

government.

Section 3: Free Exercise of Religion Protected

(a) IN GENERAL - Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b).

(b) EXCEPTION - Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(c) JUDICIAL RELIEF - A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under Article III of the Constitution.

156. *Id.*

157. *See Oregon Employment Division v. Smith*, 494 U.S. 872, 897 (1990) (O'Connor, J., concurring in the judgment).

158. *See* S. REP. NO. 103-11, at 1898. For example, RFRA does not prohibit neutral and compelling land-use regulations, such as fire codes, that may apply to structures owned by religious institutions but that do not substantially impact on religious practices.

159. *See Bowen v. Roy*, 476 U.S. 693 (1986) (holding that the manner in which the Government manages its internal affairs and uses its own property does not constitute a cognizable burden on an individual's exercise of religion).

160. S. REP. NO. 103-11, at 1898.

161. *O'Lone v. Estate of Shabazz*, 482 U.S. 342, 348. (1987).

162. S. REP. NO. 103-11, at 1899.

163. *Id.*

164. *Id.* at 1900.

165. *Id.*

166. Mark Hansen, *Religious Freedom Act Worries AGs*, A.B.A. J., Feb. 1994, at 20.

167. *Id.*

168. *Id.*

169. *Id.* This claim may prove to be true. In *Lawson v. Dugger*, 844 F. Supp. 1538 (S.D. Fla. 1994) the court, holding for the plaintiff inmates, concluded that RFRA was intended to apply retroactively.

While RFRA does not use the actual term "retroactive," it is abundantly clear from the language that it applies to this case. This case unquestionably is an "implementation of [federal and state] law, ... statutory or otherwise, ... adopted before ... the enactment of RFRA.

See also Smith v. Elkins, 19 F.3d 29, 1994 U.S. App. LEXIS 12177 (9th Cir. March 2, 1994) (concluding that "Congress clearly intended to apply RFRA retroactively").

170. Steinfelds, *supra* note 154, at A13.

171. Hansen, *supra* note 166, at 20.

172. This group was comprised of a surprising coalition of supporters, including the following: The National Association of Evangelicals, The Southern Baptist Convention, The National Council of Churches, The American Jewish Congress, The National Conference of Catholic Bishops, The Mormon Church, The Traditional Values Coalition, and the ACLU.

173. Hansen, *supra* note 166, at 20.

174. *Id.* Robert Peck of the ACLU characterized the arguments of the amendment's proponents as "uninformed" and "terribly overblown." He regarded many of the statements made as "patently untrue" and pointed at the broad support of religious and public-interest groups.

175. ___ F. Supp. ___, No. 94 Civ. 1057 (SS), 1994 U.S. Dist. LEXIS 5721 (S.D.N.Y. 1994).

176. *Id.* Curiously, the court cited the "penological interests involved" in determining that strict scrutiny under RFRA was *not* applicable. In light of the extensive treatment given the issue as to whether RFRA should apply in the prison context, arguably the court should have found that strict scrutiny *did* indeed apply; *see* S. REP. NO. 103-11.

177. *Id.*

178. ___ F. Supp. ___, No. 4:CV 92-3107, 1994 U.S. Dist. LEXIS 5663 (D. Neb. 1994). The court granted the defendant penitentiary's motion for summary judgment on the issue of money damages, but then allowed the case to proceed on the merits for declaratory and injunctive relief.

179. *Id.* According to the inmates, Asatru is an "Icelandic word/term for the ancient religion of the Teutonic people of Northern Europe, and is also known as 'Odinism' or 'Troth.'" The faith calls for worship of its deities by the sacrifice of meat.

180. *Id.*

181. *Id.*

182. *See, e.g.,* Allah v. Menei, 844 F. Supp. 1056 (E.D. Pa. 1994) (holding that defendants' "bald allegation" of interest in maintaining order and discipline was insufficient to support a motion for summary judgment); *see also* Canedy v. Boardman, 16 F.3d 183, 1994 U.S. App. LEXIS 2120 (7th Cir. Feb. 8, 1994); Lawson v. Dugger, 844 F. Supp. 1538 (S.D. Fla. 1994); Rust v. Clarke, 1994 U.S. Dist. LEXIS 5663 (D. Neb. April 21, 1994); Campos v. Coughlin, 1994 U.S. Dist. LEXIS 5721 (S.D.N.Y. May 3, 1994); Rodriguez v. Coughlin, 94 Civ. 2290 (SS), 1994 U.S. Dist. LEXIS 5832 (S.D.N.Y. May 3, 1994).

183. *See, e.g.,* Brown-El v. Harris, 1994 U.S. App. LEXIS 14379 (8th Cir. June 13, 1994) (refusing

to consider the "new standard of review" under RFRA because the inmate failed to raise his claim under RFRA and failed to show that the prison's policy restricted his religious freedom); *see also* Jackson v. Coughlin, 1994 N.Y. App. Div. LEXIS 5620 (N.Y. App. Div. May 26, 1994); Merritt-Bay v. Delo, 1994 U.S. App. LEXIS 14892 (8th Cir. June 17, 1994); Messina v. Mazzeo, 1994 U.S. Dist. LEXIS 7054 (E.D.N.Y. May 24, 1994); Scarpino v. Grosshiem, 1994 U.S. Dist. LEXIS 7161 (S.D. Iowa April 13, 1994).

184. Knight, *supra* note 8, at 448.

185. MUSHLIN, *supra* note 35, at 271.

186. The Fourteenth Amendment to the United States Constitution states, "Nor shall any state ... deny to any person within its jurisdiction the equal protection of the laws." U.S. CONST. amend. XIV.

187. 405 U.S. 319 (1972) (holding that prison officials discriminated against a Buddhist inmate by denying him a reasonable opportunity to pursue his faith comparable to that offered other inmates adhering to conventional religious precepts); *see also* Newton v. Cupp, 474 P.2d 532, 536 (Or. App. 1970) (holding that if members of one faith can practice their religious beliefs and possess religious materials, equivalent opportunity must be available to members of other faiths).

188. For further discussion of which religious practices are permitted, *see infra* notes 214-361.

189. *Cruz*, 405 U.S. at 322.

190. Knight *supra* note 8, at 448.

191. *Id.*

192. No activity is absolutely protected in the prison environment. Clear reasons amounting to a compelling interest (*e.g.*, relating to prison security, order, discipline, or rehabilitation) may override a prisoner's claim to even the most fundamental of religious activities.

193. *Id.* at 448.

194. *Id.*

195. *Id.*

196. *Id.*

197. *Id.*

198. For a good illustration of the Equal Protection problem, *see* Maguire v. Wilkinson, 405 F. Supp. 637 (D. Conn. 1975) (holding that a prison regulation giving prisoners the right to wear beards on the basis of religious convictions only if they had beards at the time of incarceration violated both the First and Fourteenth Amendments).

199. U.S. CONST. amend. I.

200. MUSHLIN, *supra* note 35, at 272.

201. *Id.*

202. *Lemon v. Kurtzman*, 403 U.S. 602 (1971).

203. *Knight supra* note 8, at 445. This holding would also deprive prison officials of a sometimes effective rehabilitative tool.

204. *Id.*; *see also* *Sch. Dist. of Abington Township v. Schempp*, 374 U.S. 203 (1963) (Brennan, J., concurring).

205. MUSHLIN, *supra* note 35, at 273.

206. 428 U.S. F.2d 1, 4 (3rd Cir. 1970).

207. *Id.*

208. *Knight supra* note 8, at 446; *see also* *Therault v. Carlson*, 495 F.2d 390, 395 (5th Cir. 1973).

209. *Id.*; *see also* *Gittlemacker v. Prasse*, 428 U.S. F.2d 1, 4 (3rd Cir. 1970) (holding that the state was not required to hire a Jewish chaplain for a prison with only two or three Jewish inmates); *Reimers v. Oregon*, 863 F.2d 630 (9th Cir. 1988) (holding that Pentecostal inmates do not have a right to a Pentecostal minister in prison); *Allen v. Toombs*, 827 F.2d 563 (9th Cir. 1988) (holding that the state had no affirmative duty to provide a Native American inmate with a spiritual counselor of his choice); *but cf.* *Northern v. Nelson*, 315 F. Supp. 687 (N.D. Cal. 1970), *aff'd*, 448 F.2d 1266 (9th Cir. 1971) (holding that the state had to pay for the services of a Muslim imam. In *Gittlemacker*, the prison had only two or three Jewish inmates. In *Northern*, however, the prison had many Muslim inmates. Moreover, the state had already hired Christian chaplains).

210. Many of these clergy people could likely function as spokespersons for their own faith.

211. *See, e.g.*, *Card v. Duggcr*, 709 F. Supp. 1098 (M.D. Fla. 1988), *aff'd*, 871 F.2d 1023 (11th Cir. 1989) (holding that no Establishment Clause violation existed, even though all the prison chaplains were Southern Baptists, when the majority of the prison population was Protestant, the chaplains were instructed to attempt to meet the needs of all inmates or secure the services of volunteer clergy, and the position of chaplain was open to any qualified clergy without regard to religion).

212. *Knight supra* note 8, at 447.

213. *Id.*

214. *Id.*

215. *Campbell v. Cauthron*, 623 F.2d 503, 509 (8th Cir. 1980); *see also* *Parnell v. Waldrep*, 511 F. Supp. 764 (W.D.N.C. 1981) (holding as violative of the Establishment clause the practice of only permitting inmates to use Bibles and little Christian tracts); *Reimers v. Oregon*, 863 F.2d 630 (9th Cir. 1988) (holding as violative of the Establishment Clause a state statute that requires the hiring of a Catholic chaplain, but not chaplains of other faiths).

216. MUSHLIN, *supra* note 35, at 274.

217. *Knight supra* note 8, at 448. Any rule, regulation, or practice that punishes an inmate for failing to practice administratively approved religions or for practicing "unsanctioned religions" also violates the Establishment Clause.

218. Many religions have strict rules regarding hair or beard length. For example, male orthodox Jews are required to wear beards; Rastafarians and members of various Native American tribes are forbidden to cut their hair.

219. 874 F.2d 69 (2d Cir. 1987), *rev'g.* 693 F. Supp. 1536 (S.D.N.Y. 1988).

220. *Id.*

221. 649 F. Supp 512 (S.D.N.Y. 1986), *aff'd*, 817 F.2d 227 (2d Cir. 1987).

222. 484 U.S. 909, 108 S. Ct. 254 (1987).

223. *Fromer*, 874 F.2d at 69.

224. *Id.* at 71.

225. *Id.* at 74.

226. *Id.*

227. *Id.* at 75.

228. *Id.*

229. MUSHLIN, *supra* note 35, at 287.

230. *Id.*

231. *Id.*

232. *Id.* at 288. Muslim, Rastafarian, Jewish, and Native American faiths are examples of religions that require the head to be covered with a prescribed hat or cap.

233. *Id.*

234. 922 F.2d 370 (7th Cir. 1991).

235. *Id.*

236. *Id.*

237. *Id.* at 376.

238. MUSHLIN, *supra* note 35, at 289; *see, e.g.*, *Benjamin v. Coughlin*,

(holding that Rastafarians can be prevented from wearing loose fitting crowns because of the "ease with which contraband can be secreted" in them).

239. *See, e.g.*, *Lawson v. Dugger*, 840 F.2d 781, 784 (11th Cir. 1987), *vacated*, 490 U.S. 1078 (1989).

240. 935 F.2d 1106 (10th Cir. 1991).

241. MUSHLIN, *supra* note 35, at 289.

242. *Id.*

243. *Id.*

244. A number of religions require adherents to observe strict diets. Two of the most familiar, and consequently, most litigious groups, are the Jews and the Muslims. Jewish law mandates strict observance of Kosher laws, and Muslims may not eat pork. In addition, other less well-known religions have dietary laws that are impossible to follow if the adherents are limited to standard prison food.

245. MUSHLIN, *supra* note 35, at 290.

246. *Id.*

247. *Id.*

248. *Id.* at 291.

249. *See, e.g.,* Walker v. Blackwell, 411 F.2d 23 (5th Cir. 1969).

250. 527 F.2d 492 (2d Cir. 1975).

251. *Id.* at 495.

252. *Id.*

253. *Id.*

254. *Id.*

255. *Id.* at 496. The court refused to order the prison to provide Kahane with frozen dinners.

256. *See* Benjamin v. Coughlin, 905 F.2d 571,579 (2d Cir. 1990).

257. MUSHLIN, *supra* note 35, at 291.

258. *Id.*

259. *See supra* notes 182-195.

260. United States *ex rel* Wolfish v. Levi, 439 F. Supp. 114 (S.D.N.Y. 1977), *aff'd*, 573 F.2d 118 (2d Cir. 1978), *rev'd on other grounds sub nom.*, Bell v. Wolfish, 441 U.S. 520 (1979).

261. Muhammed v. McMickens, 708 F. Supp. 607 (S.D.N.Y. 1977).

262. Al-Almin v. Gramley, 926 F.2d 680 (7th Cir. 1991) (permitting Muslims to purchase, at their own expense, commercially prepared and packaged food for Ramadan and the feast of Eid-UI-Fitr).

263. Champman v. Pickett, 586 F.2d 22 (7th Cir. 1978).

264. Johnson v. Moore, 926 F.2d 921, 923 (9th Cir. 1991) (holding that a claim for religious diet was properly dismissed when plaintiff showed no proof that his vegetarianism was "rooted in religious belief.").

265. Benjamin v. Coughlin, 905 F.2d at 571 (dismissing a Rastafarian inmate's claim for a religious diet because plaintiff failed to show the "exact nature of the dietary request").

266. *Id.*

267. MUSHLIN, *supra* note 35, at 293.

268. *Id.* at 294.

269. Prison officials have readily given this encouragement to prisoners who adhere to conventional faiths. Officials, however, have not been as willing to encourage those inmates who wish to practice less traditional faiths. In addition, inmates who have been segregated in disciplinary or protective-custody units have not received the same treatment as general-population inmates.

270. MUSHLIN, *supra* note 35, at 294.

271. *Id.*

272. Hadi v. Horn, 830 F.2d 779, 787 (7th Cir. 1987). The occasional failure to hold services is not actionable, if for example, the failure results from the prison's reasonable attempt to meet the religious, social, and recreational needs of all the prisoners in a given facility.

273. Although the courts have ruled that adherents of the Black Muslim faith may congregate for the purposes of worship, two conditions must be met: (1) services must be monitored by prison authorities, and (2) services can be canceled if the authority of the institution is defied at the service. These conditions were found to be necessary because the teachings of this particular faith advocate separatism and hatred of "white" peoples.

274. MUSHLIN, *supra* note 35, at 294.

275. *Hadi*, 830 F.2d at 779.

276. *Id.* For example, conflicts may arise because self-proclaimed inmate religious leaders may lack the necessary experience or knowledge to resolve issues or concerns that arise during religious meetings. In addition, prisoner-led services could possibly be used as a pretext for gang meetings or for the "dissemination of views interfering with order in the prison."

277. Hobbs v. Pennell, 754 F. Supp. 1040 (D. Del. 1991).

278. Johnson-Bey v. Lane, 863 F.2d 1308, 1312 (7th Cir. 1988).

279. *Id.*

280. *Id.*

281. *Id.* Inmates may not be denied access, and prison officials may not delay or refuse to arrange for outsiders to conduct services.

282. Cooper v. Tard, 855 F.2d 125, 129 (3d Cir. 1988).

283. *Id.*

284. MUSHLIN, *supra* note 35, at 296.

285. *Cooper*, 855 F.2d at 130.

286. *Id.*

287. MUSHLIN, *supra* note 35, at 296.

288. *Id.*

289. *Clifton v. Craig*, 924 F.2d 182 (10th Cir.1990), *cert. denied*, 112 S. Ct. 97 (1991) (holding that prison officials could not be required to provide separate church services for members of the Church of Christ when services were available for Christians); *see also* *Matiyn v. Commissioner Dep't of Corrections*, 726 F. Supp. 42 (W.D.N.Y. 1989) (holding that Sunni Muslims were not denied free-exercise rights when permitted to attend services with Shia Muslims).

290. *Clifton*, 924 F.2d at 185.

291. Practitioners of WICCA are also known as witches.

292. MUSHLIN, *supra* note 35, at 297.

293. *Id.*

294. *Beck v. Lynaugh*, 842 F.2d 759, 761 (5th Cir. 1988).

295. MUSHLIN, *supra* note 35, at 297.

296. *See, e.g.,* *Matiyn v. Henderson*, 841 F.2d 31, 37 (2d Cir. 1988) (holding that the exclusion of inmates in punitive segregation from congregative religious services is reasonably related to valid penological goals); *Aliym v. Miles*, 679 F. Supp. 1 (W.D.N.Y. 1988) (holding that the denial of congregative religious services to a prisoner who is sentenced to one year in disciplinary segregation is reasonable).

297. *McDonald v. Hall*, 579 F.2d 120 (1st Cir. 1978).

298. *LaReau v. MacDougall*, 473 F.2d 974, 979 (2d Cir. 1972), *cert. denied*, 414 U.S. 878 (1973)

299. MUSHLIN, *supra* note 35, at 298. Mushlin considers this to be the better reasoned approach to this problem. This approach requires the courts to analyze and evaluate each case separately rather than applying blanket prohibitions without regard for individual determinations.

300. *Id.*

301. *Id.*

302. *Young v. Coughlin*, 866 F.2d 567, 570 (2d Cir. 1989) (stating that prison authorities should afford prisoners every reasonable opportunity to attend religious services).

303. *See, e.g.,* *Williams v. Lane*, 851 F.2d 867, 877 (7th Cir. 1988) (holding that a single non-denominational service provided in the protective-custody unit was "an inadequate and needlessly inferior alternative" for meeting the inmates' free-exercise needs).

304. *See, e.g.,* *Stroud v. Roth*, 741 F. Supp. 559 (E.D. Pa. 1990) (upholding the denial of access to

religious services for a protective-custody inmate placed in segregation after attacking the inmate imam and receiving threats from other inmates).

305. *Termunde v. Cook*, 684 F. Supp. 255, 263 (D. Utah 1988).

306. *See, e.g., Griffin v. Coughlin*, 743 F. Supp. 1006 (N.D.N.Y. 1990) (holding that inmates are entitled to private, meaningful religious meetings with religious advisors in a private meeting room).

307. MUSHLIN, *supra* note 35, at 299. Prisoners who convert to Islam change their names because they find their given names "religiously offensive ... as a sign or mark of a spiritually unenlightened state which they have transcended."

308. *Id.*

309. *Id.* at 300.

310. *Id.*

311. *Id.*

312. *Id.*

313. *See, e.g., Masjid Muhammed-D.C.C. v. Keve*, 479 F. Supp. 1311, 1323 (D.Del. 1979); *Salaam v. Lockhart*, 905 F.2d 1168 (8th Cir. 1990) ("Salaam II"); *Ali v. Dixon*, 912 F.2d 86, 90 (4th Cir. 1990) ("The First Amendment protects an inmate's right to legal recognition of an adopted religious name.").

314. MUSHLIN, *supra* note 35, at 301.

315. *Id.*

316. *Id.*

317. *Barrett v. Virginia*, 689 F.2d 498 (4th Cir. 1982) (striking state law that prohibited inmates from obtaining court-ordered name changes); *Masjid-Muhammed-D.C.C.*, 479 F. Supp. at 1311 (striking blanket prison "committed-name" policy as unconstitutional).

318. MUSHLIN, *supra* note 35, at 301.

319. *Id.*

320. *See, e.g., Salaam v. Lockhart*, 905 F.2d 1168, 1170 (8th Cir. 1990) (holding that mail must be delivered if addressed to an inmate with his new name).

321. *See, e.g., Ali v. Dixon*, 912 F.2d at 86 (holding that a Muslim prisoner with a new name cannot be required to use his old name to withdraw funds from his prison account); *but c.f. Felix v. Rolan*, 833 F.2d 517 (5th Cir. 1988) (holding that prison records must contain the new name, but prison officials can continue to require that the inmate use his committed name as a method of identification when he seeks to use the law library).

322. *Azeez v. Fairman*, 604 F. Supp. 357, 364 (C.D. Ill. 1985).

323. *Masjid-Muhammed-D.C.C. v. Keve*, 479 F. Supp. 1311, 1325 (D.Del. 1979).

324. *Azeez*, 604 F.Supp. at 364. Prison officials, however, cannot discipline a Muslim inmate for failing to acknowledge his or her non-religious name.
325. MUSHLIN, *supra* note 35, at 302.
326. *Salaam*, 905 F.2d 1168, 1172 (8th Cir. 1990)
327. *Salaam v. Lockhart*, 856 F.2d 1120, 1122 (8th Cir. 1988) ("Salaam I").
328. *Id.*
329. MUSHLIN, *supra* note 35, at 302.
330. *Salaam*, 905 F.2d at 1173 ("Salaam II").
331. *Id.* at 1174.
332. *Id.* at 1173.
333. *Id.* at 1168.
334. *Id.* at 1175
335. *Id.*; *see also* *Ali v. Dixon*, 912 F.2d 86, 90 (4th Cir. 1990) (noting the "obvious" difficulties posed by requiring prison staff to memorize a second name after having made the effort to memorize the first).
336. *Id.* The *Salaam* court did reserve the power to order prison guards to address inmates by their religious names, noting that a court order of this type would be a *de minimis* intrusion into the prison administration's authority. The court cited the danger of allowing guards to deliberately "bait" inmates by refusing to address inmates by their chosen names.
337. *See, e.g.*, *Gittlemacker v. Prase*, 428 F.2d 1 (3rd Cir. 1970) (holding that the state was not required to hire a Jewish chaplain for a prison with only two or three Jewish inmates); *see also* *Reimers v. Oregon*, 863 F.2d 630 (9th Cir. 1988) (holding that Pentecostal inmates do not have a right to a Pentecostal minister in prison); *but see* *Northern v. Nelson*, 315 F. Supp. 687 (N.D. Cal 1970), *aff'd*, 448 F.2d 1266 (9th Cir. 1971) (holding that the states must hire and pay for the services of a Muslim imam).
338. MUSHLIN, *supra* note 35, at 304.
339. *Johnson-Bey v. Lane*, 863 F.2d 1308, 1310 (7th Cir. 1988).
340. *Cooper v. Pate*, 382 F.2d 518 (7th Cir. 1967); *Saleem v. Evans*, 866 F.2d 1313 (11th Cir. 1989) (holding valid plaintiff's claim that the prison refused to allow entry to a Muslim imam of the Nation of Islam but allowed entry to an imam of the American Muslim Mission); *Johnson-Bey*, 863 F.2d at 1311 (holding that the state could bar entry to a Muslim cleric because, as a convicted felon, his presence at the facility constituted a threat to security).
341. *Johnson-Bey*, 863 F.2d at 1311.
342. *Id.*

343. *See, e.g.,* Finney v. Hutto, 410 F. Supp. 251 (E.D. Ark 1976), *aff'd*, 548 F.2d 780 (8th Cir. 1978).
344. *Johnson-Bey*, 863 F.2d at 1311.
345. *Id.* at 1308; *see also* SapaNajin v. Gunter, 857 F.2d 463 (8th Cir. 1988) (holding that the state may provide a rotation system for different medicine men to fulfill the needs of the maximum number of inmates). Whether the prisons should pay for these clergy people is unclear. Mushlin suggests that, because this problem will usually only arise with regard to small minority sects, the courts should require at least minimal reimbursement if that is the only practical way to induce outside clergy to visit inmates.
346. *Sweet v. South Carolina Dep't of Corrections*, 529 F.2d 854, 863 (4th Cir. 1975).
347. *See, e.g.,* Peterkin v. Jeffes, 661 F. Supp. 895 (E.D. Pa 1987), *aff'd in part, vacated in part*, 855 F.2d 1021 (3d Cir. 1988), *aff'd on remand*, 953 F.2d 1380 (3d Cir. 1992) (upholding, in part, restrictions on congregate services for inmates on death row because the outside clergy were allowed to visit these inmates).
348. Note, no reported decisions exist in which a prison has taken the position that to permanently deny segregated inmates access to clergy would be constitutionally permissible.
349. *See* Griffin v. Coughlin, 743 F. Supp. 1006 (N.D.N.Y. 1990) (holding that, because protective custody inmates could not attend group services, they were entitled to have private, unmonitored meetings with clergy and religious advisors in a private room available in the unit); *see also* Card v. Dugger, 709 F. Supp. 1098 (holding that death watch, or "eyeball" inmates, were permitted to have private, although non-contact visits with clergy).
350. *McClafflin v. Pearce*, 743 F. Supp. 1381, 1385 (D. Or. 1990) (upholding delay in providing access to a Catholic priest when the delay was brought about by a policy change that limited meetings between segregated inmates and clergy to those clergy who were on the prison staff, even though general-population inmates were permitted to visit with outside clergy. "Non-essential elements of a religion may be withheld from inmates in a disciplinary segregation unit, even though they are provided in the general population.").
351. *See, e.g.,* Murphy v. Missouri Dep't of Corrections, 814 F.2d 1252 (8th Cir. 1987).
352. *Woods v. O'Leary*, 890 F.2d 883, 885 (7th Cir. 1989).
353. *Murphy*, 814 F.2d at 1256.
354. MUSHLIN, *supra* note 35, at 306.
355. *Valiant-Bey v. Morris*, 829 F.2d 1441, 1444 (8th Cir. 1987) (upholding plaintiffs' claim of religious discrimination alleging that officials singled out and delayed delivery of mail sent by Moorish Science Temple).
356. MUSHLIN, *supra* note 35, at 307. For example, literature of both the Black Muslims and the Aryan Nations Church contains language that exhorts followers to communicate and associate only with those of the same faith and color.

357. *Id.*

358. *Id.*

359. *See, e.g.,* Lawson v. Dugger, 840 F.2d 781 (11th Cir. 1987), *vacated*, 490 U.S. 1078 (1989) (regarding the admittance of publications relating to the Jewish faith).

360. McCabe v. Arave, 827 F.2d 634, 638 (9th Cir. 1987).

361. *Lawson*, 840 F.2d at 784 n.1.

362. *Murphy v. Missouri Dep't of Corrections*, 814 F.2d 1252, 1257 (8th Cir. 1987); *see also McCabe*, 827 F.2d at 634 (concluding that "literature advocating racial purity, but not advocating violence or illegal activity as a means of achieving this goal, and not so racially inflammatory as to be reasonably likely to cause violence at the prison, cannot be constitutionally banned as related to rehabilitation"). Although prison officials cannot ban religious material that does not raise a "clear and present danger," short delays in obtaining or reviewing the material are not actionable.

