanist pursuant to Chapter H, Section .0104 of the Division of Prison’s Policies and Procedures. H.0104(a) (“Inmates shall have the freedom to make a religious commitment, change a religious commitment, or reject religion altogether.”). Mr. Teague also filed a “Request for Religious Assistance” (Form DC-572) to establish Humanist group meetings.<sup>4</sup> Both of these requests were denied on the stated grounds that the “Department of Public Safety does not recognize ‘Humanism’ as a religion.” However, as discussed in more detail below, despite the fact that Humanism and Atheism are non-theistic, the courts (including the Supreme Court) have long considered both to be equivalent to “religion” for constitutional purposes.

On February 28, 2012, Mr. Teague filed a formal grievance complaint with the Department of Correction at Warren Correctional Institution, regarding the prison’s refusal to recognize Humanism as Mr. Teague’s OPUS designation and its refusal to authorize a Humanist study group. In March

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<sup>1</sup> The Asatru Alliance states: “There are many ways to define what a god is, and it all depends on you!” (<http://theasatrucommunity.org/2012/09/17/what-is-a-god/>).

<sup>2</sup> The Wiccan Church of North Carolina states: “We Do Not Believe in . . . the supernatural. Meaning, most Wicca believe all things are natural. All things that make up this earth (living & dead) animated or inanimate and the spirits of both this world & the next, are all a natural part of existence. To be beyond or ‘more than’ nature is not something we recognize.” <http://lifetempleseminary.org/crafte-beliefs.htm>

<sup>3</sup> North Carolina Department of Correction, Division of Prisons, “RELIGIOUS PRACTICES REFERENCE MANUAL.”

<sup>4</sup> See H.0103 (“Inmates who wish to have incorporated a religious practice that is not recognized by North Carolina Prisons must submit a DC-572 Request for Religious Assistance form to the facility chaplain or other designated staff, who will then consult with the Chaplaincy Services Director regarding the availability of temporary accommodations in conjunction with the facility head or designee.”).

2012, Mr. Teague sent a letter to Chaplain Betty Brown, Director of Chaplaincy Services,<sup>5</sup> requesting information regarding the correct procedures to have Humanism recognized by the Department of Corrections. On March 8, 2012, Ms. Brown responded, advising Mr. Teague to prepare and file a "Request for Religious Assistance" (Form DC-572). He heeded her advice and filed such form. However, upon submitting it, a Mr. Boisvert informed him that Humanism is not recognized in North Carolina prisons.

In April 2012, Mr. Teague filed an administrative remedy appeal with the Department in connection with the prison's refusal to recognize Humanism and authorize a Humanist group. The Department's response to "step one" of the grievance form stated:

Investigation into your complaint revealed that Mr Boisvert, Case Manager has explained to you that the Department of Public Safety does not recognize Humanism. You desire that a special time be allowed for you to form a group. You are listed in Opus as Islamic. No one will disturb you in the orderly conduct of your religion. However, since the Department of Public Safety does not recognize "Humanism" as a religion, no facilities will be provided same. There is no violation of the First Amendment Right, respecting an establishment of religion, or prohibiting the free exercise thereof.

No further action is necessary at this time.

The response to "step two" of the grievance form, signed on April 16, 2012, stated: "Additional investigation reveals that staff has addressed inmate's complaint appropriately. This should resolve your grievance." On April 27, 2012, "step three" of Mr. Teague's administrative remedy form (DC-410B) was marked "received" by the Department of Correction. The "Findings and Disposition Order," which was signed on May 7, 2012, provided:

Kwame Teague filed this grievance on February 29, 2012 at Warren Correctional Institution. He asserts that staff were not providing assistance to him in obtaining recognition of his religion

Staff response indicated that an investigation of the inmate's complaint was conducted. Staff concluded that the inmate has not been treated unfair or outside the scope of correctional policies and procedures.

This examiner has carefully reviewed the grievance and the response given by staff in the DC- 410A response. From this review, I am convinced that staff has adequately addressed this inmate's grievance concerns. I adopt the facts found by the staff investigator.

On this record, this inmate's allegations are insufficiently supported. Thus, this grievance is dismissed for lack of supporting evidence.

On June 21, 2012, Mr. Teague sent another letter to Ms. Brown, stating:

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<sup>5</sup> "North Carolina Prisons employs a Director of Chaplaincy Services to formulate and provide professional supervision of chaplaincy services. The Director of Chaplaincy Services provides guidance and assistance for the religious activities to all the facilities within the North Carolina Prisons." H.0100.