363. *See, e.g.,* Valiant-Bey v. Morris, 829 F.2d 1441, 1444 (8th Cir. 1987) (holding unconstitutional the confiscation of non-inflammatory religious material).

364. MUSHLIN, *supra* note 35, at 308.

365. *See, e.g.,* Ross v. Coughlin, 669 F. Supp. 1235 (S.D.N.Y. 1987) (allowing Jewish prisoners to possess a wide variety of religious items).

366. *Id.*

367. MUSHLIN, *supra* note 35, at 308.

368. *Id.*

369. For example, Rastafarian inmates have been denied the possession and use of marijuana for religious ceremonies, *L'Aquarius v. Maynard*, 634 P.2d 1310 (Okla. 1981). Prisoners have been denied the possession and use of sharp, beartooth necklaces because the teeth can be readily used as weapons, *Hall v. Bellmon*, 935 F.2d 1106, 1113 (10th Cir. 1991). Prisoners have been denied the use of candles because they can be used to start fires, *Childs v. Duckworth*, 509 F. Supp. 1254 (N.D. Ind. 1981), *aff'd*, 705 F.2d 915 (7th Cir. 1983) (concluding that candles could be banned because of the danger of fire, as well the potential for wax to be used to form key molds. The court also held that incense could be banned because it could be used as an intoxicant and to cover the odor of illegal drugs and alcohol).

370. *Hall v. Bellmon*, 935 F.2d 1106, 1113 (10th Cir. 1991).

371. *See, e.g.,* Holloway v. Pigman, 844 F.2d 365 (8th Cir. 1989) (holding that the inmate had not borne the burden of making a particularized showing that sweet grass and sage were necessary for the practice of religion).

372. MUSHLIN, *supra* note 35, at 310.

373. *Id.*

374. *Id.*

375. *Frank v. Terrell*, 858 F.2d 1090 (5th Cir. 1988) (holding that Jewish inmates may buy religious items, but prisons need not supply the items).

376. Thirty-eight responses out of 50 questionnaires sent.

377. Twenty-two responses out of 50 questionnaires sent.

378. We were not aware that we had to submit a written proposal to the Office of Research and Evaluation of the U.S. Department of Justice, Federal Bureau of Prisons in order for the federal prisons to respond to our questionnaire. We wrote and faxed a research proposal to the Office of Research and Evaluation the same day that we were made aware of the government's requirements. Unfortunately, several weeks elapsed before the appropriate federal officials signed off on the proposal. Once we complied with their protocol, the Bureau allowed its employees to respond. Unfortunately, the Federal response rate was under 50%. Moreover, prison officials from the federal institutions generally did not respond to the questions pertaining to RFRA.

379. One prison official stated that his facility made every effort to allow any bona fide inmate religious group to use the chapel. Because a large number of inmate groups often request the use of these facilities, scheduling can be problematic. Inmates who belong to groups with very few members are often compelled to use alternative facilities for group worship. Vocational classrooms are often used under these circumstances.

380. A prison official noted that these Kosher "TV dinners" taste even worse than common prison fare. He also stated that these meals were very expensive to obtain for the inmates.

381. In the process of submitting a research proposal to the Office of Research and Evaluation, I was told that federal officials would not be permitted to answer questions that asked for an evaluation of federal legislation.

| [First Amendment Center Homepage](#) |

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Jason Richardson researched and wrote this report while working as a Summer Scholar for The Freedom Forum First Amendment Center. Richardson is a 1995 graduate of the Vanderbilt University School of Law. He has worked in prison reform as an administrative assistant to a special master and as an assistant court monitor; has interned with the Tennessee Court of Criminal Appeals; and has worked as a legal consultant for a prisoner-transportation company. He currently lives in Atlanta, Ga.



Mission field at the door of the Church!

the **Criminal Justice Missions Connection**

provided by the
Restorative Justice Ministries Network
of Texas

A criminal justice missions volunteer/church response program via
Internet



The new Criminal Justice "Home Mission" field

"Criminal Justice Missions" is defined as the last frontier on the home missions field. It was only recently identified and is being defined through the evolution of prison and jail ministries within the category of Criminal Justice Ministries. The root of this mission field begins with arrested or convicted individuals, and immediately branches out to include their family structures, as well as victims and their families, and the criminal justice professionals and their families. Today, one out of five people are affected by this mission field. It has no social/economic or religious/denomination boundaries. It has no age, race, or nationality. It simply represents "people in crisis". Over 3.5 million people are in this mission field in Texas.

ROLES AND RESPONSIBILITIES

Society has charged governments with protecting its citizens. Criminals are arrested and tried for their crimes. When convicted, they are incarcerated to pay their debt to society. Criminal justice institutions concentrate on the offenders, but no system or institution of government support is available for the families of offenders, victims and their families, and criminal justice professionals and their families.

All government agencies have their particular criminal justice systems. - i.e., Federal, State, County, Youth, and Juvenile. Their role is to capture and punish offenders. Their role at one time was to also rehabilitate people to prepare them to re-enter society. Government no longer takes the responsibility for rehabilitation!

Education's role is undefined and ineffective. Prevention programs obviously are not working, as crime is increasing. Drugs are the source of 60 % of the crimes, but the programs and rehabilitation structure are not effective or do not exist.

The church is slowly moving into this mission field through jail and prison ministries. Now, the ultimate opportunity is on the doorstep of the church. The church, through its volunteer ministry structure has the opportunity and responsibility to mobilize and utilize the resources that are available in the churches mission outreach to respond to this mission field. The Christian church community can and should show the world that it cares about people in crisis, - and provides the spiritual, life-changing solutions that only a relationship with Christ and the Church accomplishes.

LEVERAGING THE RESOURCES

Over 550 criminal justice ministries and 25,000 churches of all denominations exist in Texas. Thousand of lay volunteers work daily in this mission field.

However, resources are not leveraged. Programs are not coordinated. Churches and Denominations do not work together. Volunteers do not know each other. Church staffs do not know that their own members (one out of five) are in crisis and a part of this mission field.

The opportunity exists to engage the resources of the church to respond to this "God-sized" mission field. Criminal Justice Missions is the new home mission field, and churches can and must respond.

Restorative JUSTICE "MINISTRIES" NETWORKS

Restorative Justice Ministries Networks are being formed in the State of Texas and other states. The Restorative Justice Ministry Network of Texas, established in 1995 is supported (not financially) by the chaplaincy department of all institutions and all CJ ministry leaders. All Christian denomination headquarters are involved, and the local church is the complete basis of the network. Awareness programs are being presented to the church and volunteers are being recruited and trained to join in the CJ ministries or start new CJ ministries.

The CRIMINAL JUSTICE MISSIONS CONNECTION

One of the goals of the Restorative Justice Ministries Network is to establish a trans-denominational structure of 1000 church volunteers in Texas to become the foundation for this mission field. Each individual church will appoint a representative to be connected to RJMN via "Internet" and receive E-Mail related to the activities and needs of the ministries or family members.

The church volunteer will also be connected to the resources of all members of the criminal justice mission "Internet" system, including the RJMN network headquarters, church denomination headquarters, and thousands of local churches. The "Internet and E-mail" will become the standard technological connection.

Restorative JUSTICE MINISTRIES NETWORK STRUCTURE

The Restorative Justice Ministries Network of Texas was founded in 1995 as a non-profit 501(c)(3) approved corporation. It has an advisory board of 54 members representing all institutions, ministries, associations, and denominational leaders. It has a trans-denominational board of directors and a full time executive director.

For additional information, call Ladd Holton, Executive Director.

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Goals and Objectives

- 1. Maintain the standard of Jesus Christ in communications and representations of all we do. Relay the message that Jesus Christ is the only solution in changing a persons nature, pointing offenders, ex-offenders, criminal justice professionals, victims, and all their families toward the solutions that can only be found in Him.
- 2. Develop an trans-denominational networking organization representing all criminal justice ministries in the counties of Texas.
- 3. Create an ecumenical structure to support the activities for all Christian denominations to use to unite and work together in this mission field.
- 4. Encourage and support the development of criminal justice ministries in the local church. Our goal is to involve 1000 churches in the network in 1998.
- 5. Encourage and support the development of ministries that especially impact the Hispanic, African-American, and other ethnic minorities communities.
- 6. Encourage and develop volunteer support from each of the ethnic minority communities.
- 7. Emphasize the recruiting and training of volunteers from churches to join existing ministries, or to form new ministries.
- 8. Establish a network of resource information related to the activities of every criminal justice ministry operation in Texas. Provide this information to any church or volunteer for the purpose of "showcasing" the ministries.
- 9. Support the existing criminal justice ministries by publicizing their mission and purpose through all forms of publicity.
- 10. Maintain a high level of visibility, with very active media relations, newsletters, "Internet", Fax on Demand, and various levels of communications. Maintain a booth at regional and state conventions, Promise Keepers, Churches, etc.
- 11. Sponsor or host criminal justice awareness meetings, seminars, retreats, workshops, in the region on a regular basis.
- 12. Maintain a master schedule of activities of all ministries. Provide this schedule to anyone needing this information.
- 13. Develop and maintain a centralized data base of information related to the requests for assistance from families, victims, criminal justice professionals, offenders and ex-offenders. Communicate these requests to the appropriate ministry or church for action.
- 14. Maintain a listing of resources related to legal or advocacy requests. Forward any request

for assistance to the appropriate entity. (Note: we will not become directly involved, other than a source for referrals)

- 15. Support all chaplains in all institutions (Juvenile, Youth, County, State, Federal, and Private). Assist them in the recruiting of volunteers, and publicize their needs throughout the network.
- 16. Maintain standards of professionalism in relationships with all institutions, and develop rapport with warders, chaplains, prison and jail administrators, and all levels of the institutional system. We are here to make their job easier, not harder. Maintain respect for any and all levels of security.
- 17. Assist in the developing and support of Criminal Justice Ministry Centers in local communities, particularly in cities over 50,000.
- 18. Participate in and support the State Criminal Justice structure (INFORMS) and other regional Criminal Justice networks.
- 19. Encourage the development of new and/or stronger programs in areas identified as weak or lacking in programs. Target the victims of crime, Juvenile, Youth, Aftercare and Family support area as high priorities for involvement.
- 20. Identify the voids in the existing mission field and develop specific strategies to fill these voids.

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Criminal Justice Missions

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Restorative Justice Ministry Overview

- I. Ministry to **VICTIMS** of Crime
 - A. Personal Counseling
 - B. Victim/offender reconciliation program
 - C. Victim support group

- II. Ministry to **OFFENDERS**
 - A. Juvenile
 - 1. Evangelism
 - 2. Discipleship
 - 3. Mentor
 - 4. Volunteer Chaplaincy
 - 5. Literacy Ministry
 - 6. Supervised Tours of Prison
 - B. Adult
 - 1. Jail/Prision
 - a. Evangelism
 - b. Discipleship
 - c. Mentor
 - d. Volunteer chaplaincy
 - e. Literacy Ministry
 - 2. Aftercare
 - a. Volunteer Chaplaincy with Probation
 - b. Volunteer Chaplaincy with Prole
 - c. Mentor
 - d. Congregational sponsorship of an ex-offender
 - e. Ex-offender support groups
 - f. Residential aftercare

- III. Ministry to **CRIMINAL JUSTICE PROFESSIONALS**
 - A. Chaplaincy for CJ Professionals
 - 1. Police Chaplaincy
 - 2. Sheriff Department Chaplaincy
 - 3. Correctional Staff Chaplaincy
 - 4. Parole/Probation Staff Chaplaincy

 - B. Recognition Events for CJ Professionals
 - C. Recreational Events for CJ Professionals

- D. Discipleship Training for CJ Professionals

- **Ministry to FAMILIES**
 - A. Families of **Victims**
 - 1. Family counseling
 - 2. Support Groups

 - B. Families of **Criminal Justice Professionals**
 - 1. Chaplaincy to CJ Professionals
 - 2. Family Counseling
 - 3. Family Picnics

 - C. Families of **OFFENDERS**
 - 1. Chaplaincy ministry in the court room
 - 2. Visting Room Hospitality Ministry
 - 3. Hospitality House
 -
 - 4. Family Visitor Center
 - 5. Organization of public transportation for families
 - 6. Angle Tree - Christmas gifts for Children

Restorative Justice Ministry Opportunities

Jail/Court Ministry

Every person in Texas has a jail nearby. This ministry offers opportunity for affecting society in a positive way. Often the intervention of a redemptive person is needed in the life of a family who is embarrassed, anxious, or angry as the result of a family member being arrested and accused of a crime. REgular visitation by a Christian volunteer demonstrates the credibility of ones life and gives the opportunity for assisting the famaily in coping with the difficulties they encounter. Contact the Jail Chaplain or the chief administrator of the detention facility to determine what ministry is needed there.

Literacy Ministry

Literacy Ministry is a very practical and needed ministry in Criminal Justice settings due to a high population of persons unable to read, write, or speak the English language. Local jails and detention centers are the place to offer this ministry. Contact the chaplain or cheif administrator of the facility.

Discipleship Training

The Life and Life Way discipleship courses are very apporprate to teach to small groups of inmates. Approach the chaplain or chief administrator with materials in hand and offer to teach these courses. Utilize volunteers who have gone through this discipleship training in the church. Experiencing God, Search for Significance, Making Peace with Your Past, and Masterlife are all very appropriate to

teach inmates.

Mentor Ministry

A state prison near you will have a Mentor Program managed by the chaplains. Offer to organize a carload of volunteers to drive to the nearest state prison once a month to visit. The chaplain will match each with an inmate who will likely leave prison within the next two years and who receives no visits from his family. This is friendship evangelism. The mentor can become very important to the inmate. This is the most powerful of the Criminal Justice Ministries.

Volunteer Chaplaincy

Person who has extended time in which to do ministry may take the Volunteer Chaplaincy Training and then assist a chaplain at a prison as much time as he/she wants. This ministry and schedule will be worked out with the chaplain.

Family Support Ministry

When a person is incarcerated the family goes into crisis. The church has traditionally paid little attention to this large but unseen group of sufferers. Offer to host a visiting room at a prison, detention center, or jail. You will meet families of prisoners and learn first hand of their needs. This is primarily a women's ministry. Your church can participate in Angel Tree at Christmas time and help families of prisoners. The chaplain can be asked to help find inmates families with needs.

Crusade Ministry

A favorite way for many people to be initiated in CJM is to be a lay-witness volunteer with a ministry that conduct prison crusade ministry. Bill Glass, Prisoner's Bible Institute or Mike Barber are such ministries. Typically a volunteer will go with a group to one institution and share their faith to the residents of that institution during a weekend (Friday evening, all day Saturday and Sunday morning.)

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Executives and Directors

Criminal Justice Network Ministry of North Texas formed

x

Ladd Holton

Forty six years ago Ladd Holton gave his life to Christ. His Grandfather, A.R. Holton, a life long minister in the Church of Christ, baptized Ladd into Christ while he and his family were living in southern California. Ladd's father, Robert W. Holton, a well known radio and television actor, is best remembered for his portrayal of Christ in two feature length films, "I Beheld His Glory" and "Day of Triumph". He was also the first to read the New International Version Bible on cassette tape.

Ladd returned to Texas in 1958 to attend the University of Texas in Austin on a football scholarship. He was in the first class recruited by coach Darrell Royal. During his stay in Austin, he met and married one of his classmates, Susie Wischer. Ladd and Susie raised two girls, Diana and Amy. They now enjoy five grandsons. After graduating from UT, Ladd taught secondary school in Corpus Christi for two years before joining Science Research Associates, an educational publishing company. During the next twelve years, Ladd and his family lived in Midland, Austin, Amarillo, San Antonio, and finally, Fort Worth working with School Districts all over the state. In 1977, he left SRA and went to work for the Speed Fab-Crete International, a design-build construction company. For the next ten years he helped build schools, churches, and commercial buildings primarily in north Texas.

In 1988, Ladd started his own company, BAC Group, Inc. BAC Group is the franchisee for Guardian Interlock, the largest breathalyzer

As the owner of Guardian Interlock of Texas, Ladd has had the opportunity to work with Judges and other law enforcement agencies in most of the state. In addition, he has helped write and pass Ignition Interlock legislation for the past eight years. This broad knowledge of the criminal justice system and the legislative process has prepared Ladd for service as the Executive Director for the Restorative Justice Ministries Network of Texas. Ladd also serves as a Board Member of INFORMS newspaper and Prison Fellowship-North Texas Area.

Ladd has served the Lord's Church all his adult life. He has taught bible classes from Kindergarten to Adult. He served as a Deacon at the Altamesa Church of Christ and for ten years he served as the volunteer Youth Minister at that congregation. In 1988, Ladd became interested in criminal justice ministry because of the extraordinary increase of incarceration taking place in Texas and the inordinately high rate of recidivism that occurs. Ladd counts the most disturbing statistic in the criminal justice system to be that 80% of men and women involved in prison Chaplaincy programs do not get connected with a church when they are released. He believes that it is untenable that "Brothers and Sisters in Christ are not being welcomed and disciplined by the faith community when they are released, and that individual congregations must get involved in the problem solving process or else the seed of the kingdom, planted in the hearts and minds of ex-offenders, will be choked out by the problems they face in the free world."

manufacturer in the nation. Ladd's company installs and services the Guardian Interlock device in over twenty service centers in Texas. The device is required by law to be installed in the vehicle of a repeat DWI offender as a condition of bail, of probation, and in order to receive an occupational driver's license. Drivers must blow a breath test every time they start their car. If any alcohol is detected in their lungs, their car will not start.

Board of Directors

Emmett Solomon - Chairman
 Gene Grounds - Vice Chairman
 John Wallace - Secretary / Treasurer
 Dr. Gary McCaleb -
 Dr. David Clark -
 Ron Kerley -
 Don Gibson -

Executive Director

Ladd Holton - Forth Worth, Texas

Chaplaincy Board of Advisors

Jerry Groom - Director of Chaplains, TDCJ
 John Stutz - Director of Chaplains, Texas Youth Commission
 Joe Pryer - Dir Federal Chaplains, Southern Region
 Harold Ellis - County Jail Chaplains
 Ricky Hargrave - International Conference of Police Chaplains

Executive Committee

John Leonardson - Area Director, Prison Fellowship, Irving
 Murray Batt - Dir. Criminal Justice Ministries, United Methodist Church, Houston
 David Umfreville - Dir. Prison Ministries, First Baptist Church, Dallas
 Jim Young - Asst. Dir. of Chaplains, TDCJ, Huntsville
 Alice Barron - Exec. Dir. IMPACT
 George Fitzgerald - Criminal Justice Minister, Potters House, Dallas
 Dub Pearson - Exec. Dir., Texas Association of X_Offenders, Bryan



Restorative Justice Ministries Advisory Board

Institutions:

Jerry Groom	Director of Chaplains - Texas Dept. Criminal Justice
Jim Young	Chaplaincy Regional Coordinator - TDCJ
Joe Errington	Chaplain Administrator - Federal Bureau of Prisons
Terry Hermanski	Chaplain - Dallas Country Juvenile Detention Center
John Stutz	Chaplain - Texas Youth Commission
Mike Allcorn	Chaplain - Dallas County Sheriff's Department
Tom Cole	Chaplain - TDCJ - Hutchins State Jail
Matt Harness	Chaplain - Seagoville Federal Prison

Ministries:

Emmett Solomon	Director INFORMS Ministry, Coordinator of Criminal Justice Ministry, BGCT
Murray Batt	Exec. Director - East Texas Criminal Justice Network Ministries
David Umfreveille	Dir. Of Prison Ministries, First Baptist Dallas International Prison Ministry
Kent Lucas	Associate Prison Director - Bill Glass Ministries
Johnny Moffitt	Director - Worldwide Voice in the Wilderness
Sam Pollinzi	Director - EXODUS
John Leonardson	Regional Director - Prison Fellowship
Steve Ochs	Chairman - KAIROS Prison Ministries
Alice Barron	Founder - IMPACT Support Groups
Frank Graham Jr.	Founder - Chapels of Hope, Inc.
Virginia Hutto	Founder - Womens Criminal Justice Network Ministry
Glen Wierich	Director - East Texas Criminal Justice Ministry Center
Roger Woods	Director - Out, But Not Free
Paul Carlin	Founder - Texas Assoc. Of X-Offenders, Inc.
Maureen Fryer	Christ for the Nations Institute
Harold Ellis	J.A.I.L. Ministry, Inc.
Andy Matthews	Kenneth Copeland Ministries
Ken Dutton	Mike Barber Ministries

Associations:

Milfred Minatrea	Baptist General Convention of Texas
Don Gibson	Texas Baptist Men
Holsey Hickman	Greater Dallas Community of Churches
Isaac Johnson	Coalition of Churches - Prison Ministry
Jana Young	Dallas Baptist Association
Bobby Cox	Tarrant Baptist Association

Church Demoninations:

Major Ron Kerley	The Salvation Army
Jim Williams	United Methodist Church, North Texas Conference
Rev. Paul Gray	All Saints Catholic Church
Hillery Motsinger	Church of Christ Representative
Dean Philip Duncan, II	Saint Matthew's Cathedral (Episcopal) - Dallas
Rev. Morris Ivey	Assemblies of God, North Texas
	Presbyterian Church, North Texas Region
	Lutheran (ELCA)
	Christian Church of the Southwest (Disciples of Christ)

Churches:

Weldon Fox	First Baptist - Dallas
Dick Abernathy	Prestonwood Baptist - Dallas
David & Bonnie Scott	Hillcrest Church - Dallas

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Operation Help

[Questions and Answers | Family Support Project]

Questions and Answers

Q: What is the Restorative Justice Ministries Network?

A: The Restorative Justice Ministries Network is a network of criminal justice ministries, institutions, and churches in Texas. The network covers over 25,000 churches, 550 criminal justice ministries, and over 200 criminal justice institutional locations, including the County Juvenile Detention Centers, Texas Youth Commission, County jails, State jails and prisons and Federal prisons. It is a Christian organization, working through the Chaplain programs in all institutions, and the State Victims Services Division.

Q: When was it formed?

A: It was incorporated October 3, 1995 in the State of Texas as a 501-C3 non-profit Corporation.

Q: Why was it formed?

A: It was formed for the purpose of joining together the Christian community, Christian volunteers, and the criminal justice ministries of Texas with the mission of providing a God-directed message of hope and life changing experiences to offenders, ex-offenders, criminal justice professionals, victims and families of all groups.

Q: Where did the idea for the network come from?

A: The genesis of the network comes from the state wide criminal justice ministry founded by Emmett Solomon, based in Huntsville, Texas, called INFORMS (Inmate Family Organization Relationship Management System.) RJMN is the first to launch a totally comprehensive structure covering all institutions , ministries and categories of people. Over 550 ministries currently exist and are or will be participants in the network. This is the first network of its kind and scope in the nation.

Q: What is the organizational structure?

A: The network is structured with a Board of Directors, with an Executive Director serving as the operations manager. The strength of the organization lies with the Advisory Board which consists of 42 representatives from four categories: Institutions, Ministries, Church Associations and Church Denominations. The Advisory Board serves and supports the Executive Director in the execution and implementation of the goals and objectives of the network.

Q: What is the purpose of the network?

A: The purpose of RJMN is to motivate, educate and equip the church to develop local criminal justice ministries. These ministries are directed toward five categories of people: offenders, ex-offenders, criminal justice professionals, victims of crime and families of all groups. Most churches do not have a criminal justice outreach, therefore, formal volunteer structures have not been established. Over 550 ministries are currently operating independently to bring evangelism, discipleship, mentoring, aftercare and family support to the criminal justice system. Our purpose is to recruit, train, and equip volunteers from all Christian denominations for these ministries. The Church

and criminal justice ministries working together can more effectively reach the more than 3.5 million people affected by crime in the Texas mission field.

Q: What are some of the goals and objectives of the network?

A: Some of the goals and objectives are:

- • Develop a trans-denominational networking organization representing the criminal justice ministries in counties in Texas
- • Establish a network of resource information related to the activities of the criminal justice ministries in Texas.\
- • Encourage and support the development of criminal justice ministries in the local church. Goal for 1998 - 1000 churches participating
- • Sponsor or host criminal justice awareness meetings, seminars, retreats, workshops in the state.
- • Support all Christian chaplains in all institutions. Assist them in the recruiting of volunteers and publicize their needs throughout the network.
- • Develop and maintain a centralized data base of information related to requests from families, victims, criminal justice professional, offenders and ex-offenders. Communicate these requests to the appropriate ministry or church for action.

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Purpose

The purpose of Restorative Justice Ministries Network of Texas is to motivate, educate, and equip the church to develop local criminal justice ministries. These ministries are directed toward five categories of people: offenders, ex-offenders, criminal justice professionals, victims of crime and families of all groups. Most churches do not have a criminal justice outreach, therefore, formal volunteer structures have not been established. Our purpose is to recruit, train, and equip volunteers from all Christian denominations for these ministries. The church and criminal justice ministries working together can more effectively reach the more than 1.5 million people affected by crime in the Texas mission field.

Mission Statement

The mission of the Restorative Justice Ministries Network of Texas is to join together the Christian community, Christian volunteers, victims organizations and the criminal justice ministries in Texas for the purpose of providing a God-directed message of hope and life-changing experiences to victims of crime, offenders, ex-offenders, criminal justice professionals and families of all groups.

Our Goal is to reconcile all to God through Christ Jesus and to each other so that there may be peace in the community and the Body of Christ.

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The Restorative Justice Ministry Network

The Vision

"Biblical Solutions to Criminal Justice Problems."

The Mission

"Networking with individuals and organizations directly impacted by crime in order to establish and implement Biblical solutions to criminal justice problems."

The Purpose of the Network

We see God doing many great things through His people. Ministry within the criminal justice system is one of the main areas that He is currently impressing His people to do.

That ministry is rising up from the Church as a grassroots effort. It is largely a function of laity with minimal assistance from clergy. Typically, one, two or perhaps five laity from a single congregation are reaching out to the suffering people within this great mission. Very often the other members of their congregation hardly know about the ministry.

One of the main functions of the network is to become a communicator for the entire mission. Hence, the network is trans-denominational. It represents merciful ministries but is not burdened with tight affiliations with any denomination, church or ministry. Its primary aim is to become a loose knit structure which can interface with both the government and the media on behalf of the entire mission.

The network shines light on the areas of the mission field which are receiving ministry and also those neglected areas which have little mission effort exerted in their direction.

The network will be busy obtaining names and addresses of citizens who are interested in doing ministry so that it can stimulate information flow between ministry people and between ministry groups. Such information flow and interaction become very creative moments for the mission.

The network, through its publications and through the electronic media available such as Radio, Television, E-mail, and the Internet, will continue to bring further attention to this mission.

RESTORATIVE JUSTICE MINISTRY NETWORK

ACTION PLAN

The Criminal Justice Mission Field is the largest home mission in America. It includes the following groups of people.

- Social offenders
- Victims of crime
- Criminal Justice professionals
- The families of each of these groups

In the social offender category alone, you have 1.7 million adult offenders in American prisons. This number doesn't include those in jails, juvenile detention centers, reform schools, drug and alcohol rehab centers, or those on parole and probation. Each of these social offenders are estimated to have 3.5 family members. This adds up to 5,950,000!

Each of these prisoners has at least one victim and those victims are estimated to have 3.5 family members, so we have another 5,950,000. That's almost 12 million people!

Then if you add all of the criminal justice professionals, the law enforcement officers, the corrections officers, the judiciary, and parole and probation plus the 3.5 family members of each of these people, you can see what a huge mission field this is.

If you add the county jail people, juvenile detention centers, reform schools, drug & alcohol rehab centers, or those on parole and probation the numbers would probably double.

The Action Plan of the Restorative Justice Ministry Network of North America is to inform, educate, encourage and motivate the individuals and organizations in these groups, as well as the church and para-church organizations.

The Action Plan will be implemented over the next three years in the following ways:

1. Quarterly publication of the Restorative Justice Journal
2. The R.J.M.N. web site
3. Annual regional, statewide and national/international conferences
4. Networking with and supporting other Criminal Justice and Restorative Justice, para-church organizations
5. Speaking in churches, civic clubs schools and organizations
6. Interacting with local, statewide and national political leaders
7. Interacting with the media

The Restorative Justice Ministry Network

Statement of Faith

1. We believe the Bible to be the inspired, the only infallible, authoritative Word of God.
2. We believe that there is one God, eternally existent in three persons: Father, Son and Holy Spirit.
3. We believe in the deity of our Lord Jesus Christ, in His virgin birth, in His sinless life, in His miracles, in His victorious and atoning death through His shed blood, in His bodily resurrection, in His ascension to the right hand of the Father, and in His personal return in power and glory.
4. We believe that for the salvation of lost and sinful man, regeneration by the Holy Spirit is absolutely essential.
5. We believe in the present ministry of the Holy Spirit by whose indwelling the Christian is enabled to live a godly life.
6. We believe in the resurrection of both the saved and the lost; that they are saved unto the resurrection of life and they that are lost unto the resurrection of damnation.
7. We believe in the spiritual unity of believers in our Lord Jesus Christ.

The Restorative Justice Ministry Network

MEMBER BENEFITS

- I. Have input into the Network's Agenda
- II. Inform and stay informed by:
 - A. Receiving Quarterly Newsletter as well as opportunity to submit relevant articles
 - B. Sending and receiving E-Mail newsflashes of interest, e.g.:
 1. New pertinent policies
 2. New organizations
 3. New relevant legislation
 4. Ministry opportunities
 5. Availability of other resources, such as:
 - a. Ministry curriculum and other tools
 - b. R. J. M. N. related employed opportunities
 - C. Receiving annually updated directory of all R. J. M. N. members
- III. Member Discounts on:
 - A. Regional and Annual Meetings
 - B. Video and audio tapes and books
 - C. Workshops and Conferences
 1. Future R. J. M. N. Conferences will offer CEU's
 - D. Internet services
- IV. Fund Development
 - A. E. D. M. (Evangelical Development Ministry) Workshops
 - B. Be kept informed of new funding sources
 - C. Possibility of organizations sharing in future grant moneys that may be developed
- V. Free organizational listing in the R. J. M. N. Web Site Directory
- VI. Free video of First Statewide Florida Restorative Justice Ministry Network Conference
- VII. Network with experienced Restorative Justice Ministry Network members
- VIII. An opportunity to collaborate with other Godly men and women to help build a Restorative Justice organization that is a powerful and effective force for Godly change in our cities, states and nation

REAL JUSTICE FORUM

a conferencing newsletter

Communities across Canada and United States implement Australian conferencing

Educators, police, probation officers, youth workers, victim service providers and community volunteers trained

Communities across North America are learning how to run REAL JUSTICE family group conferences, also called "community conferences," a new response to incidents of juvenile crime and school misconduct and a new strategy for violence prevention.

Conferences foster empathy in offenders and help victims address their emotional needs. Rather than leaving conflicts storming and emotions burning, as the traditional court and school disciplinary process usually do, conferencing affords everyone an opportunity to express feelings, settle differences, regain balance and achieve a sense of resolution and closure.

REAL JUSTICE offers both a one-day orientation to conferencing for administrators, officials and others who want to implement and support conferencing in their institutions and a two-day "hands-on" workshop for those who want to actually facilitate conferences. Both training seminars include high-quality videos as well as demonstrations of family group conferencing, lectures, group problem-solving and discus-

sion of implementation issues. The two-day workshop provides trainees with practice in running simulated conferences which include problems that sometimes arise in actual conferences. Since the REAL JUSTICE trainings and books have become available in 1995, conferencing has been used to address wrongdoing in a variety of settings in North America.

Bevvan Fox of Regina, Saskatchewan conducted a conference for a 14-year old who left obscene phone messages on an answering machine for a woman whose young children came home from school and heard the tape.

Detective Paul Schnell of Carver County, Minnesota, after the judge referred the case back to him for conferencing, brought together a teenage boy who killed a 21-year-old woman in a hit-and-run vehicular homicide, his family, and the young woman's family in a poignant conference which allowed all of the participants to deal with issues of shame, apology, grief, forgiveness, consequences and healing.

Glenn Kummery facilitated a conference at a Doylestown, Pennsylvania high school after the caustic odor of pepper mace, which had been sprayed on door handles in a hallway by two youths, caused the evacuation of hundreds of students and their teachers. Angry victims, after receiving apologies

See REAL JUSTICE ... on Page 2



Dr. Paul McCold and Capt. John Stahr head Bethlehem, Pa. police conferencing study.

Favorable findings to date in conferencing research

The first U.S. research study of conferencing (funded by the National Institute of Justice in Bethlehem, Pennsylvania) confirms many of the results of the first completed evaluation of conferencing in Wagga Wagga, New South Wales, Australia. Both report favorable outcomes including lower re-offense rates among youths who attended conferences, over ninety percent completion of restitution and almost universal victim satisfaction. (See back page to order Wagga study report, *A New Approach to Juvenile Justice*.)

An ongoing study of police conferencing in Canberra, Australia has indicated similar results in terms of victim satisfaction and restitution compliance, but it is too early to report on recidivism. All three studies have dealt with juvenile offenders, except the Canberra research is also studying conferencing with adult drunk drivers.

What is REAL JUSTICE conferencing?

When children or adolescents admit responsibility for school misconduct or juvenile crime, the incident presents an opportunity for a family group conference (sometimes called a "community conference"), in lieu of the school disciplinary or judicial process, or where that is not appropriate, as a supplement to those processes. In the family group conference (FGC) young offenders tell what they did, hear from those they have affected, and participate in deciding how to repair the

A cost-effective new approach to juvenile crime, school misconduct and violence prevention

harm caused by their actions.

Since the first REAL JUSTICE trainings in March 1995, North Americans have experienced positive results. Not only are police, corrections officers, educators, victim service providers and community volunteers using conferencing to

deal with offenses and misconduct, but elementary school educators are also using conferencing role plays with their students as a violence prevention strategy.

In a conference young people face the consequences of their inappropriate behavior in an intense, emotional process that has far more impact than court or school disciplinary procedures, yet is far less stigmatizing because the young person has the opportunity to discard the offender

See WHAT... on Page 2

WHAT IS CONFERENCING?

Continued from Page 1

label and be reintegrated into his or her school or community.

Offenders or victims may decline to participate, opting for traditional school disciplinary or court procedures. Conferences ideally should be held within two weeks of an incident or apprehension. After it is determined that a family group conference is appropriate and offenders and victims have agreed, the conference coordinator invites others affected by the incident — the family and friends of victims and offenders.

In the conference the coordinator asks the young offenders to tell what they did and what they were thinking about when they did it. The coordinator then asks victims and their family members and friends to tell about the incident from their perspective and how it affected them. The offenders' family and friends are asked to do the same.

Finally the victim is asked what he or she would like to be the outcome of the conference. The response is discussed with the offender and everyone else at the conference. When agreement is reached, a simple contract is written and signed. (If an offense is initially handled by the courts, the conference may not involve a contract but still provides an opportunity for healing and closure for all involved.)

A family group conference is an action-oriented process which usually lasts an hour or so and is almost always a positive emotional experience for participants. Offenders may begin to repair the harm by apologizing, making amends and agreeing to restitution or personal or community service work. Most significantly, young people gain empathy for those they have affected, which rarely happens in court and school disciplinary procedures.

Victims and others affected by the young person's behavior report that conferences provide an opportunity to confront the offender, express their feelings, ask questions and have a say in the outcome. Offenders' families also report satisfaction with the FGC process.

Conference coordinators stick to a simple script and act only as facilitators, not participants. But for the coordinator, a conference is far more productive and rewarding than the current means of responding to inappropriate behavior.

Neither a counseling nor a mediation process, the FGC is a straightforward problem-solving method that demonstrates how citizens can resolve their own problems when provided with a constructive forum to do so.

Conferencing started in New Zealand in 1989, was adapted by Australian police in 1991 and was first used by Australian educators in 1994. **REAL JUSTICE** began providing trainings in 1995 and is now organizing regional training and support services throughout North America.

REAL JUSTICE used in

Continued from Page 1

and helping to set consequences in the conference, were satisfied that justice had been done in a more useful way than through the police and courts.

Across the provinces and states of North America, thousands of conferences have demonstrated the viability of this approach to "restorative justice" which defines wrongdoing not as an *offense against the state or the school*, but as an *offense against people and community*. Those directly affected are then entitled to direct involvement and a say in the outcome.

Police departments

REAL JUSTICE is an effective problem-oriented approach to community policing in which police have an opportunity to see positive outcomes that benefit victims, the community and ultimately the offenders themselves. Police conduct conferences using their traditional discretionary authority to "caution" or "counsel and release," rather than charge and send to court. Some police departments have extended that authority by consultation with prosecutors and judges. Similarly they may allow schools to handle some cases with conferences that might have otherwise resulted in arrest.

Constable Randy Wickins of the Edmonton Police Service, Alberta ran a conference that had a strong impact on three 9-year-old girls who set a fire in an apartment building.

Pete Mungovan, Indianapolis Police Department, Indiana ran a conference after a juvenile stole a lawn ornament from his neighbor's front yard. The conference resulted in a formal apology and restitution.

After an auto race by high school students, which had become an illegal graduation-time tradition, resulted in an accident, Sergeant Tom Fraga and Assistant Principal Rick Ebel of South Burlington, Vermont

jointly organized a conference involving 75 participants. The conference allowed offenders to make amends to victims and their own parents and achieved an agreement that included actions by offenders to successfully end the dangerous annual event the next school year.

Secondary schools

Secondary educators are conducting **REAL JUSTICE** conferences as an alternative (or supplement) to traditional school disciplinary procedures and reporting excellent outcomes for incidents ranging from assault and vandalism to scapegoating and truancy.

"It really proved to be a positive experience for both the victim and offender," reported Kay Froemming of Fred Moore Middle School in Minnesota. She and Anoka Police school liaison officer Mike Goodwin co-facilitated a conference for an assault.

Greg Llewellyn of the Colonial Intermediate Unit in Pennsylvania ran his first conference, which had a "textbook" outcome, for a bus incident in which three students were fighting, requiring the driver to stop the bus and intervene.

Cari Crushshon of South Burlington High School in Vermont conducted a conference for two students who ran away for four days. The girls were in jeopardy of losing all credits for school for the semester. The conference made the girls realize how much they had affected their parents, friends and teachers.

Tony Smith coordinated a conference at St. James High School, Minnesota for a student who brought a knife to school. Nancy Bouis at East Hills Middle School in Bethlehem, Pennsylvania ran a conference when a student injured another student with an electric sander in shop class. Pam Tashuk and Deb Holman of Richfield



Scene from video used in two-day facilitator training

a wide variety of settings

High School and Pat McGinnis in LeSueur, both in Minnesota, ran conferences for students with truancy issues.

Elementary schools

Elementary teachers from several Pennsylvania districts have run family group conferences as role plays with imaginary or minor incidents to serve as violence prevention. Sherry Maio, a guidance counselor at Warwick Elementary School, had sixth graders play the role of two boys who consistently ridiculed a girl until she refused to come to school, their victim, offenders' and victim's parents, the school principal and classroom teacher, all with striking realism. The role play not only developed empathy among the participants and their onlooking classmates, but it sparked an in-depth discussion about the merits of punishment versus conferencing.

Cindy Hasz at Durham-Nockamixon Elementary School reported a similar response to a role play based on a playground fight. "Many felt the offender hadn't been punished enough and that punishment was the only way future problems could be stopped. But when the question of whether punishment worked was raised, most agreed it didn't, that it only made kids resentful and angry."

Diane Steffen, Anoka-Hennepin Schools, Minnesota ran a successful conference for an actual playground assault by a third grader.

Carolyn Olivett at Elizabethtown College, Pennsylvania is developing a curriculum based on family group conferencing to use with elementary school students.

Probation and corrections

REAL JUSTICE family group conferences may be run at intake or after incidents of juvenile crime have been dealt with by the courts. Conferences are a forum where victims, their family and friends, and offenders' family and friends can address the emotional consequences of crime in a safe and healing environment.

Bill Rufe of Bucks County Juvenile Probation in Pennsylvania has run a number of conferences, mostly with thefts and other property offenses. One conference, however, dealt with a young offender who sexually abused his niece numerous times. The conference was conducted after the offender had completed two years of treatment, as a reconciliation event for the divided family.

In another case Rich Notaro, one of Rufe's colleagues, ran a conference six months after a serious assault. The four offenders' tearful apologies were accepted with forgiveness by the victim and his parents.

Joe Corona, corrections officer in Fairmount, Minnesota, has run conferences for shoplifting, theft, assault, terroristic threats and a false fire alarm.

The Vermont Department of Corrections and others are exploring the use of

conferencing as a response to parole violations and to disciplinary incidents in correctional facilities.

Victim services and community

Bucks County Juvenile Court is referring a variety of cases to volunteer facilitators under the supervision of the local victim services organization, Network of Victim Assistance.

A coalition of neighborhood organizations in downtown Minneapolis is using volunteers to run conferences to deal with offenses in their neighborhood ranging from prostitution to theft and assault.

Karen Marshall, coordinator of the Community Justice Program in Fort St. John, British Columbia, reports that her agency has run over 100 conferences referred by the local Royal Canadian Mounted Police in the agency's first year of conferencing.

**For training information
and video or book orders**

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17-minute video overview

REAL JUSTICE

"AN INTRODUCTION TO FAMILY GROUP CONFERENCING"

*See what family group
conferences look like.*



*Hear how victims,
offenders and others feel
about conferencing.*



*Hear police, educators
and others describe how
conferencing can help
communities and schools.*

Cost \$14 Canadian or \$10 U.S. Add \$4 Canadian/\$3 U.S. currency per video for shipping/handling. Add 6% sales tax in Pennsylvania only. To order see **REAL JUSTICE** contact information on this page.

REAL JUSTICE BOOKSTORE

REAL JUSTICE

by Ted Wachtel, 180p., \$25 U.S./\$35 CND

The founder of the North American **REAL JUSTICE** uses actual conference stories to show how conferencing works and how it can change the way our society responds to wrongdoing in schools, criminal justice, the workplace and elsewhere. He demonstrates how conferencing benefits victims, offenders and the community by actively involving those affected by wrongdoing in the process of repairing the harm and by fostering the closure and emotional healing which is largely denied in our current systems.

Shame and Pride

by Donald Nathanson, 496p., \$16 U.S./\$22.50 CND

Donald Nathanson's book provides the psychological explanation for why family group conferencing works. A Philadelphia psychiatrist, author and lecturer, he wrote *Shame and Pride* before he was aware of family group conferencing, explaining and building upon the affect and script theories of the late Silvan S. Tomkins.



Nathanson has become an advocate of conferencing. When a

crime is committed, Nathanson said in an interview, everyone involved experiences very extreme negative affect, but the court process fails to address this. Family group conferences, on the other hand, allow for the free expression of affect, which helps people move beyond the negative to the positive and deal with the adverse emotional consequences of the crime.

A New Approach to Juvenile Justice

by David Moore, 318p., \$30 U.S./\$36 CND

David Moore, lecturer and writer, has authored the first completed study of police family group conferencing, called *A New Approach to Juvenile Justice*, which is an assessment of the diversionary scheme for moderately serious juvenile offenders which he helped implement in Wagga Wagga, New South Wales, Australia in 1991, adapted from the New Zealand model of conferencing.



Moore compares juvenile offenders who went through the court before conferencing was implemented with who those who went through conferencing after implementation. Results show a halving of recidivism among those offenders that went through the conferencing process, 90 percent completion of restitution and almost universal satisfaction of victims with the process.

REAL JUSTICE Training Manual

by John McDonald, Terry O'Connell,
David Moore & Margaret Thorshorne
136p., \$25 U.S./\$35 CND

The official training manual by the innovators who pioneered Australian police and school conferencing. This procedural handbook, a step-by-step guide to setting up and conducting conferences, is useful to anyone who wants to learn to facilitate good family group conferences in school or criminal justice settings.

Changing Lenses

by Howard Zehr, 271p., \$15 U.S./\$21 CND

Howard Zehr is an academician, writer and consultant on criminal justice. His 1990 book, *Changing Lenses: A New Focus for Crime and Justice*, is a seminal work in the "restorative justice" movement, a new approach to justice that more adequately addresses the needs and responsibilities of victims, offenders and the community, as an alternative to our present "retributive"



approach to justice.

Zehr distinguishes the current definition of crime as a violation against the state or society from the restorative justice definition of crime as a violation of people and relationships. He explains how the current system of justice fails to repair the harm done to people and relationships.

Family group conferencing, on the other hand, is consistent with the new "restorative" justice focus.

Crime, Shame and Reintegration

by John Braithwaite, 226p., \$19 U.S./\$26.50 CND

Although written without knowledge of the family group conferencing process, Australian criminologist John Braithwaite's book, *Crime, Shame and Reintegration*, provides a sociological explanation for why family group conferencing works so well.

Braithwaite explains that the desire to avoid shame aids in the development of conscience and social bonds. He



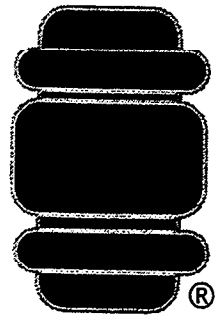
distinguishes between two types of shame: stigmatizing shame which rejects and permanently labels offenders and reintegrative shame which only rejects the offender's deed but not the offender himself.

Family group conferences encourage positive personal change in offenders because unlike courts, conferences allow offenders to shed their offender label and be reintegrated into the community.

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EVALUATIONS OF CONFERENCING

■ Wagga Wagga, New South Wales, Australia

An evaluation compared 691 juveniles apprehended during the first three years of a conferencing program with 534 apprehended in the 18 months before the program. Results (Moore & O'Connell, 1994; Moore & Forsythe, 1995) showed:

- The proportion of offenders handled outside of court increased from 49% to 72%, without increasing recidivism
- Reapprehension for those conferenced lower than for those placed before the court (36% for court. 19% for caution/conferencing)
- Compliance with conference agreements > 95%
- Victim satisfaction 90%
- Aboriginal participants praised the program, indicating cross-cultural relevance

■ Canberra, New South Wales, Australia

The Reintegrative Shaming Experiment (RISE) in Canberra, Australia is randomly assigning juvenile misdemeanor, adult drunk-driving and young (under age 30) violent offenders to police-run conferences or to traditional court processing, and conducting structured interviews with victims and offenders. Preliminary results (Sherman, et al 1997 & 1998) indicate:

- Most victims said conferences were fairer than court
- Victims are about 5 times more likely to receive an apology and about 10 times more likely to receive some form of reparation
- Victims in court are 3 times more likely to fear the offender would victimize them again and twice as likely to believe that the offender would reoffend
- Court-processed adults were 19% more likely to feel angry or bitter about how they had been treated and 18% less likely to feel the outcome was fair
- Offenders reported higher levels of procedural fairness after conferences than after court.
- Conferences increase respect for the police and the law more than court

■ Rice County, Minnesota, United States

A junior high school of 1000 students in Rice County, has been systematically conducting early-intervention conferences with truancy to decrease referrals to the youth court. Typically 30 to 40 students are referred to court each year. For the first year of the conferencing effort, the total number of referrals dropped to 5.

■ Bethlehem, Pennsylvania, United States

The Bethlehem Police Department conducted 64 conferences involving 80 juvenile offenders over an 18-month period. Cases were randomly assigned to court or conferencing. Results (McCold & Stahr 1996) found:

- More than 96% of victims, offenders and offender's parents who participated in conferences were satisfied and experienced fairness with how the justice system handled their cases, a greater proportion than those who went through the courts
- Victims who participated in conferences were significantly more likely to say that the offender was adequately held accountable than victims who did not participate in conferences
- 94% of offenders complied with the commitments they made to victims in conferences, such as completing financial reparation, doing community service and apologizing
- Youth who chose to participate in conferences had lower reoffense rates than those who declined to participate, making conferencing an ideal program for diverting youth from formal justice processes

■ Sparwood, British Columbia, Canada

The Sparwood Youth Assistance Program, a conferencing program using volunteer community facilitators, began in January 1995. Evaluation (Bouwman & Purdy, 1997) has shown:

- No young residents who committed offenses in Sparwood have been dealt with by the courts since the project's inception
- Reoffense rates reduced to 8.3% in 1995 and 2.9% in 1996
- Estimated cost savings > \$100,000 CND (≈ \$65,000 US)
- Victims rated the program, on average, as a 9.5 on a scale of 1 to 10
- 100% offender compliance with restitution agreements

Officers from the Sparwood Detachment of the Royal Canadian Mounted Police (RCMP) report:

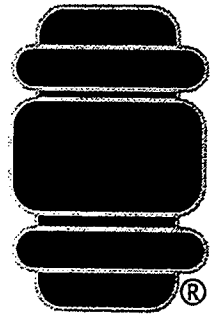
- Time spent on conferenced cases is less than time spent on cases referred to court
- Greater rapport with the entire community
- An increase in cooperation from youth and community with investigations of criminal activity, because citizens perceive the program will assist youth and deal with them fairly

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Training Schedule and Registration Form

For information updates, call, write, email or visit our webpage: www.realjustice.org

Honolulu, HI	Oct 19-20, 1998	Outrigger Prince Kuhio 808/922-0811
Toronto, ON	Nov 16-17, 1998	Regal Constellation Hotel, Etobicoke 416/798-6400
Richmond, KY	Dec 3-4, 1998	On site training. Call Real Justice office for information.
Training of Trainers	Dec 7-9, 1998	Doylestown, PA Call for details.
Seattle, WA	Jan 4-5, 1999	Holiday Inn Select-Renton 425/226-7700
Vancouver, BC	Jan 11-12, 1999	Plaza 500 Hotel 800/473-1811
Elizabethtown, PA	Jan 15-16, 1999	Licensee training. Call Real Justice office for information.
Mesa, AZ	Feb 22-23, 1999	Sheraton Mesa Hotel 602/898-8300
Santa Barbara, CA	Feb 22-23, 1999	On site training. Call Real Justice office for information.
Bethlehem, PA	Mar 15-16, 1999	Holiday Inn Conference Center 610/866-5800
Ft Lauderdale, FL	Apr 12-13, 1999	Clarion Hotel Hollywood Beach 954/458-1900
San Francisco, CA	Apr 22-23, 1999	Holiday Inn Oakland Airport 510/562-5311
Detroit, MI	May 3-4, 1999	Clarion Hotel Metro Airport 734/728-2800

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- Website www.realjustice.org
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Payment Method

Check One:

- Check # _____ (Payable to Real Justice) is enclosed.
- Bill my agency/department. Attn: _____
- Purchase order# _____

Name _____

Title/Agency _____

Address _____

City _____ State/Prov _____ ZipCode _____

Day Phone () _____

Fax () _____

Training Location/Date _____

Tuition: \$250 (\$350 CND) for 2-day training if registered 30 days in advance. Within 30 days 2-day tuition is \$275 (\$385 CND). The 1-day orientation tuition (for administrators who wish to support teams attending for two days) is \$150 (\$210 CND) if registered 30 days in advance. Within 30 days 1-day tuition is \$175 (\$245 CND). In Canada add 7% GST. All trainings include lunch, breaks, two paperback books and other materials.

Payment: Requested upon registration. Fax registrations will be invoiced immediately. Purchase orders will be accepted in lieu of immediate payment. Registrations are finalized only when payment or purchase order is received.

Confirmation: Sent with directions about two weeks before training.

Times: Program usually starts at 8 AM and ends at 4 PM each day.

Lodging: Contact hotel and ask for Real Justice room block.

Cancellation policy: Tuition refunds (less \$25 (\$35 CND) administrative charge) will be honored for requests made at least 72 hours prior to the event. No refunds will be given with less than 72 hours notice. Participant substitutions can be made at no extra cost.

About The Training

Training Overview

Day 1

What is a family group conference?

- video of an actual conference
- conference role play
- video of a model conference

Why most people do the right thing most of the time

- a new view of compliance
- how punishment fails to affect behavior

How conferencing differs from current practices

- restorative versus retributive justice
- sensitivity to needs of victims and the community
- philosophy and theory of conferencing

What behaviors and offenses are appropriate for a conference?

Day 2

Preparing for a conference

- video scenario
- contacting offending youths, victims, their families and other participants
- winning parental cooperation
- who should attend and who should not

Facilitating the conference

- hands-on experience through conference role plays
- the role of the facilitator
- dealing with emotions
- reaching agreement
- what to do if the offender denies responsibility

Obstacles to implementation

- what will stop you and how can you overcome those obstacles

Training Books

The Real Justice Training Manual

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April 27, 1999

NOTICE OF COMMITTEE MEETING

COMMITTEE: SPECIAL COMMITTEE ON FAITH-BASED APPROACHES
TO CRIME PREVENTION AND JUSTICE; SPEAKER
SCOTT R. JENSEN, CHAIRPERSON

DATE OF MEETING: Monday, May 24, 1999

TIME: 10:30 a.m.