I am writing in response to your letter of March 8, 2012 relative to my request for information regarding the correct procedures to have my religion of secular humanism recognized by the Department of Correction as well as the State of North Carolina. You advised me to prepare and file a "Request for Religious Assistance" (Form DC-572). This I did. However, Mr. Boisvert advised me that secular humanism is not recognized in N.C.

I currently appear in Inmate computer records as a Muslim. This does not reflect my faith. My religion is a form of secular humanism called Ethical Humanism. I am simply seeking information as to the steps I need to take to accomplish my objective of accurate reflection of my religion. I followed your advice, but it has resulted in the same answer (secular humanism is not recognized in N.C.) that caused me to initially write you.

Please help me in this matter. At this point, I am being denied the right of religious expression granted to Muslims, Christians and all other officially-recognized religious. I only want the same treatment that is afforded to these other faith groups.  
Thank You,

On July 6, 2012, our office sent a letter to Ms. Brown regarding the unconstitutionality of the Department's actions in refusing to recognize Teague's request to change his OPUS assignment to Humanist and its refusal to accommodate a Humanist meeting group. On July 16, 2012, Ms. Brown responded to our letter, stating that "[u]pon receipt of the DC-572, members of the NC Religious Practice Committee will then review it and subsequently send it up the chain of command with recommendations." However, at that point, Mr. Teague's DC-572 application had already been turned down.

On May 15, 2013, Ms. Brown sent a letter to Mr. Teague, stating as follows:

I responded to you via letter on March 15, 2013 regarding your DC-572 request to have "Humanism" as an accommodated faith practice by the North Carolina Department of Public Safety. I also stated that our records determine that you changed your faith on February 11, 2013 to Buddhist.

Now on May 8, 2013 I am in receipt of a second DC-572 requesting "Humanism" again. In reviewing the information you provided, you are referring the "Ethical Humanism Society." We made several attempts to contact the "Ethical Humanism Society." Mr. Best from the information you provided on the DC-572 and have not been successful as of this date. I research information you submitted regarding the "Ethical Humanism Society." I called the number listed on the website for "Ethical Humanism Society", in Chapel Hill, NC and spoke to someone regarding your membership; he could not confirm you being a member. I continued to read the information and could not find the information needed to move forward with your request.

Mr. Teague the purpose of a DC-572 is to assist the Religious Practices Committee in making necessary determination in order to protect the Constitutional rights of inmates. The Religious Practices Committee process is to obtain authentic information and meet with legitimate representatives of all religious groups who have practitioners incarcerated in North Carolina Prison's to discuss how their religious needs can be met

within the constraints of a prison environment. To this date we have not been able to authenticate your information.

Religious Practices Committee did not recommend “Ethical Humanism Society” as an established faith within the North Carolina Department of Public Safety, Prisons Section. We are proceeding with good will and asking the facility where you are housed to accommodate you through individual private devotion in your cell, with publications that you may purchase. This is the least restrictive means. However, any books ordered must be within the publication policy guidelines.

It is our desire and policy to offer all inmates their religious rights within the boundaries of legitimate penological custody and security objectives.

Mr. Randall Best, the leader (Humanist Minister) of the Ethical Humanist Society of the Triangle informs us that they have an answering machine and that no messages were ever left by Ms. Brown. On June 10, 2013, Mr. Best sent a letter to Ms. Brown, which provided:

I have been leaving voice mail messages for you to call me for over a week now. I know that you must be busy but I look forward to hearing from you soon.

I would like to talk to you about Ethical Humanism, also known as Ethical Culture, and Mr. Kwame Teague's application to have Ethical Humanism recognized as an accommodated faith practice by the North Carolina Department of Public Safety.

Ethical Culture/Ethical Humanism, founded in 1876 in New York City by Felix Adler, is a religion free from supernatural elements that focuses on ethical relationships and practices. We are a recognized religious denomination by the U.S. Government.

Some of the history of Ethical Culture/Ethical Humanism can be found on the Wikipedia website at: [http://en.wikipedia.org/wiki/Ethical\\_culture](http://en.wikipedia.org/wiki/Ethical_culture). The website for the Ethical Humanist Society of the Triangle, my congregation in Chapel Hill, is: <http://www.ncethicalsociety.org>.

I would be more than happy to talk to you about Ethical Humanism, Humanism in general, and answer any questions that you may have. The best way to reach me is on my cell phone, [redacted]. I hope to hear from you soon.

After sending Ms. Brown the letter and leaving her multiple voice messages, she eventually returned his call. However, she did not indicate that the prison would authorize a Humanist meeting group or allow Mr. Teague to identify as a Humanist for OPUS purposes.

As of November 2014, the Department has yet to accommodate Mr. Teague's request to form a Humanist meeting group and his request to identify as a Humanist. Mr. Teague's administrative remedies have been exhausted. The Department's refusal to accommodate Humanist inmates with a Humanist study group, while authorizing such groups for inmates of a wide array of religious traditions, including non-theistic traditions, is a clear violation of the Establishment Clause and Equal Protection Clause, *infra*.

The purpose of this letter is to advise you that our organization will be filing a federal lawsuit on Mr. Teague's behalf unless the Department forthwith authorizes Mr. Teague to identify as a Humanist in OPUS, grants his request for a Humanist meeting group, and provides us with written assurances that Mr. Teague will be authorized to meet in such group for the duration of his sentence.

The First Amendment's Establishment Clause "commands a separation of church and state." *Cutter v. Wilkinson*, 544 U.S. 709, 719 (2005). It requires the "government [to] remain secular, rather than affiliate itself with religious beliefs or institutions." *Cnty. of Allegheny v. ACLU*, 492 U.S. 573, 610 (1989). Not only must the government not advance, promote, affiliate with, or favor any particular religion, it "may not favor religious belief over disbelief." *Id.* at 593 (citation omitted). The Establishment Clause "means at least" that [n]either a state nor the Federal Government" can "aid one religion, aid all religions, or prefer one religion over another." *Hartmann v. Cal. Dep't of Corr. & Rehab.*, 707 F.3d 1114, 1125 (9th Cir. 2013) (citation omitted).

The Department's refusal to authorize a Humanist study group while authorizing groups for many religions (both theistic and non-theistic) violates the Establishment Clause. *See Kaufman v. Pugh*, 733 F.3d 692 (7th Cir. 2013) (*Kaufman II*) (refusal to authorize Atheist study group violated Establishment Clause); *Kaufman v. McCaughtry*, 419 F.3d 678 (7th Cir. 2005) (*Kaufman I*) (same); *Am. Humanist Ass'n & Jason Michael Holden v. United States*, 2014 U.S. Dist. LEXIS 154670 (D. Or. Oct. 30, 2014) (refusal to authorize secular humanist study group in prison violates Establishment Clause and Equal Protection Clause); *Sherman-Bey v. Marshall*, 2011 U.S. Dist. LEXIS 73801, \*27-28 (C.D. Cal. 2011) (Moorish Science Temple inmate stated Establishment Clause and Equal Protection claims where he was denied group study on same terms as other religions); *Rouser v. White*, 707 F. Supp. 2d 1055, 1060, 1066-67 (E.D. Cal. 2010) (prison violated Establishment and Equal Protection Clauses by treating Wiccans differently with respect to group worship). *Cf. Hartmann*, 707 F.3d at 1125.

Prison "officials violate the Establishment Clause if they give special treatment to certain religious groups." *Saifullah v. Sisto*, 2007 U.S. Dist. LEXIS 68703, \*6 (E.D. Cal. 2007). Further, the "rights of inmates belonging to minority or non-traditional religions must be respected to the same degree as the rights of those belonging to larger and more traditional denominations." *Koger v. Bryan*, 523 F.3d 789, 799 (7th Cir. 2008) (citation omitted). Indeed, many courts have issued injunctions in analogous cases involving the rights of religious minorities in prisons.<sup>6</sup>

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<sup>6</sup> *See Canell v. Cook*, 1996 U.S. App. LEXIS 3367 (9th Cir. 1996) (reversing denial of injunction where prison denied Sunni Muslims group worship); *Rouser*, 707 F. Supp. 2d at 1060, 1066-67 (injunction issued where Wiccans were treated differently, violating Establishment Clause and Equal Protection); *Fluellen v. Goord*, 2007 U.S. Dist. LEXIS 95374, \*2 (W.D.N.Y. 2007) (injunction prohibiting prison "from precluding plaintiffs' attendance at Nation of Islam services and classes"); *Buchanan v. Burbury*, 2006 U.S. Dist. LEXIS 48244, \*23-24 (N.D. Ohio 2006) (ordering prison to "provide the Sacred Name Sabbatarians with the opportunity to engage in group worship"); *Garcia v. Clark*, 2011 U.S. Dist. LEXIS 73647, \*10 (E.D. Cal. 2011) (injunction to "provide Plaintiff with the Kosher meals that are provided other similarly situated prisoners"); *Wofford v. Williams*, 2008 U.S. Dist. LEXIS 63946, \*23-24 (D. Or. 2008) (same, for Seventh Day Adventist); *Menefield v. Cate*, 2009 U.S. Dist. LEXIS 96447, \*4 (E.D. Cal. 2009) (same, for Muslim); *Luckette v. Lewis*, 883 F. Supp. 471 (D. Ariz. 1995) (same, for Freedom Church of Revelationist); *LeMay v. Dubois*, 1996 U.S. Dist. LEXIS 11645, \*11-12 (D. Mass. 1996) (injunction permitting Native American to wear necklace because inmates were authorized to wear crosses and Star of David, violating Establishment Clause); *Campos v. Coughlin*, 854 F. Supp. 194, 208 (S.D.N.Y. 1994) (same, for Santeria beads, violating Equal Protection); *Rodriguez v. Coughlin*, 1994 U.S. Dist. LEXIS 5832, \*5 (S.D.N.Y. 1994) (same); *Reinert v. Haas*, 585 F. Supp. 477 (S.D. Iowa 1984) (same, for Native American headbands); *Howard v. U.S.*, 864 F. Supp. 1019, 1027-30 (D. Colo. 1994) (injunction issued to provide space for non-theistic-Satanist where prison made accommodations for other religions, violating Establishment Clause).