PLACE: Room 417 North (the G.A.R. Room), State Capitol, Madison.

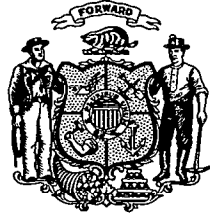
SUBJECT: 10:30 - 12:00 Noon: Public hearing.
12:30 p.m.: Committee discussion and votes on recommendations for
legislation.

ENCLOSURE(S): Materials are enclosed for those Committee members who were
unable to attend the April 21, 1999 meeting.

A handwritten signature in cursive script that reads "David J. Stute". The signature is written over a horizontal line.

David J. Stute
Director

DJS:ksm;wu
Enclosures



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NOTICE OF PUBLIC HEARING

SPECIAL COMMITTEE ON FAITH-BASED APPROACHES TO CRIME PREVENTION AND JUSTICE

Speaker Scott R. Jensen, Chairperson

Monday, May 24, 1999

Room 417 North (the G.A.R. Room)

State Capitol, Madison

10:30 a.m. - 12:00 Noon

The Joint Legislative Council's Special Committee on Faith-Based Approaches to Crime Prevention and Justice has been directed to study means by which faith-based approaches to lessening crime rates, lowering recidivism and achieving restorative justice in the aftermath of criminal acts may be encouraged.

The Committee will take public testimony on preliminary drafts of recommendations for legislation which will be available at the Legislative Council Staff offices on May 18, 1999. The drafts will be mailed to Committee members and persons on the Committee mailing list on May 17, 1999.

Support the Nation of Islam's Prison Reform Ministry

The prison system is not set up to reform. It's a dead end. In a Philadelphia study, it was found that 35% of all males had been arrested at least once. Fifty-four percent of those arrested at least once were arrested a second time. Sixty-five percent of those arrested twice were arrested a third time. And 72% of those arrested three times were arrested a fourth.

The rate of recidivism, or tendency to return to criminal habits, indicates that there is no real reform. In fact, the inmate's propensity toward criminal behavior only worsens after going to prison. And \$18,000 of the taxpayer's money is spent per year per inmate to keep them in prison. In effect, billions are spent each year to create and maintain hardened criminals that remain the outcasts of the society.

When you look at what the Muslims are doing with our prison program, in the midst of you, here again you see a torchlight. Muslims are relatively crime free, and our rate of recidivism is lower than in the main. We respect law and order. Since so many of the inmates are our people, why not let us reform them and help to save some of the taxpayer's money. Why not let us handle the inmates and lessen the taxpayer's burden. We can handle the inmates for less than what America is paying now. And better, we can reform our people and make them productive members of society.

BEGIN REFORMING BLACK INMATES BY HELPING THEM MAKE A NEW BEGINNING IN A LAND OF THEIR OWN

America has not found a way to curb crime and reform those in her society who consistently break her laws, particularly in the black community. The fact is that due to the high rate of recidivism, most of the street crime in this country is perpetrated by the same set of people. Instead of being reformed, a substantial number of people are recycled through committing crime and then being incarcerated again and again. The threat of street crime to life and property, and the great cost to the American taxpayer for warehousing people in jails and prisons, continues unabated.

We have an idea for addressing the problem of crime and reforming the so-called criminal, that can at the same time relieve some of America's burdens and even elevate her stature in the eyes of God and the nations of the earth.

America, and the nations of the earth, are in competition for developing the resources of Africa - the next significant economic growth opportunity in the global economy. Blacks in America could help to foster the relationship that could cause America to be first in line in trade relations with Africa and the development of her mineral resources - which is the prize sought by every nation that would hope to be a world leader in the 21st century.

However, America's foreign policy and relations with other nations is largely a reflection and the result of her treatment of the different ethnic and racial groups within her borders. If America would improve her treatment of black people, she could leverage that improved treatment to foster favorable relations with Africa. Also, if America would develop an enlightened foreign policy toward Africa, this would lead to stronger trade and economic opportunities.

We are proposing that America - by encouraging development in the black community and by helping us to make a new beginning on the continent of Africa, first with the inmate population - could win a place in the hearts of Africans that would gain for America a strong foothold on that strategically important continent.

If we look at what Europe and America did for the Jews of the world by creating a state for them in what was called Palestine, we ask: Why can't this model be used again to create a state for those black people who would be willing to work to build a new reality for our people now and in the future?

Europe released its prisoners to the colonies of the New World, not only to populate the colonies, but to build a new reality from a wilderness. It worked. Australia and New Zealand were also populated by prisoners from Europe.

Twenty-five percent of our youth are in some way connected with the criminal justice system, and about half of the jails and prisons are populated by blacks. When you consider the high rate of recidivism and the cost to maintain prisoners, and when you consider that integration has not worked to advance the condition of many of our people, shouldn't we be open to new ideas, especially when they are rooted in models that have worked in the past?

Suppose we asked our brothers and sisters in Africa to carve out of that huge continent a territory for blacks from the diaspora to begin to build a new reality. Since Africans were involved in the slave trade, which brought their kith and kin to these shores in chains, thus having a hand in bringing us to our wretched present day condition, should not Africa also have a hand in our redemption? Some of our people would be willing to build a new reality on the continent of Africa, America, as well as ourselves.

The Muslims have shown a tremendous ability to reform those of our people who break the law. The movie "Malcolm X" demonstrated how the teachings of the Honorable Elijah Muhammad could reform an eighth-grade dropout student and so-called criminal into a world leader. How many future world leaders are languishing in prisons who may never have a chance to demonstrate to the world what the Almighty Creator has put in them? Our prisoners need a chance to do something constructive with their lives.

America should be willing to support the Nation of Islam for the next three or more years, to teach unhindered in the jails and prisons to begin the process of reform.

Meanwhile, we could work with African governments toward the establishment of a territorial base for our people.

There are many black scholars and professionals who are not presently working who would be willing to teach and train the inmate population in the skill necessary to build a new reality. We would offer the prisoners a chance to be reformed, trained, and then work off their time building a new reality on the African continent.

In a White House conference held nearly 130 years ago, President Abraham Lincoln tried to get blacks to go to Central America or Africa to begin a new life. He said that perhaps what we had learned in our sojourn in America would be of use to that "dark" continent. Black people turned down President Lincoln's offer and elected to stay, although the president had promised that we would never be equal in this society. President Lincoln was correct. Even to this day we are still not equal members in the society. However, since that conference, blacks have emerged as masters in every field of human endeavor. That mastery must now be put to work to lift the masses of our people in America and to help lift Africa into the 21st century.

Europe and America are attempting to get African leaders to allow them to dump their nuclear waste material on the African continent. I am not asking the government to make Africa the dumping ground for America's rejects. I am asking that America support us in the first reforming the so-called criminal element among our people, and then placing them in an environment that will manifest their hidden gifts and talents.

Amends have never been made fully for the destruction of black people during the Holocaust of slavery and through the institutions of racism that have prevailed from that time to the present day. The moral issue of rectifying its role in dehumanizing an entire people still hovers over America.

In America, many of our people have been written off as members of the permanent underclass, meaning the country has lost hope in improving the condition of these people. As discussed earlier, many of our people have lost their jobs - in disproportionate numbers when compared to job loss and unemployment rates among white people - due to the deteriorating economy. This idea should be open to all of those - the permanent underclass and the unemployed - who would be interested in making a new reality for themselves on the continent of Africa.

The majority of black people will not wish to go anywhere. Because of the contributions that our forefathers have made to this land, and the contributions that blacks continue to make to America, most of

our people feel that this is our only home. However, a small but significant number would be willing to try to build a new reality on the African continent, with the support of the government.

We would propose that some of the \$18,000 spent each year per inmate to warehouse them in a cell be redirected to support building a new reality as outlined here. We would give the inmates a right to choose to stay here or to build a new reality in a land of their own. The freedom of choice, the right of the people to choose, has been and is the way of the teachings of the Honorable Elijah Muhammad. We have given our people an opportunity to make enlightened choices on their behalf for the past 60 years, and we will continue to do the same in the future. We would ask that the participants be granted the same dual citizenship that allows Jew to travel back and forth to Israel, making their contributions on both sides of the Atlantic.

The work done by former criminals of Europe in establishing America, New Zealand and Australia, has redeemed them in the eye of history. Let the work of the so-called underclass and so-called criminal element among black people be allowed to redeem them in the eye of history by their being permitted and supported in building a new reality on the African continent.

As Jews in America visit Israel and take pride in the accomplishments of their Jewish brothers, yet still desire to live in America, let the blacks who remain in the diaspora take pride in the work of these pioneers who would venture to build a new reality in Africa.

Further, we would establish a skills bank, composed of our scholars and professionals, for use in developing Africa and the Caribbean. We propose that these scholars and professionals work for other countries for an agreed upon compensation plan, including salary and benefits. However, what they work to develop in manufacturing, mining, agriculture and industry, a percentage of the profit would accrue to a national treasury for the benefit of those blacks who remain in America, so that on both sides of the Atlantic we will use our bitter experience for the good of Africa as well as America.

I want to briefly touch on another aspect of America's foreign relations. Since the fall of the Soviet Union, many governments are seeking a new relationship with America. America must allow these relationships to be built on an equitable basis. This government must respect the right of self-determination for every sovereign nation.

There are nations that historically have been viewed as enemies of America. This antagonistic relationship does not necessarily have to continue. Countries like Cuba, Libya, Iran, China, Vietnam and others are all seeking to improve relations with America without compromising their dignity and self-respect.

Imagine a world where each nation directs the focus of its energies and resources to addressing its critical internal problems that affect the quality of life of its own people, instead of focusing on meddling in the affairs of other nations.

We offer ourselves to America as an example of what can be achieved when we have the proper state of mind and connectedness with the Lord of the worlds. We can show what that Bible that many Americans have right on their shelves gathering dust can do when properly used. Although we use the Holy Qur'an, the Bible was the main tool used by the Honorable Elijah Muhammad because it was the book that we knew best. What product is America making with the Bible? We're making clean, productive black men and women from the same Bible that you read. That's our goods. That's our services.

Our people respect us. We don't go to our people with guns. We go with love and a moral imperative that appeals to their nature as the people of God.

The National Institute of Mental Health wants to say that we are genetically prone to crime. So they want to promote a drug that they say will curb crime among black people. Does America want to promote that same drug with white people, who have killed millions upon millions of blacks, native Americans, Africans, Jews, Asians, and even their own Gentile brethren?

Crime is a consequence of an unjust society and a corrupt political, economic and social system. If manufacturing is brought back to the cities instead of being continually ceded to foreign countries, then we can offer our people an alternative and we can lift the poor in this country and save the cities.

When you have a relatively drug-free community you have a relatively crime-free community where the ties of family are strong and there is very little domestic violence. None of the members of the Nation of Islam are allowed to carry or possess weapons. Recently we received a contract to patrol a Los Angeles

apartment complex. In just two months time the police reported that crime decreased 75%. What do we have that the police don't have? **We love our people.**

We need to promote observance of God in everything that we do. This will repair the relationships between male and female and lead to lasting, happy marriages, and the elimination of rape, incest, molestation, assault and the abuse of women. It will also repair the relationship between the governed and the governors.

It is necessary to sit and reason with us. We are ready to sit down and talk with America's leaders, if they are ready to break the mindset of a slavemaster and cancel that old master/slave relationship. We're ready to talk about instilling core values among our people, generating jobs, sacrificing to reduce the federal debt, rebuilding the cities, making the streets safer, educating our children to be the envy of the civilized world, curing AIDS, providing a future for ourselves and for all of America. Is America ready for us?

From the book : TORCHLIGHT FOR AMERICA

R E L I G I O N

Should All Be FORGIVEN?

Giving up that grudge could be good for your health. Researchers are pioneering a science of redemption based on an old form of grace

By DAVID VAN BIEMA

ONE YEAR AGO, ON MARCH 24, Mitchell Wright was plunged into anger and despair. On that day, two boys, Mitchell Johnson, 13, and Andrew Golden, 11, played sniper on their middle school campus in Jonesboro, Ark. They murdered four of their schoolmates with 22 shots. They also killed a teacher, Shannon Wright, 32, Mitchell Wright's wife. Says he: "The ballistics report shows the Johnson boy fired five shots and had five direct hits. He hit one person in the head, he hit my wife in the chest and the knee and two girls in the knee area." The shooter, Wright recalls, stood up in court and said that he was sorry, that he was not trying to kill anyone, that he and his friend were shooting over the heads of the teachers and students

they had tricked into assembling outside, that it was all just to scare them. The anger rises in Wright's voice. "I don't buy that."

But buy it or not, Wright knew that he must fight against being consumed by rage. He began on the very Sunday after the horror, asking his fellow congregants in church for support. The stakes, he realized, were high. First, there was his three-year-old son Zane. "When my wife was dying, she said, 'I love you, and take care of Zane.' Well, if I lose it, then I can't take care of him." And then there was the matter of his immortal soul. "If you let the hate and anger build in you, that's a very strong sin," he says softly. "I need to be able to totally forgive." And what does that entail? "To me, forgiveness would be if when these boys get out, I can see them on the street or in a Wal-Mart and not want to..." His voice trails off. He concedes, "I am not at that point yet."

good acts, it is the one we are most suspicious of. "To err is human, to forgive, supine," punned S.J. Perelman. In a country where the death penalty has been a proven vote getter in recent years, forgiveness is often seen as effete and irresponsible. Sometimes it even seems to condone the offense, as noted centuries ago by Jewish sages who declared, "He that is merciful to the cruel will eventually be cruel to the innocent." Nothing lately has shown the cheap side of forgiveness like Bill Clinton's calculated plays for public pardon, culminating in a dizzying switcheroo after the Senate impeachment vote. Asked by Sam Donaldson if he could "forgive and forget," Clinton answered earnestly, "I believe any person who asks for forgiveness has to be prepared to give it," a response that seemed almost as disingenuous as it was perfectly crafted. Of what value a forgiveness that is so easily manipulated for political gain?

And yet despite every indignity and scoff, forgiveness does not just endure but thrives. As Mitchell Wright instinctively realized, there is not only a religious impetus to forgive but also therapeutic, social and practical reasons to do so. This applies to victims of crimes as well as to those who must deal with the slings and arrows of more common misfortunes—unfaithfulness, betrayal, ungratefulness and mere insult. In the past two years, scientists and sociologists have begun to extract forgiveness and the act of forgiving from the con-

A Father's Nightmare

WHO Mitchell Wright

WHERE Jonesboro, Ark.

OFFENSE Two boys shot their classmates and Wright's wife in a horror that shocked America

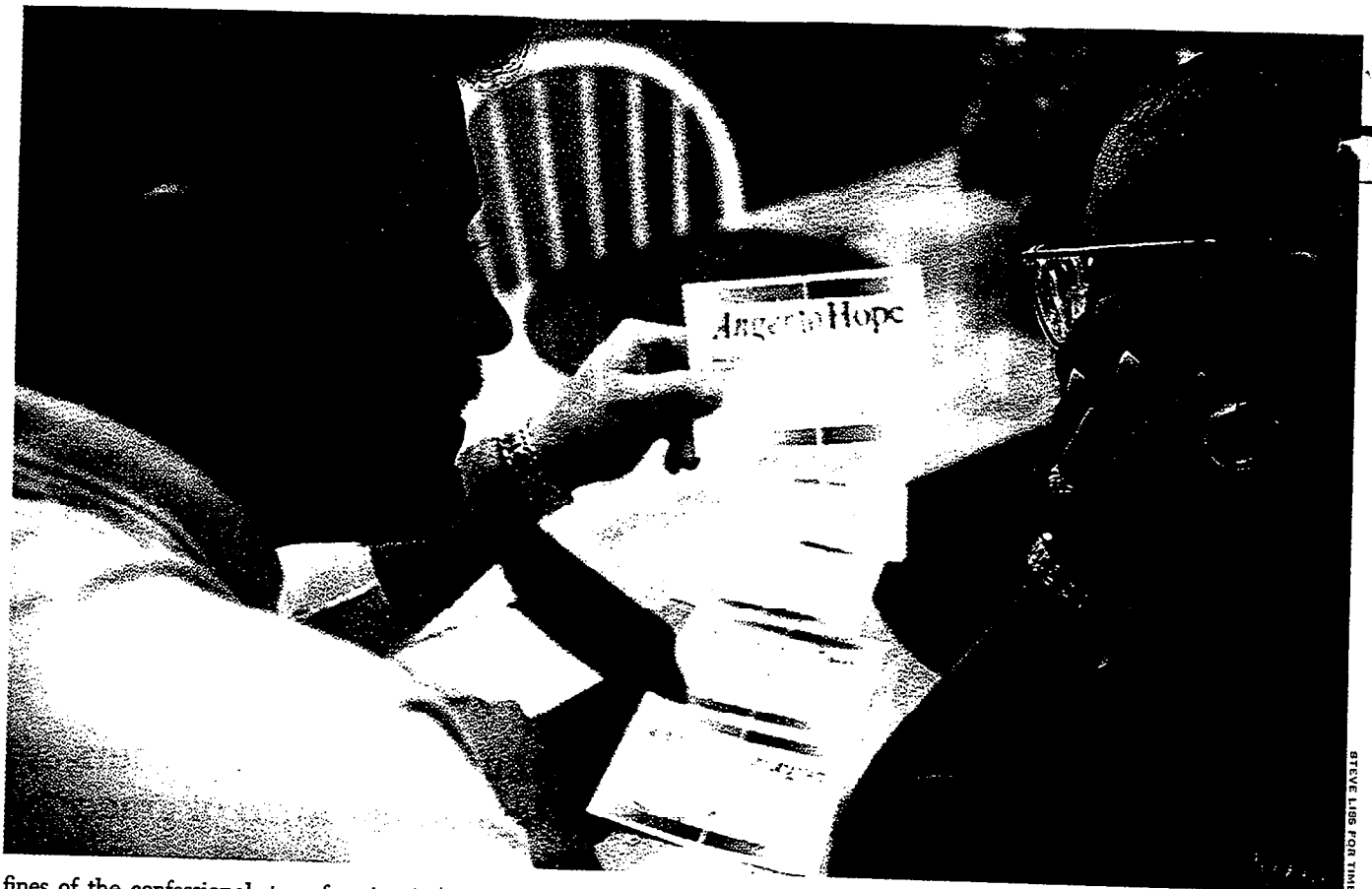
THE STRUGGLE "My son's feelings toward those two will be what he gets from me. If all he hears is hate and anger, that's what he'll get. I don't want him to grow up with that"

ANDRE LAMBERTSON—STUD FOR TIME



America can be a very unforgiving place. It is not that we aren't taught to forgive. This Sunday, on Easter, millions of Christians will celebrate the embodiment of divine forgiveness, the risen Lord. The parable of the pardoning of the prodigal son is recapitulated as often on daytime soaps as in Sunday sermons. No, the problem with forgiveness has been that of all acknowledged

of Zane.' Well, if I lose it, then I can't take care of him.



STEVE LIPS FOR TIME

ines of the confessional, transforming it into the subject of quantifiable research. In one case, they have even systemized it as a 20-part "intervention" that they claim can be used to treat a number of anger-related ills in a totally secular context. In short, to forgive is no longer just divine.

"The field is just exploding," says Virginia psychologist Everett Worthington, director of the Templeton Foundation Campaign for Forgiveness Research. He should know. His organization, set up by mutual-fund magus Sir John Templeton, has distributed \$5 million to scientists studying, among other things, forgiveness among chimpanzees and its physiological effects on the pulse and the sweat glands of humans. A number of psychotherapists are testifying that there is nothing like it for dissipating anger, mending marriages and banishing depression. Just a few years ago, says Robert Enright, a psychology professor at the University of Wisconsin and a pioneer in the scientific study of forgiveness, most secularly inclined intellectuals "trashed it; they said, 'Only wimps forgive.'" But now, Enright says, "psychiatrists, M.D.s, scientists, lawyers, ministers and social workers can all be on the same page. We are really on a roll."

Step into a forgiveness laboratory partly funded by a \$75,000 Templeton grant. At Hope College in Holland, Mich., Charlotte van Oyen Witvliet puts electrodes on a young volunteer. In a moment

Forgiving the Dead

WHO Delilah Bell

WHERE Madison, Wis.

OFFENSE Bell's fiancé's drug- and alcohol-related death: "He promised to be there for the kids, and he left me"

THE STRUGGLE Can forgiveness alleviate her recurring grief and rage?

he will think about a hurt that has been done him and then "actively rehearse" it for 16 seconds. At the sound of a tone, he will escalate his thoughts to "nursing a grudge" and making the offender feel horrible. Another beep will cue him to shift gears and "empathize with the offender." Finally, he will imagine ways to "wish that person well." Throughout the two-hour session, the four responses occur in different sequences, and Witvliet, a professor of psychology, will measure his heart rate, blood pressure, sweat and muscle tension.

So far, she has studied 70 subjects, half of them men, half women. Witvliet finds "robust" physiological differences between nonforgiving and forgiving states. Subjects' cardiovascular systems inevitably labor when they remember the person who hurt them. But stress is "significantly greater" when they consider revenge rather than forgiveness. Witvliet suggests that we may be drawn to hold grudges "because that makes us feel like we are more in control and we are

less sad." But interviews with her subjects indicate that they felt in even greater control when they tried to empathize with their offenders and enjoyed the greatest sense of power, well-being and resolution when they managed to grant forgiveness. "If you are willing to exert the effort it takes to be forgiving, there are benefits both emotionally and physically," she concludes.

While Witvliet labors to show the physiological benefits of forgiveness, Emory University primatologist Frans De Waal is busy extending its evolutionary pedigree. A study at his Living Links Center suggests that the Christian church's teaching on reconciliation may be viewed as the refinement of mechanisms reaching back not some 2,000 years but 25 million. "Instead of looking at conflict resolution as uniquely ours," he says, "we are showing that it exists in many cooperative species," particularly chimpanzees. De Waal's work focuses on the "social memories" of primates, and he says, "We have full confidence that they have memories of fights, hold grudges—and make up when necessary." While such behavior is not synonymous with forgiveness, says De Waal "it's hard to imagine it's not related."

Evolutionary psychologist David Buss, a professor at the University of Texas in Austin, has pondered the sociobiological logic of forgiveness and concluded that at least in the realm of mating, men and

It is the way I honor Catherine. To murder someone in

women may be programmed to employ it differently. Males, he suggests, are less likely to forgive a fling because if the woman becomes pregnant, "a man doesn't want to be investing resources in other men's children." In contrast, a woman may be more forgiving of a man's one-time infidelity (assuming that he has already given her a child) but less forgiving of a long-term diversion of material or emotional resources to another woman or a second family. "From an evolutionary perspective," says Buss, "part of the reason a woman marries is to secure all the resources of a man for herself and her children."

AS INTRIGUING AS SUCH MUSINGS are, theories are made flesh outside of laboratories. A persuasive anecdotal demonstration is occurring in a spotless apartment on the struggling South Side of Madison, Wis., where a graduate student named Paul Cardis is revisiting a former insurance processor named Delilah Bell. Five years ago, Bell's fiancé died of drug- and alcohol-related pneumonia, leaving her to raise their four children alone. To Bell, his death was worse than needless. It was a betrayal, and alternating bouts of anger and despair reduced her to a state close to paralysis. "I would talk to my mother about it," she says. "And she would say, 'Just let it go.' I'd say, 'How can you say that?'"

Then in 1997 Bell became part of a research project conducted by Cardis under the supervision of Enright, the forgiveness trailblazer. In eight sessions over two months, they explored a radically new ap-

proach for her condition. Today, on a follow-up visit, Cardis asks how things are going. "Pretty good," Bell replies. "The other day Michael [her 14-year-old] skipped school. He didn't walk in the door until 20 minutes to 8 that night." "Did you get upset?" asks Cardis. "I did, but I tried not to." "Did you forgive him, or are you still working on it?" "Still working on it." "That's appropriate. It's a process," Cardis says. He pulls out a set of flash cards bearing positive legends such as "Choose to forgive rather than getting even." The flash cards are familiar to Bell from last year—as were forgiveness homework assignments and forgiveness refrigerator magnets and lessons from Cardis and Enright's 23-page "Strengthening Families" instruction manual. Bell points to the card headed "See with new eyes—Take another look at the one who hurt you." "I'm trying to understand Mikey," she says, "but if I stay calm, I don't want him to think I condone what he did. I told him that to keep his job, he has to go to school." Cardis nods. "If you say you forgive him," he says, "it doesn't mean that you are letting him do whatever he wants. Forgiveness is not about forgetting the wrong." He smiles. "But deciding to forgive is a pivotal point."

The change in Bell is palpable. Where once she was silent and confused, she is direct and focused. This is all the more remarkable since, as she calmly informs Cardis, last October she underwent surgery for breast cancer. In the days before her forgiveness sessions, such a setback would have sent her into a vortex of helpless rage, and she admits, "At first I wanted to blame someone." That passed,

however. The cancer has apparently not spread, and she values her new composure. "I can buy another breast," she explains. "I can't buy another life."

Bell, a paid research subject, signed up for Enright's project with no expectation of a breakthrough. But citing a similar study with incest survivors, Enright says, "People who came to us with moderate psychological depression—and that is a lot of pain—all ended up being not clinically depressed and retained that over 14 months." He and his students have also applied his forgiveness "intervention" to elderly parents angry at distant children and men hurt by the abortion decision of a partner. His latest project is with sex offenders in a Madison mental-health facility. Enright feels that by helping them forgive the abusers in their own past, he may awaken empathy for their victims and decrease their recidivism.

Forgiveness has even wider social applications. An unusual coalition of liberal lawyers and religious thinkers has pioneered something called the restorative justice movement, whose favored instrument is conferences between crime victims and jailed perpetrators. There are now more than 300 such programs in prisons country-wide, including a \$1 million religion-based juvenile-justice initiative in Florida.

While restorative justice has roots in Christianity, its payoff is political and psychological. The conferences give victims the chance to confront criminals with the heartbreak they caused. The meetings' end goals, however, are rehabilitation and social engineering: they rehearse the prospect of a whole community once the



MARK RICHARDS FOR TIME



COURTESY ABA GAYLE (2)

Reconsidering A Death Wish

WHO **Aba Gayle**
WHERE Santa Rosa, Calif.