Where, as here, the governmental grants a preference among religions, the court must “treat the law as suspect” and “apply strict scrutiny.” *Larson v. Valente*, 456 U.S. 228, 244-46 (1982). Such action is presumed unconstitutional unless “justified by a compelling governmental interest,” and “is closely fitted to further that interest.” *Id.* at 247.<sup>7</sup>

It is important to make clear at the outset that Humanism is treated as an equivalent to religion for purposes of the Establishment Clause, and that theistic belief is not a requirement for religious definition. *See, e.g., Gillette v. U.S.*, 401 U.S. 437, 439, 461-62 (1971) (entertaining claim “based on a humanist approach to religion”); *U.S. v. Seeger*, 380 U.S. 163, 176 (1965); *Torcaso v. Watkins*, 367 U.S. 488, 495 n.11 (1961) (“Secular Humanism” is a “religion”); *Ctr. for Inquiry, Inc. v. Marion Circuit Court Clerk*, 2014 U.S. App. LEXIS 13354, \*8 (7th Cir. 2014) (“CFI”) (Humanism is a religion for Establishment Clause purposes); *Newdow v. U.S. Cong.*, 313 F.3d 500, 504 n.2 (9th Cir. 2002) (“recognized religions exist that do not teach a belief in God, e.g., secular humanism.”); *U.S. v. Ward*, 989 F.2d 1015, 1017-18 (9th Cir. 1993) (recognizing that religion need not be theistic); *Grove v. Mead Sch. Dist.*, 753 F.2d 1528, 1534 (9th Cir. 1985) (recognizing that “Secular humanism may be a religion” for Establishment Clause purposes); *Chess v. Widmar*, 635 F.2d 1310, 1318 n.10 (8th Cir. 1980) (“Secular Humanism” is a “religion”); *In re Weitzman*, 426 F.2d 439, 457 & n.5 (8th Cir. 1970); *Am. Humanist Ass’n & Jason Michael Holden v. United States*, 2014 U.S. Dist. LEXIS 154670, \*15 (D. Or. Oct. 30, 2014) (“the court finds that Secular Humanism is a religion for Establishment Clause purposes” and for equal protection purposes); *Howard*, 864 F. Supp. at 1022 (inmate with “humanistic ethical system” was entitled to practice his “religious” beliefs); *U.S. v. Meyers*, 906 F. Supp. 1494, 1499 (D. Wyo. 1995); *Crockett v. Sorenson*, 568 F. Supp. 1422, 1425 (W.D. Va. 1983) (“secular humanism is a religion”); *ACLU v. Eckels*, 589 F. Supp. 222, 227 (S.D. Tex. 1984); *In re “E”*, 59 N.J. 36, 55 n.4 (1971); *Welker v. Welker*, 24 Wis. 2d 570, 575-76 (1964); *Fellowship of Humanity v. Cnty. of Alameda*, 153 Cal. App. 2d 673 (1st Dist. 1957).<sup>8</sup> *Cf. Remmers v. Brewer*, 494 F.2d 1277, 1278 (8th Cir. 1974) (inmates of nontheistic church were entitled to “exercise their religion in the same degree as other inmates”); *Wright v. Fayram*, 2012 U.S. Dist. LEXIS 84804 (N.D. Iowa 2012) (same).

Indeed, it is well settled that “religious beliefs protected by the . . . Establishment Clauses need not involve worship of a supreme being.” *Kaufman II*, 733 F.3d at 696. As correctly noted by Judge Posner, Establishment Clause jurisprudence treats non-theists as a “sect of nonbelievers.” *ACLU v. St. Charles*, 794 F.2d 265, 270 (7th Cir. 1986). Therefore, Atheism, like Humanism, is treated as a religion. *See Allegheny*, 492 U.S. at 590; *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Kaufman II*, 733 F.3d 692; *Kaufman I*, 419 F.3d 678; *Reed v. Great Lakes Cos.*, 330 F.3d 931, 934 (7th Cir. 2003); *ACLU v. City of Plattsburgh*, 358 F.3d 1020, 1041 (8th Cir. 2004); *Desper v. Ponton*, 2012 U.S. Dist. LEXIS 166546, \*5-6 (E.D. Va. 2012); *Hatzfeld v. Eagen*, 2010 U.S. Dist. LEXIS 139758, \*17-18 (N.D.N.Y. 2010); *Loney v. Scurr*, 474 F. Supp. 1186, 1194 (S.D. Iowa 1979); *State v. Powers*, 51 N.J.L. 432, 434-35 (N.J. Sup. Ct. 1889).

<sup>7</sup> Many courts have analyzed analogous prisoner claims under *Larson* strict-scrutiny. *See Warrior v. Gonzalez*, 2013 U.S. Dist. LEXIS 165387, \*23-24 (E.D. Cal. 2013) (prison’s “strip search policy prefers other religions over Islam. . . . [S]trict scrutiny should be applied.”); *Evans v. Cal. Dep’t of Corr. & Rehab.*, 2012 U.S. Dist. LEXIS 5373, \*5-6 (C.D. Cal. 2012) (prison violated Establishment Clause under *Larson* by providing kosher meals to Jews but not Muslims); *Caruso v. Zenon*, 2005 U.S. Dist. LEXIS 45904, \*47 (D. Colo. 2005) (same); *Glenn v. N.H. State Prison Family Connections Ctr.*, 2012 U.S. Dist. LEXIS 78689, \*12-13 (D.N.H. 2012) (“by offering Christian religious services conducted by state-employed chaplains and Christian Bibles at no cost, and not providing a paid Imam or Qur’ans to inmates, the prison is demonstrating a preference for Christianity over Islam” failing “strict scrutiny”); *Rouser*, 630 F. Supp. 2d at 1194-96.

<sup>8</sup> *See also Kalka v. Hawk*, 215 F.3d 90 (D.C. Cir. 2000) (assuming, without deciding, Humanism is a religion for Establishment Clause purposes); *Smith v. Board of Sch. Comm’rs*, 827 F.2d 684, 689 (11th Cir. 1987) (same).

Although Humanism is not theistic, the Supreme Court in *Torcaso* recognized “Secular Humanism” as a religion for Establishment Clause purposes. 367 U.S. at 495. The Court explained that under the Establishment Clause, the government must not aid “those religions based on a belief in the existence of God as against those religions founded on different beliefs.” 367 U.S. at 495. Following that statement, the Court recognized: “Among [those] religions” are “Secular Humanism.” *Id.* at n.11.

In *Kaufman I*, the Seventh Circuit held that a prison violated the Establishment Clause by refusing to authorize an Atheist study group. 419 F.3d at 681. The prison denied the request on the ground that Atheism is not a religion. The court disagreed, reasoning “[t]he Supreme Court has recognized atheism as **equivalent to a ‘religion.’**” *Id.* at 682-83. In *Kaufman II*, the Seventh Circuit once again held that a different prison’s refusal to recognize an Atheist study group was unconstitutional. 733 F.3d 692. Inmates at that facility could “practice religion through ‘Umbrella Religious Groups.’” *Id.* at 695. The chaplain denied the application, asserting it was “not viewed as a religious request.” *Id.* Another official added that an Atheist study group is “more educational and philosophical in nature.” *Id.* at 695-96. The Seventh Circuit criticized the prison for disregarding *Kaufman I*, but noted the district court did not “make that mistake.” *Id.* at 694. Yet the district court “suggested that insofar as Kaufman’s request included sub-groups such as ‘Humanist’ and ‘Freethinker,’ it was not a religious request because it swept in too many dissimilar schools of thought.” *Id.* at 697. The Seventh Circuit rejected these contentions, concluding that the prison failed to provide a “legitimate secular justification” for “discriminating between the proposed atheist study group and the seven recognized umbrella groups.” *Id.*

Most notably, the federal district court of Oregon recently denied the Federal Bureau of Prison’s motion to dismiss in our lawsuit challenging the department’s refusal to recognize Humanism as a religious assignment and its refusal to authorize a Humanist study group. *Am. Humanist Ass’n & Jason Michael Holden v. United States*, 2014 U.S. Dist. LEXIS 154670, \*15 (D. Or. Oct. 30, 2014) (“the court finds that Secular Humanism is a religion for Establishment Clause purposes” and for equal protection purposes). There, the court explained that the plaintiffs (AHA and Jason Holden) “have made a colorable claim that defendants have violated Holden’s First Amendment rights” by refusing to authorize a Humanist study group. *Id.* at \*14. The court went on to deny the government officials qualified immunity, reasoning:

Defendants argue that they are unaware of any Supreme Court precedent or circuit court decision issued before or during the period where the alleged violation occurred that has held that Humanism is a religion for the purposes of the Establishment Clause. However, as noted above, the Supreme Court in *Torcaso*, referred to “Secular Humanism” as a religion. 367 U.S. at 495 n. 11. Moreover, in *McCreary County, Ky. v. American Civil Liberties Union of Ky.*, the Supreme Court said that the touchstone of the Establishment Clause was the “principle that the First Amendment mandates government neutrality between religion and religion, and *between religion and nonreligion.*” 545 U.S. 844, 860 [] (2005) (emphasis added). **Thus, whether Humanism is a religion or a nonreligion, the Establishment Clause applies.** In addition, the Seventh Circuit has held that a prison violated inmates’ constitutional rights when it refused to allow an Atheist study group on the grounds that it was not a religion. *Kaufman v. McCaughtry*, 419 F.3d 678 (7th Cir. 2005). This year, the Seventh Circuit laid it out even more clearly, “when making accommodations



in prisons, states must treat atheism as favorably as theistic religion,” and that, “[w]hat is true of atheism is equally true of humanism, and as true in daily life as in prison.” *Ctr. for Inquiry, Inc. v. Marion Circuit Court Clerk*, 758 F.3d 869, 873 (7th Cir. 2014). . . . Rather, the court simply summarized the law as it is commonly understood. Thus, the court finds that the right was clearly established and that defendants have not presented sufficient evidence to demonstrate that the individual defendants are entitled to qualified immunity.

*Id.* at \*22-23.

Here, as in the above-cited cases, the prison is violating Mr. Teague’s “clearly established” constitutional rights under the First Amendment. Specifically, by refusing to authorize a Humanist study group while authorizing groups for many religions, the Department is unconstitutionally preferring some religions over Humanism, and to a certain extent, theism over non-theism. *See also Larson*, 456 U.S. at 246; *Rouser*, 630 F. Supp. 2d at 1195-96 (“evidence that Native American inmates are allowed access to a sweat lodge and fire pit, while Wiccan inmates are not” is denominational preference subject to strict scrutiny). This amounts to a “denominational preference.” *See id.*; *Warrior*, 2013 U.S. Dist. LEXIS 165387, \*22-23 (denominational preference found where strip-searches were conducted at Islamic services but not at “Catholic and Jewish programming”); *Fulwood v. Clemmer*, 206 F. Supp. 370, 374 (D.C.D.C. 1962) (denial of medals to Muslims while allowing them for other religions constituted religious discrimination).

Significantly, the Department reportedly authorizes meeting groups for other “religions” that do not necessarily profess a belief in a supernatural God, including Buddhism (*Torcaso*, 367 U.S. at 495 n.11), and Wicca, indicating that its refusal to accommodate Humanists on such grounds is pretext; based on invidious McCarthy-era stereotypes against Atheists/Humanists as a class. But “secular humanism is a religion, as much so as Buddhism.” *Crockett*, 568 F. Supp. at 1425. Such underinclusive enforcement suggests the government’s “supposedly vital interest” is not compelling. *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 546-47 (1992).<sup>9</sup>

While the Department’s refusal to accommodate a Humanist group is properly analyzed under *Larson* strict-scrutiny, *supra*, its refusal also fails the tripartite *Lemon* test (*Lemon v. Kurtzman*, 403 U.S. 602 (1971)). Pursuant to *Lemon*, governmental action violates the Establishment Clause if: (1) it favors “one religion over another without a legitimate secular reason,” *Nelson v. Miller*, 570 F.3d 868, 881 (7th Cir. 2009); (2) its effect is to advance, endorse or inhibit religion; or (3) it fosters excessive entanglement with religion. *Allegheny*, 492 U.S. at 592; *Inouye*, 504 F.3d at 713 n7. Government action “violates the Establishment Clause if it fails to satisfy any of these prongs.” *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987).