OFFENSE Douglas Mickey stabbed Gayle's 19-year-old daughter Catherine Blount, above left, to death in 1980

THE STRUGGLE Gale planned to watch Mickey's execution. But she began to doubt his death would make everything O.K. After long thought, she would meet him, lower near left

her name and to say we are doing it for her is horrible.

prisoner is released back into society. Forgiveness is not a conference "agenda item," says Bruce Kittle, a Wisconsin pastor and clinical professor who consults on the state's restorative justice programs, but "we talk about it with victims beforehand. Particularly in violent cases, it sometimes has a more direct role." Says Walter Dick-ey, a former head of the Wisconsin department of correction: "What you end up with is a lot of apologies by offenders." And about 85% of the time, he estimates, these

are followed by a two-part victim response: "a flat-out statement that what you did to me was wrong—and then a willingness to forgive and let it go."

Long before restorative justice gathered steam, Aba Gayle, 65, learned to forgive and to let go. Gayle says she knows all about "the big lie"—the promise that prosecutors make to relatives of murder victims that "everything will be O.K." once a murderer is caught, tried, convicted, sentenced to death and executed. In 1980 her daughter Catherine, 19, and a male friend were stabbed to death on a pear farm near Sacramento, Calif. Virtually disabled by what she called a kind of temporary insanity, Gayle attended the sentencing of Douglas Mickey as he received the death penalty for the killings. She left the proceedings "horrified" that such a sentence could be imposed so matter-of-factly. Yet when Mickey's execution date was set, she asked for a seat as a witness, hoping to be able to see him pay for her daughter's death.

Then one night in 1992, Gayle wrote her daughter's killer a letter. "It just flowed," she says. She told him she forgave him and was willing to visit him. "The instant the letter was in the mailbox, all the anger, all the rage, all the lust for revenge disappeared," she says.

And Mickey wrote back. He told her that what he had done was an "unspeakable burden" to his soul. He said that if he could undo the night he killed Catherine and her friend, he would gladly give his life. Since then, Gayle has visited Mickey several times and corresponded with him regularly. And she has joined Murder Victims' Families for Reconciliation, a group that opposes the death penalty. "It is the way I honor Catherine," she says. "To murder someone in her name and to say we are do-

THE KEYS TO FORGIVENESS

Empathy for the Offender

Robert Enright of the University of Wisconsin suggests thinking about these questions to help "the injured person view the offender as a vulnerable human being":

■ **What was it like for the person as he or she was growing up? Did the offender come from a home in which there was conflict or even abuse?**

■ **What was happening in the person's life at the time he or she hurt you?**

■ **Can you see the person as having worth simply by being a member of the human community?**

Applying Forgiveness

While doing so, it is important to remember these distinctions:

■ **Forgiveness is not legal pardon**

■ **Forgiveness is not reconciliation. While it takes only one person to forgive, it takes two to reconcile. And in some cases the best course is never to see the offender again**

■ **Forgiveness is seldom simple, linear, fast or even necessarily complete. In fact, anger can often remain after forgiveness**

■ **You will never truly forgive if you haven't honestly acknowledged how wrong the person was to hurt you**

ing it for her is horrible." Gayle sees herself as a spark for smaller mercies. "People think, If she can do that, maybe I can forgive my sister for what she did to me or my brother-in-law or mother—or whomever they've been holding a grudge against all these years."

For all its feel-good potential, however, forgiveness has more problematic reverberations than, say, Prozac. Can a woman's healing be helped by forgiving a physically abusive ex-husband who continues to savage her verbally among friends? What if they are still married and he is still beating her? Should the unrepentant be forgiven at all? Kittle, the Wisconsin restorative justice consultant, warns of misuse: "In religious traditions, there can be a sense of revictimization. They say to themselves, Here I am, and my child has been killed, and my pastor dur-

ders. As part of a symposium that is incorporated into the book, the writer Cynthia Ozick said absolutely not: "Forgiveness is pitiless. It forgets the victim. It blurs over suffering and death. It drowns the past. The face of forgiveness is mild, but how stony to the slaughtered ... Let the SS man ... go to hell." How-to books, therapy and interventions may be useful in dealing with an unfaithful spouse, gossiping colleague or even some cases of violence. But there are other practices—serial killing, torture, genocide—often regarded as unforgivable.

There are no easy answers to such objections. But for most of us, they will remain in the background so long as—during its journey from sacrament to science experiment to possible nostrum—forgiveness becomes neither a foregone conclusion nor an obligation, but remains a mystery within the heart of the forgiver. Only then will people like Mitchell Wright feel free to continue their struggles. Wright knows that far from being the recourse of wimps, forgiveness is the hardest course of all.

"Hate can come easy," he says. "I am having a tough time, and I pray. It's not as bad now as it was. But there were several times when I found myself confronted with mixed emotions. You just pray to God, 'Lord, help me. I need some help with this anger.'" He takes solace in one other resource unavailable to those whose forgiveness is removed entirely from faith. The night his wife died, Mitchell Wright talked to his son Zane. "He asked me when Momma was coming back, and I told him she couldn't." But, he recalls, "I promised him we would both see her again."

—Reported by Wendy Cole/Madison, Emily Mitchell/New York, Sylvester Monroe/Atlanta and Laura Laughlin/Phoenix

THE UNFORGIVEN

Would you forgive someone who:

	% FORGIVE	% NOT FORGIVE
Told lies about you?	73	24
Stole money from you?	67	31
Slapped or punched you in the face?	64	32
Held you up with a gun?	42	54
Murdered someone in your community?	33	59
Raped you?*	22	73
Raped a member of your family?	19	77
Murdered your child?	15	81

*asked of women only
From a telephone poll of 1,049 adult Americans taken on March 25 for TIME/CNN by Yankelevich Partners Inc. Margin of error is ±3%. "Not sure" omitted

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APRIL 16, 1999

Distributed by Bobby Bullet St. Germaine
(4/21/99)

DEAR R. J. PIRLOT,

THE FOLLOWING ARE SOME OF THE CONCERNS AND PROBLEMS AT COLUMBIA CORRECTIONAL INSTITUTE (PORTAGE, WIS.) FOR US AS TRADITIONAL FIRST NATIONS SPIRITUAL LEADERS AND ADVISORS:

- 1) WE CAN'T TAKE THE SACRED PIPE TO PRISONERS IN SEG. 1 WHICH ALLOWS SMOKING, ALSO CAN'T TAKE SACRED PIPE TO SEG. 2. WHICH DOESN'T ALLOW SMOKING. THIS IS A POWERFUL WAY TO PRAY, A DIRECT LINK TO THE CREATOR, AND ALSO HELPS TO HEAL THE PRISONER.
- 2) PRISONERS CAN'T USE CLAM OR ABALONE SHELLS FOR SMUDGING, INSTEAD ARE FORCED TO USE PLASTIC ASHTRAYS WHICH BURST APART EVERY ONCE IN A WHILE FROM REPEATED HEATING AND COOLING.
- 3) NO BATHROOM FACILITIES AT SWEAT LODGE SITE. PORTA POTTY WAS NEAR BY FOR SUMMER AND FALL BUT NOTHING FOR WINTER AND SPRING.
- 4) WE CAN'T RECEIVE GIFTS FROM PRISONERS AT SACRED SWEAT LODGE CEREMONY - GIVING IS VERY IMPORTANT IN OUR TRADITIONAL CEREMONIES AND TRADITIONS.
- 5) WE CAN'T GIVE PRISONERS SMUDGE MATERIALS (SHELLS, TOBACCO, SAGE, SWEETGRASS, CEDAR) OR SACRED PRAYER FEATHERS, SACRED PIPES ETC.

6) WE CAN'T BRING IN BERRIES OR ANY OTHER SACRED FEAST FOOD FOR OUR SACRED SWEAT LODGE CEREMONY WHICH IS ALSO VERY IMPORTANT FOR THE CEREMONY.

7) WE DO NOT HAVE ANY SEPARATE AREA FOR OUR SACRED ITEMS AND UNLIKE THE CHRISTIAN RELIGIONS, WE HAVE NO FILE OR OFFICE SPACE TO USE.

8) THERE IS A LACK OF BOOKS, NEWSPAPERS, TAPES, AND VIDEOS FOR FIRST NATION PRISONERS. ALSO LACK OF FUNDS FOR SWEAT LODGE MATERIALS SUCH AS CANVAS TARPS AND FOR SPIRITUAL LEADERS, ADVISORS, GUEST SPEAKERS ETC.

AS FOR THE WISCONSIN STATE PRISON SYSTEM OVERALL SOME OF OUR MAIN CONCERNS ARE:

1) LACK OF FUNDS FOR FIRST NATION PRISONERS SPIRITUAL, HEALING NEEDS. LACK OF FUNDS FOR SPIRITUAL LEADERS, ADVISORS, GUEST ELDERS.

2) LACK OF RESPECT FOR OUR TRADITIONAL WAYS FROM GUARDS, PRISON CHAPLAINS/PRIESTS, AND ADMINISTRATION.

3) NOT HAVING THE SAME RIGHTS AND PRIVILEGES AS PRISON CHAPLAINS AND PRIESTS.

4) EVERY WISCONSIN STATE PRISON RULES AND REGULATIONS CONCERNING FIRST NATION PRISONERS ARE SUBJECT TO THE DIFFERING VIEWS AND WHIMS OF EACH INDIVIDUAL PRISON WARDEN, HEAD OF SECURITY AND TO A LESSER EXTENT THE PRISON CHAPLAINS.

5) WE ARE NOT ABLE TO USE ALL OF OUR TRADITIONAL WAYS AND MEDICINES TO HELP HEAL OUR FIRST NATION PRISONERS PHYSICALLY, MENTALLY, EMOTIONALLY AND SPIRITUALLY. PRISONERS ARE BEING RELEASED TO OUR COMMUNITIES IN THE SAME OR WORSE CONDITION THAN THEY WENT INTO PRISON.

THE UNDERLYING QUESTION TO ALL THIS IS: ARE WE GOING TO JUST PUNISH AND TORTURE THE PRISONERS OR ARE WE GOING TO TRY AND HELP THEM BECOME BETTER PEOPLE BY TRYING TO HELP THEM HEAL?

THANK YOU FOR INQUIRING AND LISTENING.

SINCERELY,

Mark Welch

1ST NATION SPIRITUAL ADVISOR AT COL. CORR. IN:

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5307 S. CARVERS ROCK RD.
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Sanctuary Of The Healers' Heart
Rev. Brenda A. Stein, M.D., FAAFP, D.D.Hon.
P.O. Box 1839
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Address To The Legislative Committee On Faith-Based Approaches To Crime Prevention And Justice

21 April, 1999

Blessings to You:

I am Rev. Brenda A. Stein, M.D., FAAFP, D.D.Hon. I am the Assistant Director for the Racine Family Practice Residency Program and an Assistant Professor with the Medical College of Wisconsin Dept. of Family and Community Medicine. I completed my medical training at Baylor College of Medicine in Houston, Family Practice Residency at the University of Kansas at Kansas City, an academic faculty development fellowship at the Medical College of Wisconsin, and received an honorary Doctorate of Divinity from the American Fellowship Church. I am a legally ordained minister, Bard and Priestess for the people of the Wicca for the last nine years and currently act as High Priestess to Sanctuary of the Healers' Heart, an independent Wiccan / Pagan ministry - led by myself and my husband / Priest, Rev. Richard M. Cadwell, B.A, D.C., D.D.Hon. Together we have served as Bards, Healers, mentors, advisors, and Elders to many individuals, several covens, the Midwest Pagan Council, Pan Pagan Retreat, and many others. For the last two years we have served as Volunteer Wiccan / Pagan Clergy for the All Saints Hospital System in Racine Wisconsin. It has been our privilege and honor to act as Volunteer Wiccan Clergy for the Wisconsin Department of Corrections inmates at Racine Correctional Institute for the last year - until we were involuntarily suspended for alleged fraternization and inappropriate conduct. We believe these allegations are based on fear, misconception, and intentional bias / discrimination against Wiccan practitioners. This written document serves not only as my testimony to the Legislative Committee but is also intended to serve as the formal written appeal of the Revocation of my Volunteer Clergy privileges.

Unfortunately, my duties as a physician and educator preclude me from being here today; however, I have prepared this statement for you [which with my permission may be read to the Committee on my behalf, or which

may be copied and distributed to the Committee members for their individual review]. I wish to thank the committee, Right Honorable Chairman and Honored guests for the opportunity to speak on behalf of the Sanctuary of the Healers' Heart and those incarcerated Wiccans whom we have chosen to serve.

In December of 1997, my Priest and I were approached to provide volunteer services as Wiccan Clergy for incarcerated Wiccans at the Racine Correctional Institution. In February of 1998, we obtained permission to meet and work with the Wiccan inmates - twice weekly - on Tuesday morning and Saturday evening. These sessions were to be divided between study and worship. Due to my daily duties as a physician / educator, I was not able to attend daytime sessions so those were conducted by Rev. Cadwell. We both attended Saturday evening sessions and provided instruction and worship services to the best of our ability in accordance with DOC regulations and acting in Perfect Love and Perfect Trust with the sole intent of providing Wiccan training, worship, pastoral care, spiritual support and guidance to aid the inmates on their personal quest not only for criminal rehabilitation but for their moral and spiritual growth, healing, and transformation in accordance with the Greater Good.

Every clergy for every denomination or tradition combines their clerical / liturgical training, personal experience, and other personal / professional knowledge, skills, and tools to create a focus or approach which they can then tailor to the needs of their individual practitioners and congregations. As High Priest and Priestess of Sanctuary of the Healers' Heart, we have integrated our professional knowledge and training in human psychology and counselling skills with our pastoral training in providing spiritual guidance to focus on personal and spiritual growth, healing and transformation. We have drawn on our experience and training in working with adult survivors of abuse, domestic violence, mental illness, alcohol and substance abuse, and crises intervention - to name only a few areas. In addition, I have incorporated my experience as a health care physician provider working under the rules and regulations of several WI DOC facilities - including the Kenosha and Racine County Jails and my current position as physician at the Southern Oaks Girls School.

We have altered both our instruction and rituals to comply with DOC regulations, avoid misinterpretation, and to emphasize a personal growth oriented psycho-social-spiritual component. It has been our focus to provide the kind of clerical services provided by mainstream chaplains, insofar as possible, since we firmly believe that a religious paradigm and ethical system are essential to the individual's rehabilitation and re-integration into society in a positive and responsible manner. A spiritual paradigm which recognizes the divine nature of all life, the connectedness of all beings and things, the shared humanity amongst all peoples, and morally and ethically right behavior towards self, others, and the divine - held with conviction and incorporated into all thoughts, actions,

intents, and deeds - provides a foundation not only for re-integration into society but also provides the necessary attitudes and personal resources to diminish or prevent recidivism. By providing Wiccan chaplaincy we attempt to help these men focus on a positive self growth path that is consistent with the religious / spiritual paradigm which they have chosen to live. For all acts from the purely mundane to the sublimely spiritual are equally holy: the way we arise, eat, dress, conduct our affairs and relationships, our connection to our Mother Earth - the turning of her seasons, the phases of the moon, and the tides of our psychological and physiological actions and reactions. As a personal philosophy, we of Sanctuary of the Healers' Heart base our life upon Honesty, Integrity, and Personal Responsibility in Service to the Lord and Lady.

Now that you know my background, training, and focus, let me turn my comments to some of the specific experiences I have had during my volunteer chaplaincy with RCI in which the attitudes and actions of employees of the WI DOC have, in my belief, acted against Wiccan practices in an intentionally negative and / or discriminatory fashion. This is not only unconstitutional, but is contrary to a sincere desire for moral / spiritual rehabilitation, and in one instance actually created a potentially dangerous environment for myself as well as Wiccan and Non-Wiccan inmates. From the beginning...

When we first began our ministry to the Wiccan inmates at RCI, we often met with Chaplain Thomas - usually after the study session or ritual was completed - and discussed what we had done, the spiritual and philosophical basis within Wiccan theology, and often drew comparisons to the basic commonalities to more "mainstream" traditions.

During the year, Rev. Cadwell and I acting as Priest and Priestess of Sanctuary of the Healers' Heart conducted six out of eight High Holy Days rituals.

[We were out of town for Maban and were "prohibited from performing our spiritual obligation to the men for Samhain" - as you have heard in my husband's presentation.]

Never were we asked or required to submit rituals for pre-approval. This did not become an issue until after our Initiation at Candlemas 1999. Furthermore, I find it unlikely that a Catholic Priest, Protestant Minister, Rabbi or other "mainstream" religious group would have to pre-approve their rituals. Do you mean to tell me that all baptisms, bar mitzvahs, and being reborn in the holy spirit - is planned and regulated. I think not!

Despite our not discussing rituals until after their completion, the outcome of our discussions with Chaplain Thomas always consistently brought us to new levels of increased mutual understanding of Wicca and its

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similarities with other "mainstream" religions as used for personal psycho-spiritual growth. Our discussions enhanced the mutual respect we seemed to engender. We agree with Chaplain Thomas that an individual's personal commitment to moral behavior in the context of a spiritual paradigm which focuses on growth, responsibility, healing, positivity, self-actualization incorporated into the very fiber of daily being and not just "hung out on Sundays" could only serve to increase reintegration into society in a positive manner and could provide the support systems which could diminish recidivism.

As we facilitated the inmates' personal explorations of their spiritual journey, taught them the basic fundamentals of the theology, instructed them in the proper technique for the performance of ritual and more importantly the psycho-spiritual meaning contained within it's mysteries, we often encountered restrictive, biased, and I believe discriminatory practices which I do not believe are applied to "mainstream" groups in an equal manner. For example:

A) We were told all religious groups were allowed the **basic elements (symbolic / ritual objects) to conduct their rituals**. However our Wiccan inmates have repetitively not been allowed to have representative objects for each of the Elementals: a small pebble or crystal for Earth, incense (other than sage - which actually is used for other purposes) for Air, a red candle for Fire, and a small dish of water (to be used separately from the Chalice). While they are permitted two taper candles representing the God and Goddess, a Chalice and a Wand, they are only sometimes - not always - allowed four quarter candles. They were never permitted an additional candle for "workings" [much like a votive a Catholic might dedicate for a special novena, or a Jewish "yeirtzeit" (memorial) candle used on Yom Kippur]. They were not permitted to have a Cauldron or "offering bowl" [much like might be used in a Buddhist ceremony]. And, while other "mainstream" practitioners are allowed a Holy Book (e.g. Bible, Koran, etc.) when in solitary confinement, Wicca has no single text. The closest correlate would be the individual's **Book of Shadows**. However, the Wiccan inmates were not only prohibited their Book of Shadows, some inmates had covers torn off because of the presence of a pentacle (standard for the cover, like a cross on the cover of a Bible) or even had pages torn out by insensitive and prejudiced guards. Would a guard tear a page out of a Christian inmate's Bible solely because the guard did not understand or accept as a valid belief system the symbols and words contained within?

Within Wicca, it is common practice to wear a **religious medallion** - usually a pentacle, though occasionally the figure may be of a specific deity or totem. We met substantial resistance to assisting the inmates in

acquiring pentacles and often the men had these items confiscated by guards for "punishment" or bigoted misunderstanding. Would you take away a Catholic's crucifix, a Christian's cross, a Jew's mezuzah, a Buddhist's prayer beads? In addition, Wicca contains many traditions [just as in Protestantism], and while some of the men followed traditions which utilized medicine bags - since this was not the "Amer-Indian" group, medicine bags were not allowed. This demonstrates either a lack of understanding or intentional disrespect to the diversity of Wiccan practices in a narrow-minded, judgmental, and biased fashion. Are born again Christians denied use of symbols from other traditions? What about the use of the Star of David coupled with either a Cross or Dove?

Furthermore, since Wicca is a voluntary experiential, potentially possessatory, occasionally shamanistic spiritual pathway, one of the unique aspects of study, ritual workings, healings, and spiritual growth is the use of basic tools of divination. Wicca requires the practitioner to be introspective, recognize and take responsibility for who they are, what they have done, what they do to transform themselves, to become a wholesome spiritual being, divine, and in balance, respect, and harmony with all that is Sacred. The inmates at RCI have consistently been refused Tarot, Runes, or other objects such as for scrying or the practice of any other divinatory practice.

We were also informed that the inmates would be allowed a "Holiday Meal" after the Holy Day Ritual and that we could request certain food items for specific seasonal Holy Days. In Wicca we are bound to the Mother Earth for our very existence, our physical bodies, the food we eat, the air we breathe, the water we drink and that composes our very cells. A primary aspect of Wiccan practice is our connection to the Seasons. The foods we requested - of which almost all were denied or ignored - were simple foods, inexpensive items that are already available within your institution, according to the inmates. Items such as apples, raisins, honey, salt, wheat bread instead of white, and perhaps if not too extravagant a piece of salad in the Spring or perhaps a vegetable soup in the Fall. Virtually none of our food requests were honored. Nor were we allowed to bring in sealed grocery items (to assure there had been no tampering or "ingestant" added). Are Catholics and Episcopalians refused communion wafers? Are the Jews denied matzah at Passover? Are hard-boiled eggs served anytime around Easter?

B) Our Wiccan rituals have not been afforded basic courtesy regarding entrance or disruption during the service. There has been no consideration to the continuity of the psycho-spiritual dynamics or cycle established during the year - thus undermining the effectiveness of what we are attempting to instill in these novice practitioners about the integrated comprehensive manner and meaning in which all Holy Days, topics of study, seasonal ritual

practices, and personal behaviors are inexplicable intertwined. And finally, I have been the subject of what I consider derogatory and inflammatory comments not from the inmates but from the guards.

In Wicca, I have already related how we approach Life as conscious ritual. Furthermore, I have described how my role, function, and actions as a Priestess are inseparable from all other aspects of my life. What then is the purpose and intent of specific formal rituals and Holy Day worship activities?

Ritual itself - regardless of its form or content - is a set of symbolic actions, tools, attitudes and behaviors which speak directly to the subconscious in an abstract and often metaphorical manner with the purpose and intent of fostering deep, personal connection to the divine in a manner that is comprehensible and meaningful to each practitioner. All rituals of all religions serve to manifest universal human archetypes in a Jungian sort of way.

Our first RCI ritual, conducted by the inmates for Lady Day (Spring Equinox) 1998, was taken from their primary reference allowed by the institution, Janet & Stewart Farrar's Witches' Bible. In observing that ritual, it was evident that these novice practitioners were "going through the motions" but lacked an understanding and appreciation of why the specific actions and activities are performed, what the deeper symbolic psychologic and spiritual dimensions and meanings are, and how the ritual and group worship experience are connected to the greater theology and cosmogony of Wiccan belief. Through our work with the inmates, we sought to teach them the purpose, uses, and symbology of ritual tools; the order, purpose, and intent of each of the eight major Holy Days; the form, structure, and meaning of individual ritual elements; and how to transform rote performance into personally meaningful, spiritually integrated, and positive life altering beliefs, attitudes, and actions.

We specifically and intentionally created a year's cycle of integrated symbolic personal transformative rituals and exercises with the conscious intent of fostering positive healing of personal and family of origin issues, manifesting committed action for positive personal growth, explored how Wiccan beliefs and practices integrates with and complements the inmates' 12 Step and Recovery Programs and how Wicca provides a framework for morally, ethically, and spiritually appropriate behaviors - which for sincere practitioners will not allow them to commit criminal behaviors in the future. [This is much like the belief that a true Christian following in Christ's footsteps and honestly practicing the tenets of good faith would chose not to intentionally sin.]

While we tailored individual rituals to the seasons, the understanding of the inmates, and the constraints of the WI DOC regulations; we used not only our experience and creativity [like a Protestant minister might vary his sermons or Reform Jews might use different services (New Union Prayerbook)] to personalize each ritual and given the small group format, to individualize the meditative and devotional exercises to each inmate's personal needs.

None-the-less, we used relatively traditional reference resources, published by nationally and internationally recognized Wiccan and Pagan authors and leaders: people such as Janet & Stewart Farrar, Ray Buckland, Dorian Valiente, Raven Grimasi, Stanly Mozdryk, Slater, Campionelli, to name a few. Despite the need to create individually meaningful rituals, the use of common standard published materials serves to provide a more widely accepted and recognized format which serves to provide the basic foundations and tenets of the religion, incorporate all of the standard elements in group ritual, and to serve as examples of how to create and personalize worship experiences for less experienced practitioners.

We began with Beltane, a celebration of the Sacred Union of the Goddess and the God. Of all Holy Days, Beltane, is the most sexual. In traditional Wicca, this rite in symbolic or literal form manifests the Sacred Union of Goddess and God, creating the Seed of Life, Born of Love, to manifest in physical form, as positive transformation or creation. In this ritual, we were allowed to bring in small packets of wildflower seeds wrapped in tissue paper and tied with a small piece of thread. Each packet was counted entering and exiting the institution except one which had been removed by RCI for analysis. We had the men meditate on their own Personal Seed which they dedicated to healing, growth, and positive transformation. With the seeds, they visualized what they hoped to become and honored their own creative and procreative capacity and the consequences and responsibilities of their own endeavors. Upon exiting the prison with the seeds, we planted them in a pentacle in a nearby forest - to grow with the seasons and in symbolic connection with the creative and procreative cycle of our lives and our Mother Earth - as Spring Blossoms and the Seeds of Life, fruit, grain, vegetation begins to germinate.

As part of this ritual, touching of the Priest's & Priestess's hand to the participants' second, fourth, and sixth chakra occurred, hugs were exchanged, and the group held hands together as they walked in a circle. Chaplain Thomas had observed part of the service by looking in. However, Chaplain Thomas to his credit, followed the custom of respect - allowing the Circle to be opened with the creation of an astral gate or portal before entering into the Circle's Sacred Space. There was never any prohibition from this practice and Chaplain Thomas and the initial guards respectfully followed this tradition. They were never barred from entrance nor were they restricted from seeing, hearing, observing the activities of the Wiccan RCI group. However, as you have heard, one of the allegations used to revoke Rev. Cadwell's privileges was prohibiting a guard from observing / entry into the room. We did not block his entry - merely requested that he allow sufficient time to create a portal and that he enter respectfully and in a non-disruptive fashion. Do guards enter the middle of a Catholic mass or a Shabbath service? At this point, no issue was made of "inappropriate touching" or "fraternization".

At Midsummer, the ritual focuses on the manifest power and connection with the SunGod. We celebrate the ripening grain in the fields; the Mother's belly (Earth) is full of life and all is prosperous. While Rev. Cadwell was out of town for a professional conference, I conducted the ritual as Priestess with the Wiccan group collectively representing the Priest / SunGod. As the inmates walked in a circle, I turned in the center and in Bardic Tradition Invoked the SunGod to descend upon these men and fill them with his Power, Love, Strength, Responsibility, and Benevolence. We then had an interactive discussion focused on the difference between core personal spiritual power / empowerment and the manifestation of "masculine power" as indoctrinated, enculturated, and promulgated in American culture as violence, rage, rape, control, and destruction. In the context of their personal meditations they were asked to visualize their most positive, life affirming, respectful, empowered and actualized divine self and rededicate themselves to transform into greater balance and harmony with their own Divinity. As each inmate "received the spirit", he was touched on the third, fourth, and seventh chakras physically and on the first, second, and sixth chakras energetically - without actual physical contact. Again, the "sexual polarity" represented in the Goddess and God and in evoking the God within each inmate was not deemed inappropriate at that time.

At Lammas, we celebrate the First Fruits and the beginning of the harvest of the bounty of Love and Prosperity borne of the Seeds from Beltane, we honor the Gifts of the Earth, (the works of our hands) and our first (personal) sacrifice - as to harvest a crop, the fruit / vegetable is severed from the Mother plant and in effect gives it's life in Service to nurture and feed the People. This is a manifestation of the **Life, Death, Rebirth** motif which permeates the **Wheel of the Year**. In many traditions, a drop of blood or sperm may be given to the ground. We symbolically harvested each inmate's "crop" (from the seeds of change he dedicated at Beltane) by having them meditate upon a single stalk of wheat each man held which we were allowed to bring in for the ritual. Each man's piece of wheat was visualized and charged with the positive growth they had experienced as a result of their personal spiritual journey. Each man then made a freewill offering of their personal harvest to the Cauldron of the Goddess. For some it was a poem, a song, a drawing, a hair clipping, an offering of tobacco with the pledge to quit, etc. Each inmate willingly chose personal sacrifice in order to transform spiritually - this was symbolized by the breaking of the wheat shaft and the return of the pieces to the Cauldron. During their sacrifice, the inmates were touched on either their third, fourth, or fifth chakra. [N.B. Again an example of physical contact (involving the abdomen, chest, and neck) that was not deemed inappropriately sexual nor fraternization at that time.] The contents of the Cauldron and the inmates' personal offerings were taken to a Wiccan Lammas retreat and were

returned to the Great Fire to transform by flame and arise (like the Phoenix) as more spiritually matured practitioners. Other Wiccans at the retreat were so impressed with the commitment, dedication, and progress of the RCI Wiccan Group that they gifted a sage smudge stick and candles which we were allowed to bring into the institution for the permanent possession and use of the RCI Wiccan Group. This establishes a clear and repetitive pattern of objects traveling in and out of RCI for strictly ritual purposes - seeds, wheat, offerings - without challenge although witnessed and discussed with Chaplain Thomas before and after the fact in all instances.

Our professional obligations had us both out of town for Mabon, thus the inmates conducted their own ritual - manifesting what they had learned and how they had integrated their spiritual practices into their lives by using the celebration of Mabon - the second harvest festival - a time when the major harvest is complete, stores are laid in for winter, preparations and provisions are made for the Dark-tide of the Year. It is time of celebration coupled with the beginning preparation for introspection, reflection on the harvest completed ("what we sow, we reap"), and re-evaluation of life / actions - similar to that which is done during the month preceding Rosh Hashana and Yom Kippur or to the month of Ramadan. The RCI Wiccan Group chose to perform a group rededication to Wicca as a Spiritual Path and to their roles as practitioners and dedicant Priests in training.

It was during the transition from Lammas through our temporary involuntary suspension a few days before Samhain that problems began to arise.

First, it was during these several months that we were verbally charged with trying to undermine the institution's and Ms. Kemper's authority by requiring that a self-professed Wiccan inmate was asked by us not to wear the inverted cross (a Satanic symbol, also used by Skinheads). Upon questioning of the inmate, he did not know the symbol's meaning and nor did he understand that the image is antithetical to Wiccan beliefs. We instructed him on the meaning of the symbol he wore and how in Wicca the "Energy" can manifest through common symbols and group consciousness into reality. We suggested he mediate on the beliefs that he had and what symbology he wished to represent those beliefs and then to either return to the Wiccan group without that particular medallion or that we would be glad to assist him in contacting a recognized Satanic practitioner for his spiritual guidance. This was seen as interfering with the institution's policy on religious jewelry and usurping DOC employees authority. In fact it was not only a clerical permeative but spiritual obligation that we had to address. Is it inappropriate for a Catholic Priest or Protestant Minister to require that a participant in their religious paradigm not wear a Satanic (or even Pagan) symbol? Would it be out of line for a Jewish group to request a practitioner not

wear a swastika to the group? This neither interfered with the institution's authority nor did it deny freedom of speech and expression under the constitution. It merely requested respectful and considerate conduct and actions consonant with core beliefs of a participant's stated spiritual belief system. In the Old Testament, the 613 commandments were incumbent only on Jews, only 8 out of the 10 commandments were incumbent upon non-Jews. In Islam and Orthodox Judaism, the dietary laws only apply to practitioners of that particular faith. Christians wear crosses, Catholics wear crucifixes. There is no difference except that based on lack of knowledge, misunderstanding, fear, stereotypes, or intentional prejudice.

Second, during this time, unscreened inmates were allowed unrestricted access to the RCI Wiccan Group, despite their intentional disruption and a profession of beliefs which focused on a negative and destructive, racially oriented pathway - geared towards the manipulation of others for their own personal power and not at all consonant with Wiccan creed. We have heard from reliable sources including inmates and guards that it is common practice to have individuals intentionally disrupt "minority religious groups." This resulted in the incident with the written articles of faith, removed from the institution, reviewed, and returned to Chaplain Thomas that resulted in Rev. Cadwell's initial "restriction to Tuesdays when RCI staff is available to supervise the Wiccan program".

By restricting Saturday attendance, in effect, I was prohibited from performing voluntary chaplain's duties for an alleged offense which I did not commit and was not party to. What messages does this teach inmates about innocence until proven guilty, guilt by association, and fair and just equality under our American Justice system?

Furthermore, we and the inmates made multiple requests to move some of the Tuesday morning sessions to evening sessions so that inmates would benefit from the instruction and guidance of both their clergy - given that Wicca is a duotheistic cosmogony. The Lord and Lady manifested by Priests and Priestesses representing balanced sexual polarity encompasses all aspects of our existence. These requests to accommodate the presence of both clergy were consistently denied. It is unreasonable to require that an unpaid / volunteer chaplain take time away from their vocation - thus decreasing their "usefulness to society" by diminishing work productivity, increased absenteeism, decreased salary due to time off, resulting in decreased taxes paid, etc., etc., ... Volunteer clergy with the intent of mentoring positive spiritual values, moral / ethical behavior, and right relationship thereby assisting the rehabilitation of inmates offer their personal and professional expertise, time and energy for the sole purpose of individual and societal benefit. What messages does this teach inmates about their role as positively rehabilitated citizens offering their experiences and insights to mentor and talk to teen groups, church or scout troops, Big Brothers / Big Sisters, or even volunteer at DOC facilities, 12 step programs and half way

houses? Does DOC really want to send the message that volunteer mentoring is good but only if enacted in a personally and socially irresponsible manner - ignoring obligations to employers?

By denying these incarcerated Wiccans clergy presence at Samhain (a Saturday evening and the most solemn Holy Day of the Wiccan year, it was akin to denying Christians the officiants of their Priest at Christmas Mass or Easter Sunday; akin to denying Jews a Rabbi at Rosh Hashana or Yom Kippur or forbidding the Passover Seder. Furthermore, this intentional disruption of the inmates' spiritual training at this time interrupted the cycle of transformative growth with they had undertaken - again contrary to sincere desires to spiritually integrate inmates as part of their criminal rehabilitation. The period encompassing Samhain is the time when Wiccan practitioners walk with their Shadow. A time for critical self-evaluation and commitment to be "reborn" as a child of light. Again, this is much akin to the period of personal reflection preceding Yom Kippur, the period before Lent, undertaken before a baptism or conversion, or the taking of a fourth and fifth step in a 12 Step program.

Third, each time the core group of Wiccan inmates began to consolidate and integrate as a "fellowship" members were transferred out of the group to new incarceration facilities or into "Programs" which actively discouraged their attendance of religious study and worship sessions. The Wiccan inmates were threatened with failure of their programs or other disciplinary actions, thereby blocking probation hearings and in some instances delaying or preventing release procedures and dates. Don't 12 Step Programs utilize the belief in a Higher Power - of an individual's own understanding? Aren't there many studies which document the positive influence of a religious / spiritual belief system and supportive community in the successful rehabilitation of inmates from a life of crime, substance abuse, violence, and disenfranchisement?

Finally, during this same period from Lammas to Yule, guards at RCI were overheard by inmates as well as by Rev. Cadwell as saying on several occasions that they were just waiting for me to be assaulted or "jumped" and in one instance implied that I "deserved it" for the way I dressed. It had been our custom from the beginning to wear street clothes on non-Holy Days but on Holy Days we always wore our Ritual Robes. Comments were made by guards about my clothing, and by non-Wiccan inmates about my body habitus, and specifically about the size of my breasts. For Wiccan practitioners, **all Men are God and all Women are Goddess and we are all One under the All.** Wicca teaches respect between males and females and focuses on right relationship. A true Wiccan practitioner could never physically or sexually assault a woman they recognize and honor as Goddess. I had no fear from the Wiccan inmates with whom I worked. In fact when they talked with each other about the incidents the Wiccan inmates were insensed, offended, and pledged respect, honor and protection of me as their clergy.

However, the insensitive and disrespectful, derogatory comments made by the guards about me and tolerated by the guards coming from other inmates - stemming from their own fear, misconception, misogyny, and cultural - religious ignorance and intolerance created an environment which was potentially dangerous to myself and other female clergy - as well as set a bad example / attitude for other inmates to witness. Is this the level of supervision, the attitudes / messages that WI DOC wishes to instill in their inmates? Is not the behavior demonstrated by RCI and DOC employees antithetical to moral, ethical, spiritual, and non-criminal / socially acceptable behavior deemed "desirable" for rehabilitating inmates?

C) The basis of the revocation of my volunteer privileges stems from alleged fraternization and inappropriate "sexual" conduct. This is also the same basis for the revocation of volunteer privileges of Rev. Yohan - as you have heard. We and the RCI inmates (and no doubt other Wiccan clergy and practitioners) believe that the repetitive use of fraternization and "sexual conduct" allegations to disband and prohibit Wiccan clergy from participating in the spiritual endeavors of WI DOC inmates is based upon ignorance, misinformation, misconception, fear, stereotyped judgmentalism and outright prejudice on the part of WI DOC institutions, policies, and the behaviors of some (though certainly not all) employees against a non-"mainstream" religion which is poorly understood or accepted but is none-the less protected under the Constitution.

If not seen as too indelicate, please grant me your attention and patience just a bit longer and let us complete the incidents of the last part of the year - including Yule and Candlemas - specifically addressing the issues of alleged fraternization and inappropriate conduct leading to the involuntary termination of our volunteer clergy status.

We were next allowed entry to RCI and access to the Wiccan inmates at Yule, which is the Winter Solstice and corresponds to the Return of the Sun King, born as a Child of Light to the Earth. In a comparative theologic sense, it is analogous to the birth of Jesus at Christmas (despite substantial evidence to suggest that his birth was actually in the Spring). Furthermore, this SunKing motif is not restricted to Wicca. Yule is also the birthday of the Egyptian God - Ra, the Roman God - Helios, the Celtic God - Lu, and many others. During the ritual, the participants are symbolically reborn of the Goddess, welcomed as Divine Beings - desired, accepted, loved. The God cycle sees the turning from the Dark Gates Lord to the Child of Light who will soon grow into the Young God of the Greenwood and through his Love, Seed, and Grace will return Life to our Mother Earth. During this ritual, the RCI Wiccan inmates were asked to mediate on how they wish to be "reborn of the spirit" as a Child of Light - to

grow and develop along a positive spiritual pathway for the next year. They were then placed into a crouched or kneeling position, and each in turn was embraced by the Goddess, brought to a standing position and welcomed as a Divine Sacred Being. The symbology is clear. So is the psycho-spiritual value in which a sense of belonging, acceptance, self-worth, capability, purpose - all serve to diminish criminal behavior. During this ritual the Priestess embraced each of the men, touched their face, lifted them up by their arms or back, placed a hand on their fourth chakra, etc. Again in this ritual context, still no issue was made of "inappropriate touching" or "fraternization". The guards and Chaplain Thomas were free to observe and evaluate - as at each of the preceding Holy Day rituals.

Finally, the real issue and reason for our revocation of privileges: the initiation of an inmate at Candlemas 1999. That ritual served as the basis, wrongfully interpreted by certain guards, and described in the Adult Conduct Report #1000041 on inmate 236698 dated Feb. 6, '99 for the "alleged sexual conduct, disruptive conduct, disobeying orders / policies & procedures" tickets and subsequent punishments placed on the inmate and our formal revocation of clerical privileges at RCI for alleged fraternization and inappropriate conduct.

The Holy Day of Imbolc, often called Candlemas, literally means "in the belly" referring to the Ewes with lamb, and the Mother Earth - having completed her post-partum period from Yule - transforms into a new Maiden in preparation to meet the Young God of the Greenwood and once again journey together along the Wheel of the Year. It is a time to dedicate yourself towards new beginnings - similar to Lent or even New Year's resolutions. Candlemas is the traditional Wiccan time for initiations. Having fulfilled the requirements of serious study for at least a year and a day, connected on a personal spiritual and energetic level with personal and universally shared Divinity, having demonstrated the knowledge and skills in the basic fundamental performance of ritual and magick, having demonstrated the ability to provide leadership to other Wiccan inmate dedicants, acting in a morally and ethically responsible manner in accordance with Wiccan creed, and being willing to accept responsibility for all of his personal attitudes, actions, behaviors, and beliefs, one of the men was deemed ready for his First Degree initiation. Furthermore, given the increasing resistance we met at being allowed into RCI for educational, worship, or pastoral visit purposes between Lammas and Candlemas, it was clear that it was only a matter of time before the inmates would have to serve as their own clergy. It was inevitable as anticipated from the multiple repetitive attempts to limit / restrict / or otherwise discourage our presence as volunteer clergy that we would ultimately be revoked. This was the institution's unspoken plan and policy - not only for us, but along the same allegation, for the Wiccan clergy who preceded us.

That initiation ritual was taken from the RCI Wiccan inmates approved references, Janet & Stewart Farrar's Witches Bible. All elements of "controversy" including: usually being conducted naked (we modified to have the inmate remove his shirt and shoes) [as Moses stood barefoot on holy ground; and the descent of Dimeter and Persephone removed all external clothing / jewelry for her "initiation"], having his hands and leg bound (we used a single strand of thin grey yarn), kissing him and escorting him by the arm into the Circle, anointing with oil, and the Five Fold Salute were not only documented by these authors and common practice within Wicca - but they are extensively documented by other recognized Wiccan authorities including Buckland, Campionelli, Cabot, Slater, Valiente, and many others. Furthermore, I was alleged to have given a "gift" to the inmate - placing a pentacle around his neck that was presumed to have been brought in by us from the outside. In reality, that was the inmate's personal pentacle which he had in his possession and which we claimed from him at the beginning of the ritual in order to consecrate it and return it in a ritually symbolic and meaningful manner at the conclusion of the ritual.

The concern raised about the Five Fold Salute is based upon the mistaken belief and allegation that this is a sexual act - rather than a salute of recognition as Rev. Cadwell has explained. In addition, as I have tried to elucidate, all of Wicca involves the psycho-spiritual-sexual duality and polarity of Male / Female, Priest / Priestess, God / Goddess. This is a core tenet of Wiccan belief and of the physical foundation of our existence on this planet and in this particular time / space dimension. I agree with Rev. Cadwell's statement that the most sexual aspect of any Wiccan ritual is the symbolic Great Rite in which the Wand is introduced into the Chalice. I disagree with RCI and WI DOC interpretation that a kiss, touch on the hand / arm / shoulder / back / feet is inherently sexual. Did not Mary Magdalene kiss Jesus' feet and wash them with her hair? Was this sexual or sincere devotional respect and service?

Rather than enter into a political debate over what is or is not sexual (wasn't that addressed with our President), if you want to consider minority religious paradigms - consider Wicca, like Tantra (Hindu) traditions that say all aspects of life are sexual - not only our physical sexual relations but how we arise, cleanse ourselves, dress, eat, conduct our affairs, walk, move, interact - for by our very nature and physical existence we are sexual beings.

Is it not better to teach the respectful and sacred aspects of male and female -as well as gender non-specific human - relationships. Unlike "mainstream" religions in which humans are created in the image of the Divine,

To adequately address the role of minority religions and their impact on faith based approaches to crime prevention and justice, we need the open minded understanding, respect, encouragement, as well as timely and complete information from Corrections officials and staff rather than prejudicial assumptions and mis-utilization of the rules to deprive the Wiccan inmates of their Clergy. We do not seek to supplant other religions but seek only to practice our own religion in a responsible manner afforded the respect and consideration of other "mainstream" religions and granted equal protection under the First and Fourteenth Amendments of the Constitution.

I thank you the committee for the opportunity to present this information and am available to answer questions as desired by the committee. You may contact me at the address listed at the top of this presentation.

In Service, May You Be Blessed:

Be Well, Be at Peace, and Know Love

By My Hand:

Rev. Brenda A. Stein M.D., FAAFP, D.D. Hon.

Rev. Brenda A. Stein, M.D., FAAFP, D.D.Hon.
Ceanna Lady Windsinger
High Priestess for Sanctuary of the Healers' Heart

cc:	Marian Cook	WI ACHE
	Chaplain Thomas	WAD
	Waltz Therein	AD
	Selenite Fox	LLL
	Scott Genes	

At the Heart of the Healers' Healing Art, Love Brings Healing From Healers' Heart

Sanctuary Of The Healers' Heart

Rev. Richard M. Cadwell, B.A., D. C., D. D. Hon.

P. O. Box 1839

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Address To The Legislative Committee On
Faith-Based Approaches To Crime Prevention And Justice

21 April, 1999

Good Day:

I am Rev. Dr. Richard M. Cadwell, Chiropractic Physician, a legally ordained minister, Bard of the School of Taliesyn and Wiccan Priest for the past thirty years. I am the current High Priest to Sanctuary of the Healers' Heart, an independent Wiccan \ Pagan ministry. I hold a B.A. in math & natural Sciences with an effective minor in counseling psychology, an earned Doctorate of Chiropractic and an Honorary Doctorate of Divinity. I'm honored to have worked with the WIDOC prison ministry for about a year now and have been a volunteer Wiccan Chaplain with the All Saints Hospital system for the past two years. I have also provided advisement to law enforcement both locally and in Kansas City regards Wiccan/Pagan matters. I have been mentor, advisor, healer, educator to groups and individuals. My Priestess, Rev. Dr. Stein, who is a Physician Educator, Asst. Program Dir. of a Residency program and legally ordained minister could not be with us today as she has physician duties with the residency program which preclude her being ^{here} with us today. I have a statement from her which with the committee's kind permission I provide to enter into the record as she has other significant complementary points to those I will make.

Now that you have some idea of my credentials, I wish to begin by thanking the committee, Right Honorable Chairman and Honored guests for the opportunity to speak on behalf of the Sanctuary of the Healers' Heart and those incarcerated Wiccans whom we have chosen to serve.

In December of 1997, My Priestess and I were approached to provide services as Wiccan Clergy for incarcerated Wiccans at the Racine Correctional Institution. In February of 1998, we obtained permission to do so. Beginning with the March High holiday of the Spring Equinox we have worked with these men for nearly a year now,

going into the prison to teach, perform rituals of both Holydays and of rites of passage. We have altered our rituals both to avoid misinterpretation and to emphasize a personal growth oriented psycho-social component. We have been available for and have provided pastoral counseling for these men as well as spiritual support in their efforts toward positive growth and dealing with their personal and family issues.

It has been our focus to provide the kind of clerical services provided by mainstream chaplains, insofar as possible, since we firmly believe that a religious paradigm and ethical system are essential to the individual's rehabilitation and re-entrance into society. By providing such contact and services we have kept these men focused on a positive self growth path that is consistent with the religious paradigm in which they have chosen to live.

We have seen positive results in that the men have developed a sense of religious community and have begun to apply the principals of Wiccan ethics in their daily lives, each taking individual responsibility for how they got there and how they wish to restructure their lives prior to and after being released. Unfortunately as the Wiccan group begins to consolidate and develop community inmates are transferred to other facilities, often out of state creating family hardships. An incarcerated Wiccan prisoner in Texas, previously from RCI describes the needs of the Wiccan prisoner quite eloquently when he says:

" Well, let's look at what I need...¹ As an incarcerated Wiccan/pagan, I need willing people to facilitate rituals, to bring the Craft to the prison system and give me the opportunity to grow spiritually. Another option is for one-on-one pastoral visits where a more personal and relaxed setting can be offered to the visitor. Wicca is not only a religion; it is a way of life. If I don't have the guidance to live it as much as possible under my present circumstances, then it seems to me a waste of valuable time. Though books provide a valuable resource to learn and grow from, not all knowledge is written down and published. This is where I feel that 'hands on' experience is needed to continue my journey in the Craft.

"Heart of the Healers' Healing Art, Love Brings Healing From Healers' Heart."

I know that I'm responsible for myself, but even the greatest philosophers had teachers and mentors. Plato had Socrates. Arthur had Merlin. Now I seek that kind of mentor and like every good student, I need someone to provoke my mind and get me to think about things in a light that I may not necessarily see on my own. I realize that I am limited by my surroundings, I also realize that there's a lot I can accomplish."

I think Mr. Averill says it quite clearly. These needs then are the essence of our ministry. In the process of accomplishing this however there are some issues I would like to bring before this committee which we have experienced. Just before Samhain, the Holiday you know as Halloween of 1998, the holiest holiday of the Wiccan year, the institution limited our participation as clergy to Tuesdays only, restricting both my Priestess and I from attendance on Saturdays on which Samhain occurred and which had been their study day, ~~it was~~^{it} often the primary ritual day as well. This action deprived these incarcerated men of their clergy, on a high Holyday similar in importance to that of the Christian feast of Christmas or Easter, based on a technicality: the allegation that I removed a document from the institution. In effect penalizing both of us for the action of one. What does this teach the inmates? (I thought I'd left that kind of mentality behind with the Marine Corps boot camp.)

The document in question was alleged to be a declaration of faith of a group which on further evaluation turned out to be White Supremacist and Satanistically oriented in nature with a strong racial bias and who's purpose as stated by one of those members in words to that effect was essentially the disruption of the Wiccan group creating a situation so that the Wiccans would have no clergy. They have been partially successful, in large part due to the ignorance, misinformation, fear and outright prejudice of the institution and the personnel therein as exemplified by commentary from my Priestess's presentation. We have offered to do a training session for the staff and have provided them a copy of, The Law Enforcement Guide To Wicca, by Kerr Chuhlain, himself a working law enforcement officer, with some minimal verbal interest but no effective time given.

"Heart of the Healers' Healing Art, Love Brings Healing From Healers' Heart."

The reason this occurrence, along with other potentially serious problems, was possible is since as Wiccan Clergy we are not allowed to screen or evaluate members of the Wiccan group. This inability to screen leads to serious problems of confusion and disruption when other inmates with alternative or diametrically opposed beliefs, such as White Supremacy and Satanism for example, are allowed to infiltrate the Wiccan group they usually cause disruption, chaos, confusion and misappropriate appearances to those outside, leaving a highly charged negative representation of the men who work hard to live this sincerely held belief. It is our understanding from the guards and inmates alike that this is a common occurrence where individuals work to disrupt minority religious meetings. Effective screening would prevent most of this.

In spite of this handicap I continued to meet with these men on Tuesdays doing what I was able to teaching and working with these men without outside resources. Chaplain Thomas however, was most helpful within the constraints of the institution and seemed to be the only staff making the effort to understand the Wiccan approach and our work with these men. He had commented that our post ritual discussions had given him a better understanding of our approach and philosophy. In the interest of the men Chaplain Thomas helped them arrange to celebrate the next high Holyday Yule on a Thursday and the ^{next following Imbolc} since the date of the ~~holiday~~ was on a Tuesday, Chaplain Thomas arranged to be present on Tuesday rather than the following Saturday evening so that the men could have their balanced clergy, Priest & Priestess. He has my highest regards.

The Tuesday prior to this holiday a guard, in the guise of "Monitoring the Wiccan service," ^{when} ~~while~~ Chaplain Thomas was already present, rudely entered the room in which the circles space was cast, obviously looking for trouble that did not exist prior to, but was evident in his arrival. Never before has a guard come in to "monitor" the service. Until then they simply looked without coming in, or sat in the office of the pottery room, then left.

Tuesday the holiday of Imbolc, often called Candlemas is a traditional time for "Heart of the Healers' Healing Art, Love Brings Healing From Healers' Heart."

initiations and one of the men was ready for his First Degree initiation, on this holiday we performed the regular Imbolc service, then the initiation which was a well published ritual and part of the book the men at RCI are allowed to use. The inmate - dedicant, as is our custom, knew nothing about it before hand and as a result of his honest participation received a serious conduct report and added time both in segregation and to his sentence. The timing and conduct report make it clear that this is in response to his initiation. Why is it necessary to punish the inmate further for their clergy's actions? *they are neither controlld by nor responsible for their clergy's actions!*

Shortly thereafter all my volunteer and clergy privileges were revoked due to allegations that I had tried to prevent an armed guard from monitoring a Wiccan service. Just look at me and you can see how ludicrous that is, one hundred and thirty-seven pounds does not compete with an 170+ pound armed individual. I simply attempted to ask him to wait and to show the same respect for the space of the Wiccan religious service he would show his own religious paradigm. That guard neither heard nor attempted to understand, nor was he open to compromise, as later discussions proved. I understand however, from Chaplain Thomas, that this kind of conduct is normal for these guards as they have pulled men from his services with no respect for his service either. I must highly commend Chaplain Thomas' efforts to explain to this guard his error and to minimize the problem he generated.

Within the next couple of days my Priestess received a letter of complete revocation, allegedly for fraternization as a result of actions occurring during the initiation, all of which were protected under the First and Fourteenth Amendments to the U.S. Constitution and part of a well publicized ritual which we had already modified for security concerns. We were later told that we should have submitted the ritual for prior approval. I do not believe that chaplains of mainstream sects are subject to this kind of restrictive action nor were we advised at the start of our ministry that such a requirement existed and only now being advised that we had a right of appeal. On careful observation you might surmise how untimliness and partial information by

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the system makes technical mistakes inevitable, thus making it relatively easy for the system to apply old prejudices against any minority religion simply using technicalities or applications of the rules to remove them from service to Wiccan or other inmates.