The Department’s refusal violates the Establishment Clause under the first prong of *Lemon* because it has no “legitimate secular reason” for treating Humanists differently. *See Kaufman II*, 733 F.3d at 697; *Sherman-Bey*, 2011 U.S. Dist. LEXIS 73801, \*27-28 (rejection of group “services based on religious disagreement, not logistical reasons” violates Establishment Clause). In *Kaufman I*, the Seventh Circuit held that a prison had no “legitimate secular reason” for refusing an Atheist study group, thus violating the Establishment Clause pursuant to the “first part of the *Lemon* test.” 419 F.3d

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<sup>9</sup> It bears emphasis that without a Humanist option (or even an Atheist option) Mr. Teague felt compelled to switch his official religious designation to “Buddhism,” as it was the closest label to his deeply held Humanist convictions. However, Mr. Teague is not a Buddhist and prefers to meet with other Humanists in the prison.

at 683-84. Specifically, they “advanced no secular reason why the security concerns they cited as a reason to deny his request for an atheist group do not apply equally to gatherings of Christian, Muslim, Buddhist, or Wiccan inmates.” *Id.* at 684.

Regardless of the purposes motivating its decision, the Department’s actions fail constitutional muster under the second prong of *Lemon*, which “‘asks whether, irrespective of the government’s actual purpose,’” the practice “conveys a message of endorsement” of some religions over others. *Access Fund v. U.S. Dep’t of Agric.*, 499 F.3d 1036, 1045 (9th Cir. 2007). In *Rouser*, prison staff made announcements “to the general population about Protestant, Catholic and Muslim services, but rarely announce[d] Wiccan services.” 630 F. Supp. 2d at 1196. The court held that defendants failed to show that “the announcement policy does not have the primary effect of advancing or inhibiting religion” under *Lemon*. *Id.* at 1199. Likewise, allowing Buddhists, Wiccans, and Rastafarians to meet in groups while outright denying the same to Humanists, amounts to an unconstitutional preference for some religions.

In addition to violating the Establishment Clause, *supra*, the Department’s refusal to accommodate a Humanist meeting group violates the Equal Protection Clause of the Fourteenth Amendment. *See Cooper v. Pate*, 378 U.S. 546 (1964) (inmate stated claim when “alleging that solely because of his religious beliefs he was denied . . . privileges enjoyed by other prisoners”); *Reed v. Faulkner*, 842 F.2d 960, 964 (7th Cir. 1988) (“defendants are treating the Rastafarians differently from American Indians (and doing so deliberately) for no reason at all; and if so this is a denial of equal protection of the laws in an elementary sense.”).

The “equal protection guarantee ensures that prison officials cannot discriminate against particular religions.” *Freeman v. Arpaio*, 125 F.3d 732, 737 (9th Cir. 1997). Prisons must afford an inmate of a minority religion “a reasonable opportunity of pursuing his faith comparable to the opportunity afforded fellow prisoners who adhere to conventional religious precepts.” *Cruz v. Beto*, 405 U.S. 319, 322 (1972) (per curiam). Prisons need not provide identical facilities or personnel to different faiths, *id.* at 322 n.2, but must make “good faith accommodation of the [prisoners’] rights in light of practical considerations.” *Allen v. Toombs*, 827 F.2d 563, 569 (9th Cir. 1987).

There is no question that the Department denied Mr. Teague’s application for a Humanist group simply because of his deeply held Humanist convictions. As such, the Department’s refusal amounts to discrimination on the basis of religion. The “denial of [a] privilege to adherents of one faith while granting it to others is discrimination on the basis of religion.” *Native American Council of Tribes v. Solem*, 691 F.2d 382, 384-85 (8th Cir. 1982) (emphasis added). *See Cooper*, 382 F.2d at 522. *See also Brown v. Johnson*, 743 F.2d 408, 413 (6th Cir. 1984) (“by allowing prisoners of other faiths and their respective churches to hold group worship services, while denying plaintiffs the same privilege” undoubtedly “is a distinction among religious faiths.”); *Fulwood*, 206 F. Supp. at 374 (“By allowing some religious groups to hold religious services” while “denying that right to petitioner and other Muslims, respondents have discriminated” on the basis of religion); *Hatzfeld v. Goord*, 2007 U.S. Dist. LEXIS 98782, \*13-14 (N.D.N.Y. 2007) (where Hepatitis C treatment could only be obtained through participation in theistic substance abuse program, defendants discriminated against inmate “**because he was an atheist.**”). *Cf. CFI*, 2014 U.S. App. LEXIS 13354, \*13 (statute violated Equal Protection because it arbitrarily discriminated against Humanists).