The other serious matter is that of segregation. Inmates who follow a mainstream religion are allowed to have their holy book and chaplain's visits while in segregation. Walter D. Theizen, Chief of Program services advises me in a written communication of 21 August, 1998, that, "Inmates in segregation can have authorized religious literature, can engage in personal study and meditation and can have visits from approved religious leaders. With regards to pastoral visits, it is important to give the institution advanced notice so arrangements can be made." During the time we have worked with the men at the RCI facility I have asked to make appropriate visits to men in segregation and been told by this institution that it is not possible. If rehabilitation is the goal for these men, their religious practice plays a most important part in their readjustment, acceptance and integration of the religious principals to the realities of daily life and release back into society. Mr. Theizen's comments make it clear that Wiccan Clergy² may visit on the same basis as other recognized clergy. We feel that Wiccan clergy should have the same access to the Wiccan inmate as 'mainstream' chaplains.

The fact that the closest thing to a holy book in Wicca is the individual "Book of Shadows" and whatever principal study book the institution allows, creates a situation with the inmate in segregation wherein the individuals "religious materials" (Book of Shadows, study books, pentacle necklaces, letters) are often confiscated at the whim of the guard acting in what appears to be total ignorance of the constitutional rights of the inmate to study and practice their faith. During this crucial time of the inmates incarceration the Wiccan inmate is not allowed visits by Wiccan Clergy and often no Wiccan religious material is allowed.

When in their "Program" the Wiccan inmate may be allowed to attend the Religious service or the study but not both, while Christians have Sundays and bible

²"Heart of the Healers' Healing Art, Love Brings Healing From Healers' Heart."

study, the Jew has Saturdays and Torah study while the Wiccans and perhaps other minority religions as well are intimidated from attending religious services by allegedly being told when they ask to attend their religious service that, "They as inmates, consider their religious worship more important than getting through the program so they can get out." The inmates then know if they exercise their rights under the constitution there will be some form of subtle retaliation from the program people. During this crucial time of the inmate's incarceration this kind of approach and attitude does not assist in the rehabilitative process while it actively demeans the importance of religion in daily life. We strongly feel that this is an untenable attitude particularly for the Wiccan inmate with direct consequences to both their constitutional rights and the positive self growth aspects of the rehabilitative process and should therefore be corrected so consequently all inmates in segregation may benefit from their religious experience by bringing those ethical principals to the restructuring their lives in a life positive manner. We are well aware that prisoners may use religion to avoid other duties and responsibilities. This however serves only to emphasize the need for the Wiccan Clergy being able to screen.

In the duotheistic cosmogony of the Wicca, the Divine is seen as both female and male, a Goddess and a God, Priestess and Priest. Women are treated as equals and respected as representative of the Goddess and life bearer. Men are respected as seeder, guardian and protector. My Priestess has always been treated with the utmost of respect by the Wiccan inmates. It is clear that she does not nor expects to have any problems with the Wiccan Inmates. It has only been comments from the guards which could potentially create a dangerous situation if other inmates were to act on such biased comments.

As both my Pricstess and the Priestess Rev. Yohan have pointed out, the touching that occurs either as a part of ritual or momentary encouragement is no more sexual than the "Kiss of Peace", in the regular Catholic mass or inmates hugging each other as shown of RCI Christian inmates in the Sunday - February 28, 1999, issue of the

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Wisconsin State Journal. To maintain that this constitutes sexual conduct in a Wiccan, but not a Christian setting, is absolutely ludicrous and is in reality indefensibly discriminatory.

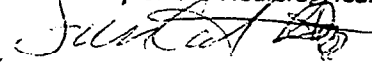
The work we have done for these men, travel to other prisons, books and articles donated to the group and the time we give to this work as physician - healers and Wiccan Clergy is totally unreimbursed. It is our belief that through this work we may provide a positive life focus for these men and help ultimately to reduce the present level of both incarceration and recidivism. For that we need the open minded understanding, respect, encouragement, as well as timely and complete information from Corrections officials and staff rather than paranoid assumptions and misutilization of the rules to deprive the Wiccan inmates of our services as Clergy.

In closing, I again thank the committee for the opportunity to present this information and stand ready to answer appropriate questions of the committee. With the printed copy of this address includes a bios and documentation.

By My Hand : With 'Their' Love,



Rev. R. M. Cadwell, B.A., D.C., D.D., Hon.
H.P. Sanctuary of the Healers' Heart



SunCat BrightFur SummerHeart
ach Taliesyn, Bard

¹ AS quoted from The Incarcerated Wiccan (A Topic of Discussion) by Michael Averill.
² The religion of Wicca is Both Federally and State "Recognized".

"Heart of the Healers' Healing Art, Love Brings Healing From Healers' Heart."

Distributed at the request
of Chairperson Jensen.
(4/21/99)

The Role of Faith-Based Organizations in Crime Prevention and Justice

by

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April 1999

Originally written for the Wisconsin State Legislative Study Committee on Faith-Based Approaches to Crime Prevention and Justice, the purpose of this paper is to frame the discussion surrounding the role of faith-based organizations in crime prevention and justice. It is a collaborative effort of Hudson’s Crime Control Policy Center and the Welfare Policy Center.

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The Role of Faith-Based Organizations in Crime Prevention and Justice

Religion and Crime: a Sociological Perspective

Research on the relationship between religion and crime has tended to fall into three categories. The largest of these are studies that focus on individual beliefs and practices and their relationship to involvement in deviance and crime. A second category is based on ecological studies that consider whether religious practice at the community level influences levels of crime. In effect, these studies ask whether relatively more religious communities, in contrast to secular communities, have less crime. The third group of studies involve research on the effect of faith-based programs to reduce crime and deviance.

Individual Effects

The theoretical link between religion and crime is most apparent from a control theory perspective (Hirschi, 1969; Gottfredson and Hirschi 1990). Control theorists, as with many religious traditions, take the motivation for crime for granted. As part of our basic nature we all seek self-gratification and are thus prone to violating the rights of others for our own pleasure or profit. Through the socialization process, however, we develop a bond to others and we learn to control these self-centered interests. The more we develop relationships with conventional others, the more we are committed to and involved in legitimate activities, and the more we believe in a moral basis of right and wrong, the less likely it is we will engage in crime and delinquency.

Religiosity can be theorized to influence this social bond. Clearly, we anticipate that individuals committed to religious beliefs such as the Golden Rule and the imperatives of the Ten Commandments will be more likely to believe in the moral legitimacy of the criminal law. Similarly, religiosity may relate to closer attachments with parents and family, involvement in conventional activities, and to association with conventional peers and avoidance of risky behaviors such as drug and alcohol use.¹ Additionally, involvement in a social network such as a faith-based community may provide a degree of informal social control (e.g., adults looking out for the behavior of youths; youths concerned with approval within the network) that may otherwise be missing.

Despite this theoretical foundation, most criminologists have ignored the possibility that religion might play a role in reducing crime. As with the case of the role of religion and health (Larson

¹ This is also consistent with social learning theorists who argue that delinquency is the product of learning in peer groups in which delinquency is modeled and defined as desirable or appropriate (Akers, 1977).

and Larson, 1994), however, recent years have witnessed increasing attention to the possibility that religion might influence criminal behavior. Fortunately, two comprehensive reviews of the research findings on the religion-crime connection have recently been published. The first focuses on religion and juvenile delinquency and the second on religion and adult crime.

With the support of John DiIulio's "Jeremiah Project," David Larson and Byron Johnson (1998) conducted what they refer to as a "systematic review" of the studies on religion and juvenile delinquency. The advantage of the systematic review approach is that it provides a quantitative assessment of the research literature that can be replicated by other researchers. Larson and Johnson provide explicit criteria for how they chose the studies to review, how they analyzed the studies, and for assessing the overall evidence from a large body of studies. The first step in the review consisted of identifying 402 articles appearing in peer reviewed articles between 1980 and 1997 that made some mention of religion or related terms and delinquency. Of these, 40 studies were identified that analyzed the potential relationship between religiosity and delinquency. As would be anticipated, the 40 studies varied in terms of methodological rigor. This variation becomes a measured variable in the systematic review whereby the authors can contrast the findings produced by studies employing more or less rigorous scientific standards.

Three-quarters of the studies reviewed found that measures of religiosity had a negative effect on delinquency (1998: 10). That is, the higher the score on the religiosity measure, the less delinquency. Only one study reported a positive relationship with the remainder of the studies yielding inconclusive results. In an interesting finding, the authors reported that of the nine studies that used the most comprehensive measures of religiosity,² all found that religion decreased delinquency. This contrasted with studies using simpler measures of religion such as a single item like church attendance. Similarly, the thirteen most rigorous studies in terms of assessing the reliability of the measure of religiosity all found that religion related to lower levels of delinquency. Thus, the general pattern of Larson and Johnson's review was that religiosity reduces delinquency with the pattern becoming stronger as the methodological rigor of the study was enhanced.

Larson and Johnson (1998) followed their review of existing research by conducting several original analyses on the impact of religiosity on delinquency. The first of these focused on data from the National Bureau of Economic Research's survey on inner-city African-American youths. The analysis revealed that religiosity, in this instance measured by church attendance, had both direct and indirect effects on delinquency and substance abuse. The direct effect indicated that church attendance reduced delinquency even when controlling for age, family

² The types of measures identified in the review were attendance, salience (e.g., importance), denomination, prayer, study of scripture, and religious activities. The more of these individual measures that were included in the study, the more "comprehensive" the measure of religiosity.

structure and size, urban residence, and related variables (1998: 20). The indirect effect revealed that church attendance related to other conventional activities and relationships that are associated with reduced delinquency.

The authors also used data from the National Youth Survey (NYS) to examine these issues for a national sample of urban African-American youth (1998). Consistent with the prior analysis, religiosity reduced levels of minor and general delinquency. It did not have an impact on serious delinquency, though the authors believe that it might be due to a small sample size of serious delinquents. The authors point out that the findings are consistent with a social control perspective but also note that religiosity may be acting as a "resiliency" factor that protects youth living in high-crime neighborhoods from being caught up in delinquency, drug, and gang activities.

Larson and Johnson (1998) extended this analysis using the NYS data by distinguishing between direct and indirect effects. As in the previous studies, religiosity related to less delinquency. Religiosity also was found to have strong indirect effects by influencing delinquent beliefs and peer associations. Religiosity led to less adherence to delinquent beliefs and fewer associations with delinquent peers both of which related to reduced delinquency.

The second review of the literature is provided by Evans and colleagues (1995). This review presents some of the controversies that have emerged in the research on crime and delinquency but finds that generally research has found religion to relate to lower levels of delinquency and crime. The authors then proceed to conduct their own analysis looking at the effect on adult crime, an area that has received less attention than delinquency. The study included measures of religiosity based on religious activity, salience, and beliefs. The researchers also considered the effects of denomination and involvement in religious networks. The study also controlled for secular influences such as attachment to others, fear of legal sanctions, and community and demographic characteristics. The analyses found that religious activities (church attendance, reading religious materials, and listening to religious broadcasts) related to lower criminal activity after controlling for a variety of other factors.

Evans and colleagues go on to note that whereas the individual connection between religious activity and crime is clear in the study, it is also "likely that religious behavior...is entangled with and reinforced by association with other believers, religious friends, family members, and fellow parishioners (1995:212)." We would argue that these networks are also likely to inhibit criminal behavior.

Community Effects

Rather than examine the effects of individual beliefs on involvement in crime and delinquency, another group of researchers have considered whether the level of religious involvement at the community level relates to crime rates. For example, Rodney Stark and colleagues (1980) examined the relationship between church membership and crime in 193 metropolitan areas. They found that the greater the church membership, the lower the community's crime rate.

Olson (1990) extended this analysis by examining all counties in the West, Midwest, and Northeast United States. Thus, the analysis included rural as well as urban communities. Although there were some regional and denominational differences, the general pattern was quite similar to that discovered by Stark. Church membership related to lower levels of crime. Further, the pattern held after controlling for the effects of a number of demographic characteristics of the county population.

Similar to the points made above regarding the effect of religion on crime at the individual level, church membership is thought to act as a social control mechanism reducing levels of crime. As Evans et al. (1995:199) note, "Crime rates are generally lower in regions of the country where the religious ecology is dense."

Reasons for the Faith-Based Approach

Motivation for Police and Criminal Justice Agencies

Political leaders and criminal justice officials have increasingly recognized that government alone is limited in its ability to effectively address serious social and cultural problems such as crime (Goldsmith, 1997). One manifestation of this recognition is the call to "reinvent government." David Osborne and Ted Gaebler (1992) are well known for their urging that government act as a "catalyst" in energizing local resources and as a partner in finding "community owned" solutions to local problems.

Many of these ideas resonate with calls in the law enforcement field to move toward a community policing philosophy. Although definitions of community policing vary, common elements include the development of a police-citizen partnership, a prevention focus, and an emphasis on proactive enforcement and problem solving. Similarly, prosecutors, courts, and correctional agencies are increasingly recognizing that to move from merely processing cases to resolving neighborhood problems, there is a need for building these types of community partnerships and for proactively preventing crime. This has led to an emerging community justice movement.

From a community policing or community justice perspective, faith-based organizations (FBOs) offer a key neighborhood institution with which to translate abstract ideas of partnership and community building into reality. Particularly in our most crime-ridden neighborhoods, the church is often the institution that is available to create police-neighborhood partnerships. Similarly, if faith-based organizations can more effectively work with juveniles, substance abusers, or with inmates returning to the community, then they become a key resource for crime reduction. It is in this sense that criminal justice agencies are increasingly likely to recognize faith-based organizations as a key mediating institution for addressing crime problems (Woodson, 1998). The Reverend Mel Jackson captures the promise of this type of collaboration when he states, "The police force is committed to providing safety but there is an appropriate role for the church to partner with the police to help create a safer community (Goldsmith, 1998:1)."

Motivation for Faith-Based Communities

While criminologists and sociologists think in terms of “religiosity,” the faith-based groups themselves think in terms of “mission.” Even the Puritans who first settled in America did so with the idea of creating a “city set upon a hill”—a religious colony which would serve as an example to the rest of the world. Both the Old and New Testaments, accepted by those who embraced the Judeo-Christian ethic for our nation, admonish believers to live exemplary lives, committed to good works and helping others. The idea of a church or religious organization reaching out to have a positive influence in the community is as old as most of the organizations themselves.

Until the mid-1900s, it had been the faith-based organizations, in fact, that had carried the bulk of the responsibility for the provision of social services in our country. In 1935, with the passage of the Social Security Act, the federal government stepped in to address the needs of the society; this was the result of the government’s realization that economic disaster, expansive urban growth, and problems inherent in modernization made the social burdens too great for the private sector to continue to carry. Gradually, as government expanded its efforts, the faith community handed over more and more of its responsibility, and also changed the nature of its delivery service to more closely resemble the professional and bureaucratic style demonstrated by the government.

Charitable Choice, Section 104 of the 1996 welfare reform law, offered the possibility of a new social services model that incorporates the caring, selfless, mission-orientation of the faith community *with* the money and resources of government. This legislation allows a *partnering* of Church and State in a way that was prohibited in the past. It lets religious organizations receive federal TANF funds to provide transitional services for recipients moving from welfare to self-sufficiency, while allowing the religious organizations to retain that nature and motivation that makes them successful in providing social services. At the same time, it provides safeguards for the faith-based groups, the government, and the welfare beneficiaries.

Senator John Ashcroft has proposed an even larger provision, the “Charitable Choice Expansion Act” (S. 2046), which would extend the funding opportunities for faith-based organizations to include *most* federally-funded social services, including housing, substance-abuse prevention and treatment, juvenile services, child welfare services and others. That bill has been read twice in the Senate and referred to the Committee on Governmental Affairs.

Searching for successful models in dealing with the current problems of drug addiction, juvenile crime, domestic violence and similar activities, government has recognized the group with a centuries-old tradition of caring for the poor, the disadvantaged, and the troubled sectors of our society—and one that has done so with a great deal of proficiency. That group is the faith community. Bringing to America the charitable practices of Jewish, Catholic, Protestant, Muslim and other faiths, religious congregations have always been known for giving not only of

their money, but also of their time and talents to those of their own groups and the larger community around them.

There are a number of specific benefits from using faith-based organizations that operate from a sense of mission. Some of them include:

- A willingness to “go the second mile,” to do *more* than might be expected.
- A presence in the community. Unlike people who simply go into a neighborhood to perform a specific service, or, even worse, expect people from the neighborhood to go outside the community to their facility, churches and other religious groups are located right in the neighborhoods. They are known as part of the community and have a reputation for the work they do among community members.
- The ability to be a bridge from the neighborhood to the larger community. Congregations, by nature of all the individual lives of its members, are usually represented throughout many areas of city and in all walks of life. As people in the neighborhood become involved with a congregation, they are exposed to life and people outside their own little worlds.
- An awareness that others can change. People of faith have seen their own lives change as a result of their beliefs, and they believe that others can be transformed as well.
- A sense of security. People involved in criminal or delinquent activity have often come from dysfunctional families where the only thing they can count on is the fact that there is nothing and no one they can count on. Congregations offer stability. The church, synagogue or mosque was there yesterday; it will probably be there tomorrow.
- A sense of belonging. People often find “family” within the congregations—people with whom they can relate, and people who truly care about them. Some gang members have admitted they turned to gangs to find that acceptance they didn’t find in their own homes. During this same strategic period of life, others have found a place in the Church.
- A deeper level of commitment. Unlike a job which they are doing just to get paid, people involved in faith-based programs, whether paid or voluntary, are usually doing the work “for God.” This motivation keeps them working against obstacles, and continuing even in spite of failure on the part of those with whom they are working.

Areas of Involvement

This section of the report presents descriptions of faith-based efforts to address crime problems. Where available, we consider research on the impact of these programs. Here, however, we consider several studies suggesting that faith-based approaches may be promising.

How extensive is the faith-based community’s outreach? According to Abraham McLaughlin of the Christian Science Monitor, spending by churches towards services for the needy exceeds \$12 billion a year. This does not even include the countless numbers of volunteer hours toward social service programs and projects. Additionally, many FBOs provide services supported by state and

federal funding. For example, Catholic Charities in Boston receive about 65 percent of its budget from state and federal grants and Lutheran Social Services in New York receive about 80 percent (Loconte, 1998).

According to a study conducted by Ram Cnaan of the Brookings Institute:

Ninety one percent of older urban congregations serve the larger community through day care, food banks, clothing drives, tutoring classes, after-school programs, healthcare programs, substance abuse counseling and more. Eighty percent of these beneficiaries are not members of the congregation (church) and most are neighborhood youth. The median number of hours a congregation contributes to community volunteer works is approximately 5,300 hours a year (DiIulio, 1998).

Additionally, a 1990 study of over 2,100 black churches across the U.S. found that 70 percent of the churches operated or participated in one or more outreach programs including drug abuse and prevention programs, after school "safe havens", and day care facilities (DiIulio, 1998). One such study of African American congregations in Atlanta, Georgia stated that 85 percent of African American congregations engaged in some form of outreach other than pastoral, liturgical or educational (DiIulio, 1998).

According to Robert Woodson, Sr. (1998), faith-based organizations distinguish themselves by the following characteristics. They:

- Are open to all comers.
- Have the same zip codes as the people they serve.
- Are flexible (no two individuals are the same and no one "treatment model" is best).
- Contain an element of reciprocity, if they are truly effective.
- Include clear behavioral guidelines, and discipline plays an important part.
- Fulfill the role of a parent.
- Are committed to the long haul.
- Are available.
- Involve an element of immersion in an environment of care and mutual support with a community of individuals who are trying to accomplish like changes.
- Are united in a "brotherhood" or duty of service.

White and de Marcellus (1998) note that FBOs can reach individuals through three mechanisms: church ministries, faith-based schools, and faith-based nonprofit organizations.

Faith-based organizations have been involved in many different types of crime prevention efforts. These include primary prevention, secondary prevention or intervention, and tertiary prevention or correction/reformation.

Primary prevention includes efforts to prevent crime from occurring in the first place. Examples include working to build a stronger neighborhood where informal social bonds work to reduce the level of offending. Socializing citizens to a moral code such as the Golden Rule can be thought of as primary prevention. Another example would be church-based counseling for young

children who have witnessed violence in the home and who, in turn, are at increased risk for continuing the cycle of violence as adults.

Secondary prevention refers to efforts to prevent crime once there is some indication that continued involvement in crime is likely. A faith-based mentoring program that is geared toward youths who have been diverted from the juvenile court would be an example. Another example would be street-based ministry whereby members of the faith community march upon drug houses or walk the streets in high-crime neighborhoods and talk with youths at risk of involvement in gangs, drugs, and related crime. In this case the action is directed at individuals or situations thought likely to generate crime absent the intervention. We refer to secondary prevention as intervention throughout the report.

Faith-based organizations have a long tradition of formal involvement in prison and jail-based ministries. Members of the faith community have long heeded the call to serve to the imprisoned. Prior to the 20th century, many institutions for juvenile delinquents were actually administered by religious groups. To the extent that these efforts focused on reformation of individual offenders, they reflect a correction-type role of faith-based organizations. Criminologists refer to this as tertiary prevention, attempting to prevent continued offending among a population that has already shown its propensity to commit crime.

In the sections that follow, we describe faith-based efforts in each of these areas of primary prevention, intervention, and correction. Some of these efforts involve formal partnerships with government, others have arisen without formal or informal governmental support. Some have included formal evaluation components, others appear promising on the basis of anecdotal evidence. Taken together, however, they suggest the promise of faith-based organizations for addressing crime problems.

Prevention Programs

Prevention programs developed by FBOs may not necessarily include active criminal offenders. They may, however, focus on individuals who exhibit high-risk behaviors or on high-risk neighborhoods—for example, the youth that employs “bullying tactics” at school or in a neighborhood, youths experiencing academic or behavioral problems in school, or youths facing difficulties at home that may lead to criminality. The objective(s) of prevention programs may be multiple in scope but specific in outcome. Prevention of crime can be viewed as an inoculation to illness. Prevention may or may not “cure” the illness of crime, but it can develop immunities (competencies, opportunities, education, conscience, awareness) toward criminal behavior. The following section highlights some of the innovative faith-based efforts.

Many of the prevention programs seek to address illegal drug problems and to break the link between drugs and crime. One such program is the Communities in Action to Prevent Drug Abuse II, Reclaiming Our Neighborhoods. In 1996, three FBOs, (Action Through Churches Together, Virginia, MN; Congregations United for Community Action, St. Petersburg, FL; and Northwest Bronx Community & Clergy Coalition, Bronx, NY), were selected to take part in a

two-year Bureau of Justice Assistance and U.S. Department of Labor demonstration project. The purpose of this project is the development and implementation of short, intermediate and long-term strategies regarding community policing, prevention, education, and job-training opportunities placement, (Office of Justice Programs, 1996).

Another effort with public support is the Congress of National Black Churches' National Anti-drug/Violence Campaign's (NADVC's) Technical Assistance and Training Program. This program, supported by the Office of Juvenile Justice and Delinquency Prevention, provides training and technical assistance designed to mobilize neighborhood residents and to increase public awareness towards drug abuse and related crimes in target communities across the United States. The NADVC also works to focus and coordinate church, public, and community leaders to initiate grassroots anti-drug campaigns. This campaign is being implemented in thirty-seven cities involving 1,760 clergy and affecting about 500,000 individuals. NADVC has helped sites leverage \$13.4 million in direct funding to local anti-drug, anti-violence initiatives (Coordinating Council on Juvenile Justice and Delinquency Prevention, 1996).

The African Methodist Episcopal Church in New York with a congregation of 8,000 has raised millions of dollars and devoted numerous volunteer hours to the redevelopment of the church's surrounding community in Queens. This is evident in A.M.E. Shekinah Youth Chapel in Jamaica, Queens centered in one of the city's impoverished, crime- and drug-infested minority neighborhoods. The Youth Chapel's mission is to mentor and minister to surrounding neighborhood children, regardless religious affiliation. The Chapel also provides a safe haven for all youth (DiIulio, 1998).

My Brothers Keeper (MBK) was founded by Miguel and Mercedes Torres and operates in Camden, New Jersey. MBK provides a "Christian-centered approach to the successful treatment of chemical dependency and homelessness" as well as serving impoverished children (DiIulio, 1998). MBK has no paid staff and does not receive government funding for services provided. The entire budget of \$50,000 is provided by contributions and fundraisers. Specific programs offered by MBK include faith-based drug treatment shelters, neighborhood recreation programs, after-school programs, and vocational and job placement services. MBK has also partnered with local law enforcement to address crime issues such as Halloween (Devil Night) crimes; due to the efforts of law enforcement and programs and events sponsored by MBK, violence and mayhem are reported to be minimal. MBK also offers medical services through Holy Name Catholic Church JUST (Jesuit Urban Service Team). JUST operates a 24-hour, medical service that tends to the needs of over 7,000 patients per year. They also provide service programs that address crisis intervention for individuals who have witnessed or been victimized by crime. Additionally, Holy Name Catholic Church offers after-school and summer programs for over 150 youth as well as youth sports programs.

Concord Baptist Church in Brooklyn, New York—one of the largest black churches in New York—has undertaken an enormous effort drawing on its 10,000 middle-class parishioners (Robinson, 1998). They have been able to collect as much as \$1.7 million dollars on a Sunday.

The Church owns an entire city block of social service institutions. Recently, Concord Baptist Church created its own foundation to support community and youth outreach programs as well as the development of a community health center in cooperation with a local hospital.

The City of Indianapolis awarded twelve churches with grant money to provide summer programs to some 1,500 youth. Many of these programs involved skill learning, crime prevention and evening recreation for youth. This is reflective of the work of the city's Front Porch Alliance (FPA). The FPA was created by Mayor Stephen Goldsmith so that city government could provide training, technical assistance, and funding to support the efforts of FBOs at community renewal. One of the first groups to work with the FPA was the Westside Community Ministries, a coalition of twenty churches. Westside Community Ministries has developed a wide variety of initiatives including after-school programs, mentoring, and workforce training and placement. A more recent development from this alliance is the Indianapolis Ten-Point Coalition. The Ten-Point Coalition seeks to address juvenile crime and drug problems, literacy, and economic development. An example of the association's efforts is a group of ministers who spend Friday and Saturday evenings walking the streets of crime-plagued neighborhoods and working one-to-one with youths. The Reverend Mel Jackson states, "We are attempting to bring the presence of God to the street and let the people that we meet know that there is a more excellent way" (Goldsmith, 1998: 1).