Where, as here, the government discriminates on the basis of religion, a “suspect” class, strict scrutiny applies. *Ass’n of Christian Schs. Int’l v. Stearns*, 362 Fed. Appx. 640, 646 (9th Cir. 2010)

(religion is a suspect class); *Ball v. Massanari*, 254 F.3d 817, 823 (9th Cir. 2001) (same); *Rupe v. Cate*, 688 F. Supp. 2d 1035, 1041-49 (E.D. Cal. 2010); *Remmers v. Brewer*, 361 F. Supp. 537, 542 (S.D. Iowa 1973). Discrimination against Atheists/Humanists requires even closer scrutiny due to the history of invidious discrimination against this class. The Court has noted the dangers of failing to examine prevailing stereotypes in an equal protection analysis. *Miss. Univ. for Women v. Hogan*, 458 U.S. 718, 725-26 (1982). “Some classifications are more likely than others to reflect deep-seated prejudice,” and governmental action “predicated on such prejudice” is wholly incompatible with equal protection. *Plyler v. Doe*, 457 U.S. 202, 216 n.14 (1982).

Prejudice against Atheists/Humanists dates back to our nation’s founding<sup>10</sup> and continues today. Surveys, such as a study published in *American Sociological Review* in 2006, ranked Atheists as the most disliked and distrusted minority group in the country, ranking below recent immigrants, Muslims, and gays.<sup>11</sup> Even after the September 11 attacks, a study revealed that while a significant number of Americans would be reluctant to vote for a well-qualified candidate if he or she were Muslim (38%), many more expressed reservations about voting for an Atheist (52%).<sup>12</sup> To date, only one member of Congress has been *openly* Atheist, which wasn’t until 2007.<sup>13</sup> At least 7 states still have laws that prohibit Atheists from holding public office, and Atheists in at least 13 countries can face execution for their expressing their beliefs.

The federal district court of Oregon recently agreed with us that refusing to recognize a Humanist meeting group while recognizing such groups for theistic religions is a violation of Equal Protection. Specifically, the court wrote:

Here, plaintiffs have clearly shown that Holden's religious beliefs were the reason why defendants refused to grant his requests. Defendants' actions need not be malicious, only motivated by the fact that plaintiffs' hold a different set of religious beliefs. Allowing followers of other faiths to join religious group meetings while denying Holden the same privilege is discrimination on the basis of religion. Therefore, the court finds that plaintiffs have alleged sufficient facts to state an equal protection claim for relief that is plausible on its face.

*Am. Humanist Ass'n v. United States*, 2014 U.S. Dist. LEXIS 154670, \*16-17 (D. Or. Oct. 30, 2014).

In view of the above, it is plain that the Department is violating Mr. Teague’s “clearly established” constitutional rights under the Establishment Clause and Equal Protection Clause. As such, the Department and its officials may be sued under 42 U.S.C. § 1983 for damages, an injunction, and attorneys’ fees. This letter serves as a *final* notice of the unconstitutional activity and demands that the Department immediately: (1) authorize a Humanist meeting group; (2) allow Mr. Teague to identify as a “Humanist” on his official prison record (OPUS); and (3) and provide us with

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<sup>10</sup> Denying the existence of God was a criminal offense. 4 William Blackstone, *Commentaries on the Laws of England: A Facsimile of the First Edition of 1765-1769*, at 59 (1979).

<sup>11</sup> Penny Edgell, *Atheists As “Other”: Moral Boundaries and Cultural Membership in American Society*, AM. SOC. REV. Vol 71, 211 (2006).

<sup>12</sup> The Pew Forum on Religion & Public Life, *July 24, 2003: Many Wary of Voting For an Atheist or a Muslim*, 1, 10-14 (2003).

<sup>13</sup> Secular Coalition for America, *Congressman Comes Out as Nontheist, Wins Re-election! Secular Coalition Congratulates Rep. Pete Stark of California*, (November 5, 2008). More illuminating is the fact that former Rep. Barney Frank (D-Mass) publically declared his homosexuality in the 1980s but did not disclose being an Atheist until *after* retiring.

written assurances that such measures will be taken and that Mr. Teague will be allowed to meet with other Humanists on the same terms as inmates of religious groups in the North Carolina prisons.

We are most hopeful that you will recognize the concerns raised by this letter and address them properly. To avoid legal action, please respond within fourteen (14) days. We thank you in advance for your attention to this matter.

Very truly yours,  
Monica Miller, Esq.

cc:

David Mitchell, Administrator  
Lanesboro Correctional Institution  
PO Box 280  
Polkton, NC 28135

Kwame Teague 0401897  
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# **Exhibit 11**



Monica Miller <mmiller@americanhumanist.org>

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## Trying to get in touch

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**Monica Miller** <mmiller@americanhumanist.org>  
To: betty.brown@ncdps.gov

Mon, Jan 12, 2015 at 6:31 PM

Hello Ms. Brown,

I tried to reach you today to discuss the letter I sent on behalf of Kwame Teague. Please let me know when you are available to speak.

-Monica

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