The Indianapolis Coalition is modeled directly on the success of Boston's Ten-Point Coalition created by the Reverend Eugene Rivers. Rivers, a long-time critic of the police, decided to work with the police, probation officers, and state and federal prosecutors, as well as with youth and community leaders to reduce youth violence. As law enforcement spread a message of zero tolerance for gun violence, the coalition worked directly with youth to demonstrate opportunities outside of crime and gang life. The findings from Boston have been dramatic. Indeed, the city experienced a two-thirds decline in youth homicides and a period of approximately two and one-half years without a juvenile homicide (Kennedy, 1997).

Intervention Programs

Intervention programs are focused on individuals who have committed criminal acts. The intervention may be offered as a diversion from the courts or it may be court-ordered as a condition of probation. Examples of court-related services provided by FBOs include counseling, community service, housing, restorative justice and job placement.

Victory Fellowship is a faith-based intervention organization that specializes in working with substance abusers. The organization was founded by Freddie Garcia. The program has 65 satellite centers in California, Texas, New Mexico and several international sites. Victory Fellowship has served over 13,000 men and women whose goal is familial restoration and support. Victory Fellowship services include drop-in centers, safe havens for youth and drug abusers, court services for youth, gang-intervention programs and jail and prison ministries (Woodson, 1998).

The Institute for Conflict Management of Orange, California is sponsored by the St. Vincent de Paul Society, a church-related and community-based social service agency. This mediation program brings together both the victim and offender to discuss the incident, allows the victim to explain the impact of the offense, and devises a reparation plan whereby the offender makes amends. The program began in 1989 and today it represents one of the largest victim-offender mediation programs in North America. The Institute recently received a \$300,000 county grant to divert more than 1,000 juvenile offenders. An evaluation of the program found that 96 percent of the reparation agreements between the victim and offender were completed successfully or are nearing completion (Office of Juvenile Justice and Delinquency Prevention, 1998).

Teen Turnaround is a court-supported project through Oak Cliff Bible Fellowship in Dallas which intervenes on the behalf of juvenile offenders. The Fellowship focuses primarily on mentoring programs, job placement, and continued education. Today, Oak Cliff works with approximately 80 juveniles offenders (Loconte, 1998).

Consider Teen Challenge, a worldwide Christian organization that focuses on youth with drug addictions. For over thirty years, it has been going into schools to educate teens about the dangers of drugs; it offers programs in juvenile centers and prisons to educate people about "how to change their lives;" and it conducts support groups that help people make a transition from dependency problems to positive lifestyles. Residential programs challenge adults to learn to lead drug-free lives through spiritual transformation and achievement of their fullest potential socially, educationally, and occupationally. Since Teen Challenge began in 1958, it has helped thousands of drug addicts and alcoholics. Two significant research projects have confirmed Teen Challenge's effectiveness, showing a 70-86% cure rate for program graduates (www.teenchallenge.com).

FaithWorks International, founded by Bobby Polito, is an organization formed to meet the growing needs of the homeless drug addict population, based on the model he established in his work at the Bowery Mission Transitional Center (BMTC). The BMTC is a 77-bed Christian center, funded jointly by the City and State of New York. Situated in one of the poorest neighborhoods in New York, it helps homeless men to break the cycles of addiction and return to independent living. Since its inception in 1994, it has graduated over 500 people through its one-year, four-stage program, and was identified last year by President Clinton as one of the "top fifty programs in the United States."

Corrections

Correction programs instituted by FBOs work with offenders who have been convicted of an offense and are either currently carrying out their sentence via imprisonment or have been released from prison and are returning to the community. There are primarily three areas that FBO programs fall within. The first is servicing inmates and their families during incarceration. The programming offered by FBOs typically focuses on providing coping skills for the inmate and families. Second, FBOs also offer various counseling programs to inmates as well as religious services. Third, FBO's offer aftercare and follow-up after release from an institution.

In many ways, FBOs assist the transitioning inmate by offering shelter, job placement, counseling, and related programs.

There is a long-standing tradition of religious programs in U.S. prisons. A survey of inmates in prisons found that one-third reported involvement in religious activities (U.S. Department of Justice, 1993). Johnson, Larson, and Pitts (1997) examined inmates participating in Prison Fellowship programs in four prisons in New York State. Using a matched comparison group, they found that inmates involved in Prison Fellowship had a similar rate of recidivism as inmates who did not participate in the program. They also discovered, however, that when they considered level of involvement in Prison Fellowship, the inmates most active in the program had significantly lower rates of rearrest in the year following release.

Prison Fellowship's Innerchange is a correctional program that addresses the needs of inmates within a Texas correctional facility. Innerchange, a volunteer Christian-based rehabilitation program, provides faith-based counseling, Bible study and prayer, and life-skills training during the time of incarceration and then assists inmates in the transition from incarceration to release. Particular attention is given to educational and vocational attainment and job placement. About 200 church volunteers work with over 130 inmates and parolees in this 18-month program. The early results indicate that the 26 ex-offenders who have completed the program all have employment. The Texas correctional facility has made concessions to assist in the implementation of the program. For example, one wing of the correctional facility has been designated as the Innerchange program and there is 24-hour on-call access to those inmates (Loconte, 1998). Prison Fellowship is now active in prisons across the United States.

Los Angeles Metropolitan Churches (LAM) is a conglomeration of over thirty black congregations that works extensively with juvenile probationers in South-Central Los Angeles. LAM's primary focus is on assisting ex-offenders in unifying families as well as providing a range of aftercare services (DiIulio, 1998).

Challenges

Identity Crisis of the Church

There are a number of challenges that face faith-based organizations as they try to fulfill their mission in the community. One of the greatest is the difference today in the way faith-based groups are looked upon by the larger society. Once accepted as one of the normative institutions within society, the Church is now seen by some as a threat to individuality, and the social work it endeavored to do in the past, is often now thought to be the domain of "professionals," not volunteer "zealots."

Some churches themselves have even lost their own identity as they have tried to pattern themselves after the professional practices they have observed, and they have to work at maintaining the differences that have made them effective. Even individuals have that tendency.

One organization in Pennsylvania that works effectively to address the needs of men and to promote responsible manhood has employed men who successfully completed their program to be program leaders. At one point one of the leaders, an African-American who is a former offender— streetwise, and able to relate well to other men going through the program—began trying to look and sound like the program director, a middle-class white man in suit and tie whose background is far different from most of the men in the program. He had to be encouraged to concentrate on being his own best “self,” and not to lose his unique identity that makes his message so much more effective.

Some congregations, likewise, have traded the uniqueness that makes them effective for a sterile professionalism that keeps them from fulfilling their mission. Joe Loconte, Heritage Foundation’s William E. Simon Fellow for Religion in a Free Society, has said, “Since the courts have ruled that taxpayer money cannot support explicitly religious programs, charities often trade their spiritual birthright for the pottage of public money.” (*All Things Considered*, 1999)

The concept of a caring community is explored in John McKnight’s *The Careless Society: Community and Its Counterparts*. McKnight and others have pointed to the need for a revitalization of the community that will reach out to provide in ways that go beyond what the professional establishment is willing or able to do. “As citizens have seen the professionalized service commodity invade their communities, they have grown doubtful of their common capacity to care, and so it is that we have become a careless society, populated by impotent citizens and ineffectual communities dependent on the counterfeit of care called human services. Service systems can never be reformed so they will ‘produce’ care. Care is the consenting commitment of citizens to one another. Care cannot be produced, provided, managed, organized, administered, or commodified.... Care is, indeed, the manifestation of a community.” (McKnight, 1995:x)

Identity Crisis of the State

The government in recent years has been questioning its own role vis-à-vis the private sector. At one time acting as though it were omnipotent, it has now acknowledged that there are some things it *cannot* do as well as the private sector, and has sought partnerships with private sector entities to provide such services. Privatization of a number of formerly government-operated services has changed both the scope of government and also its identity. Whereas in the past, the private sector may have had a passive attitude, expecting the government to take care of things, the government’s new openness to partnership has prompted private sector organizations to ask themselves anew about their own role and responsibility.

“Elected officials also face another, more subtle, pressure,” points out Steve Goldsmith. “Americans have always joked about the inefficiency of their government—witness the debate over national health care, which some pundits observed would combine ‘the efficiency of the post office with the compassion of the IRS.’ There is an important issue underlying these jokes. Private enterprise and government share patrons. Customers to one are taxpayers to the other.....Taxpayers will tolerate some level of inefficiency and unresponsiveness from

government, but as taxes continue to rise, their patience wears thin. Citizens demand better value from those they elect.” (1997: 14-15)

Privatization is not heralded by most as the appropriate route for every operation; there are some things that government *can* do best. At the same time, much success has been reported with private-sector involvement. A 1997 National League of Cities survey of 500 local elected officials found that of the 70 percent who had experience with privatization, 74 percent said it was a success. (*American Enterprise*, 1997) As economist and President of Mackinac Center for Public Policy Lawrence W. Reed has explained: “The theory is simple, but grounded in profound truths about the nature of humans and their response to incentives and disincentives. Tie up the performance of a task with red tape, bureaucracy, and politics within a system that is guaranteed to exist regardless of outcome, and the result is usually mediocrity at great expense. Infuse competition, accountability, and the fear of losing valued customers into the task, and mediocrity becomes the exception, excellence the rule.” (1997:2)

Texas was one of the first states to try to deal with the role of the state in relationship to FBOs. The Governor’s Advisory Task Force on Faith-Based Community Service Groups, after much study and deliberation, arrived at a ten-point definition of the state’s role:

First Principles: Government’s Role in Texas’ Religiously Diverse Society

Principle 1: Each person is created in God’s image with inherent worth and diverse talents, and each of us is bound together in various social relationships and responsibilities.

Principle 2: We each bear a responsibility to do justice and love our neighbors, a responsibility that comes from God.

Principle 3: Government can do some things, but it cannot reach deep into the human character. Some of our worst social pathologies (e.g., illegitimacy, crime, poverty) can be solved if people experience spiritual transformation; if the hearts of parents are turned toward their children; if respect is restored for human life and property; if a commitment is renewed to care about our neighbor and our community.

Principle 4: Texas is blessed by a rich diversity of people and institutions—families, houses of worship, private and religious charities, schools, voluntary associations, local grassroots organizations—able to champion virtuous ideals and restore hope. Armed with love, individual responsibility and spiritual values, these character-building institutions of civil society perform miracles of renewal and restoration.

Principle 5: Every single one of Texas’ social problems, no matter how severe, is today being addressed somewhere and somehow, by some faith-based or community group. This is a great and untold story.

Principle 6: A responsibility of government is “fruitful cooperation” with mediating institutions that are meeting the needs of Texans in crisis. Government policy must bolster, not weaken or displace, people and organizations that are carrying out their vital responsibilities and getting things done.

Principle 7: The urgent public mission of enhancing Texas' civil society requires a fresh definition of compassion, one that focuses on the consoling hand and word of someone who "suffers with" and who invests himself or herself.

Principle 8: The members of this Task Force see the First Amendment as a vital protection against unreasonable government interference. Government should not exclude religious expressions or concerns from the public square nor grant privilege to secular programs or solutions. Government's treatment of faith-based organizations should be one of benevolent and positive neutrality.

Principle 9: State and federal law, rules, and regulations should not discriminate against Texans eligible to benefit from government financial assistance for human services (e.g., job training, health care, shelter, child care, education, counseling, drug and alcohol rehabilitation) simply because they choose to receive those services from faith-based service groups. Such groups, on an equal footing with non-religious groups, should be permitted to serve beneficiaries of government-funded services—and without having to "secularize" their distinct religious character or self-governance.

Principle 10: We see no conflict with, or threat to "promot[ing] the general welfare" when government cooperates or contracts with faith-based social service organizations on the same basis as it does with non-religious organizations in seeking to fulfill this purpose. (1996:2)

Legal Ramifications

Robert Woodson, Founder and President of the National Center for Neighborhood Enterprise, uses a biblical story in his *Triumphs of Joseph: How Today's Community Healers are Reviving Our Streets and Neighborhoods* to explain the roles of the government and faith-based groups. During a period of great famine, the *Old Testament's* Joseph gained favor with Pharaoh and was entrusted with great resources which he used to help his family, city, and entire country. Woodson draws an analogy with the work of community groups in today's period of moral and spiritual famine. "Pharaohs" are those with resources, power and influence; "Josephs" are those whose commitment, understanding and hands-on service lead others to healthy, fulfilling lives. The book hypothesizes that the root causes of the crises in American society are not poverty and racism, but spiritual and moral bankruptcy that pervades homes and communities regardless of race, status or education. In the inner city, "little children can stand at the scene of a homicide, eating ice cream cones." In a pastoral Texas town, ten white boys could surround a horse, torture it to death, and then laugh about it. Two brothers in an affluent suburb could murder their parents in cold blood. A Harvard graduate could become a "Unibomber."

To solve today's problems, Woodson suggests an alliance of Pharaohs and Josephs. Josephs, often part of faith-based organizations, live in the communities they serve, love unconditionally, and remain committed despite setbacks and rejection. Their goal is not rehabilitation, but transformation. Conventional interventions merely restore people to their state before they exhibited social deviance—still susceptible to the same temptations as before. Community "healers," however, "do not seek simply to modify behavior but to engender a change in the values and hearts of the people they work with....the impact of a transformation lasts a lifetime (1998: 81-82)."

Woodson urges Pharaohs, (government officials, businessmen, philanthropic funders), to use their resources to support the Josephs already working within their own communities rather than new programs that do not address the deeper needs of those served, and are usually staffed by professionals who neither understand nor relate to the people they call "clients." Josephs, in

contrast, are working and living alongside their “friends,” and have dedicated themselves to promoting lasting changes.

He notes the change that must occur before government and faith-based groups can partner together:

The alliance between the Josephs of our nation’s low-income communities and modern-day pharaohs requires nothing short of a fundamental paradigm shift—an essential change in the assumptions that have guided the relationships between individuals with resources and individuals in need of support. We can no longer look at this relationship as one between donors and recipients. We can no longer approach this relationship in terms of charity. Charity is not the model for the interchange between our nation’s pharaohs and Josephs. In the Old Testament, the Pharaoh did not approach Joseph with charity. His goal was not to establish a welfare system for the people of Egypt or food stamps for Joseph’s people. No, he said, ‘Let us come together to address this danger or it will consume us all.’

Like their biblical counterpart, although today’s Josephs deserve to be heeded by modern-day pharaohs—political leaders and leaders of the business community—their effectiveness is not dependent on such recognition. Long before support or acknowledgment came from the outside, the Josephs of our nation lived committed lives of service and accomplished miraculous changes in the lives of those they served. Yet an alliance between today’s Josephs and pharaohs will allow their transforming efforts to expand and further develop, to the benefit of the entire society (1998: 117-118).

A fear of violating the Establishment Clause of the First Amendment has kept some government agencies from partnering with faith-based groups, but others across the country are finding great success in doing so. In Massachusetts, men who are failing to pay child support are sent by judges to fatherhood classes held in local churches with teams of pastors and probation officers; Good Samaritan Ministries and other faith-based groups helped Ottawa County, Michigan become the first county in the nation to move every able-bodied welfare recipient off the rolls and into a job; in Indianapolis, Mayor Stephen Goldsmith’s Front Porch Alliance has cut through bureaucratic red tape and, in some cases helped financially, to renovate a dilapidated house into a drug-treatment center, an old fire station into an after-school center, vacant lots into playgrounds and numerous other projects.

Goldsmith has made the point that government needs to return to the intent of our country’s founders. They intended the government to be *neutral* toward religion, but the tendency has become for government to be *hostile* toward religion. He would agree with Thomas Jefferson, who said, “Religion may be deemed in other countries incompatible with good government and yet proved by our experience, to be its best support.” (*All Things*, 1999)

Most advocates of the inclusion of faith-based groups among those eligible for partnerships with government point to the *results* of such programs. Charitable Choice was never intended to be an affirmative action program for faith-based groups. If contracts are performance-based, then only those successful in attaining their goals will be funded. As Eugene Rivers, Executive Director of the National Ten-Point Coalition, says, “We should not be judging a group on the basis of the spiritual *input*, but on the secular *outcomes*.”

Resources

While the love of money may be “the root of all evil,” the absence of money prevents much good from being done. Funding is a continual challenge for most faith-based organizations. Fear of

government encroachment, or even fear of crossing the line and violating church-state separation, holds back most such groups from applying for government funding even when they are eligible.

Others are just unfamiliar with the world of government grants and have no idea they are available or how one would go about accessing them. This puts religious groups at a disadvantage relative to secular organizations who feel free to apply for every federal or local grant available.

Most congregations depend solely on contributions to enable them to provide specific services to the community in addition to meeting needs of members of their own group. After the operating expenses of the church, staff salaries, and member needs are taken care of, there is often little left over for community services. A lot, however, can be done without money, simply through individuals volunteering their time. Mentoring programs, group self-help sessions, emergency child care or transportation for individuals, and countless other services are being offered in numerous congregations by people willing to give of their time and their talents.

Some groups have used fundraisers or even more formal money-making projects to enable them to have funds to accomplish service goals. Most people aren't aware that the internationally known Goodwill Industries was first started by a pastor in the South End of Boston who wanted his church to reach out to the people of that neighborhood—all of whom were poor, and most of whom were immigrants. Wanting to help the individual by putting "a tool in his hands, not a coin in his cup," Rev. Edgar J. Helms recognized the need for jobs. At his chapel, he collected discarded clothing and household items and then employed people who needed jobs to repair these donated goods, which were then sold to pay the employees' wages. From that small endeavor on the part of one concerned pastor in 1902, a world-wide organization has formed that still carries out the same principles. Throughout its history, Goodwill has earned more than 90 percent of its operating revenue from selling products and services. While learning to be savvy in business and self-funding, it has never lost sight of its real mission: to assist individuals in achieving fuller participation in society by helping them overcome barriers and expand their employment opportunities. (Polis)

One of the exciting things happening within communities across the country is the partnering of urban and suburban churches. Often, urban churches are attended by low-income inner-city residents, so they have little money but great needs. Suburban churches often have more money and a desire to help those financially less fortunate. Where they would be ineffective going into an inner-city area to operate a program themselves, they can readily fund groups already established there to provide a particular service or offer a particular program. Patterned after giving to foreign missions, suburban churches often find a great sense of satisfaction in being able to help people even closer to home.

There are organizations, too, that help congregations in developing resources to help them carry out their work. Good Samaritan Ministries, mentioned earlier, helped coordinate the churches in Ottawa County, Michigan, in their efforts to assist people making the transition from welfare to work. The National Center for Neighborhood Enterprise works with grassroots organizations in thirty-eight states in a variety of ways to help them to help them receive necessary training and

technical assistance and to help them link with business, philanthropic and public sector agencies to carry out their missions.

Policy Considerations

The Triumphs of Joseph closes with a speech presented by William Schianbra of The Bradley Foundation, who agrees that society's needs are moral and spiritual, and the answer doesn't lie in the hands of disconnected professionals. "To put it a different way, if I'm ever in a serious accident, I don't want to be treated by a professor in medical science. Get me one of those doctors who spent a lot of time in emergency rooms. That's where grassroots have been trained—in the emergency rooms of civil society. They are civic 'trauma' specialists. They get the worst cases, the so-called hopeless cases. People come to them smashed, broken, bleeding, barely breathing.... Grassroots leaders send them back into the world healed and transformed and now capable of transforming others." (1998:153)

The involvement of grassroots organizations, including those motivated by faith, is not in question. They will continue to do what they have always done. How well they do their work, and the degree of impact they can have in individual communities, however, will depend on funding, resources and opportunities afforded them in carrying out their missions. In reviewing some of the literature relevant to the topic of the faith-based approaches to crime prevention and justice, and in getting to know the programs and understanding various perspectives on the issue, we would offer the following thoughts for consideration:

1. The Charitable Choice clause of the 1996 welfare reform law, and the proposed Charitable Choice Expansion Act, were never intended as affirmative action programs for faith-based organizations. They are only intended to *allow* such groups to compete for government funding in the same way as any other organization.
2. As with Charitable Choice, safeguards should be built into any future initiatives in order to prevent individuals from being forced to participate in faith-based programs if they choose not to, to protect the rights of the faith-based groups to retain their religious identity, and to justify the states' actions in assuring that government monies accessed through these provisions are being used to achieve the expressed goals, not to merely further the religious activities of a congregation.
3. A growing body of evidence suggests faith-based organizations are effective agents, especially regarding the more challenging personal problems. To deny their participation is to cut off one of the proven solutions to the myriad problems facing communities today.
4. The discussion of faith-based approaches can no way be interpreted as a denial of the success of many secular programs as well. Each program must be evaluated on its own merits, not approved or denied solely because of its orientation to the problem.

5. All contracts with service organizations should be performance based. In evaluating any program, the focus needs to be on *outcomes*. All programs should be required to prove their success rate in preventing crime, decreasing recidivism rates, improving the quality of life for at-risk youth, or whatever the expressed goals.
6. Participants should always be given the choice of either a religious or secular program. This ensures legal protection and is good policy. Voucher systems are sometimes a practical solution in assuring such individual choice.

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From The Book:

"A TORCHLIGHT FOR AMERICA"

By

The Honorable Minister Louis Farrakhan

THE PURPOSE OF EDUCATION (Pages 47-52)

Let's deal with what education is supposed to be as opposed to what it is in America. One of the things that separates man from beast is knowledge. Knowledge feeds the development of the human being so that the person can grow and evolve into Divine and become one with the Creator. It's not one's maleness or femaleness, being black or being white, rather it is our growth and reflection of knowledge that distinguishes us from the lower forms of life.

Education is supposed to be the proper cultivation of the gifts and talents of the individual through the acquisition of knowledge. Knowledge satisfies our natural thirst for gaining that which will make us one with our Maker. So true education cultivates the person - mind, body and spirit - by bringing us closer to fulfilling our purpose for being, which is to reflect Allah (God).

The second purpose for education, after self-cultivation, is to teach us how to give proper service to self, family, community, nation and then to the world.

The problem in today's education is that the root motivation is the acquisition of wealth and material things rather than cultivation of the human spirit. In a study conducted by Dr. Harold Stevenson, professor of psychology at the University of Michigan (in which he compared American schools to those in East Asia) the educational deficiencies of America's youth were traced to the motivational forces promoted by America's culture. In response to a "wish" question, Chicago children tended to wish for money and material objects while Beijing children wished for educational goals. Dr. Stevenson concluded that "clearly, a challenge in the U.S. is to create a greater cultural emphasis on education and academic success. But we must also make changes in the training of teachers and in their teaching schedules, so that they, too, will be able to incorporate sound teaching practices into their daily routines."

PUT GOD FIRST

True and proper education starts with the knowledge of God. And yet God is taken out of the schools. It is ridiculous that the school day does not begin with prayer. God is the author of all knowledge, so why should He be taken out of the schools?

Recognition of God is the proper beginning point for understanding every discipline. If we cannot honor God, the Supreme Teacher, then how can the children honor their teachers? We have this thing all backwards. You don't pledge your allegiance to a flag, which is merely the symbol of a nation. You pledge allegiance to God, and you work for your flag and country.

A while ago I coined the phrase, "he who gives the diameter of your knowledge prescribes the circumference of your activity." If you gain a limited knowledge then you restrict the possibilities of what you can and will achieve. The capacity of man's brain is infinite. Therefore, the greater one's knowledge grows, the greater becomes one's sphere of activity until it encompasses and reflects mastery of self and mastery of the universe.

The knowledge of God is infinite. I would argue that leaving God out of our schools limits our education and confines the scope of what we are equipped to do and achieve.

As an example, in the recent movie on Malcolm X we saw a young man who looks like many young men today, except that he rose from a low life of crime and ignorance into the man who a great many now admire. Malcolm rose to his heights because he was taught the knowledge of God, self and others by the Honorable Elijah Muhammad. Because Malcolm was taught outside of the sphere of white supremacist teaching, he never lost a debate, even against the most learned of the society and even though he had just an eighth-grade education. God was present and foremost in Malcolm's "true" education, and this is why he achieved what for others would be an impossibility.

TEACH THE TRUE KNOWLEDGE OF SELF AND OTHERS

Every human being requires a knowledge of self as part of the proper cultivation of the divinity that is in them. Additionally, and if we hope to live together in peace with others in the society, we must know something of the cultures that make up this so-called melting pot.

A new public school system should relate the curriculum to the self. When we see the curriculum as an outgrowth of self, then we can identify with the curriculum, giving us an incentive to learn. In the Muhammad University of Islam school system, our students' learning is facilitated because they identify with the subjects. They are taught that they are the subject. They are taught, "I am chemistry." Not, "I am a student of chemistry," rather, "I am biology. I am economics. I am history. I am mathematics." When we relate the forces within self to the forces that lie outside the self, this connects us to subjects we are studying in a manner that we can ultimately master these subjects.

Our bodies are controlled by the mind. So mastering economics should not be as difficult with this thought in mind. This body takes in and eliminates what is wasteful. Therefore, this body is economics and since I am the master of this body, I can master economics.

It's imperative to teach people about themselves, their history, their bodies and their nature so that they can become self masters. Mastery of self is the key to mastery of all disciplines because in some way every discipline is present within ourselves.

Once we have a mastery of self-knowledge, it's important to be taught the true history of the other people who make up this country. This promotes mutual respect for the members of the human family, leading to a peaceful and productive society.

This is why black history should be studied, not only by black people but by white people. As we have developed a respect for white people by knowing their history and great accomplishments, whites will develop a respect for black, native American and Hispanic people and all the peoples of the Earth when they know the histories and contributions of others to the onward march of civilization in a pluralistic society such as they claim this is.

It is absolutely a vital necessity that the people who make up America should be a part of the study of those who call themselves Americans, and in that way we grow to respect one another. Even if we never grow to love one another, mutual respect is all that is really required to make the nation truly great.

If America believes in pluralism, a new system of education must be developed that gives all human beings their proper due. The current study of American history is nothing more than the indoctrination of Americans in the ideas of white supremacy and black inferiority. At best, blacks, Hispanics and Native Americans learn how to use wit and skill to maneuver in a hostile environment, but they are not taught how to create new circumstances that make freedom, justice and equality, life, liberty and the pursuit of happiness realities instead of just words on a piece of paper.

The fundamental philosophies of Western civilization are rooted in white supremacy. You can't bring a

black child into that kind of educational environment and produce a child who loves and respects itself. You produce a child who bows down to white people and looks at white people as being God. I'm not saying it's wrong to respect another human being, but it is totally inappropriate to worship another human being - who is no better than yourself - as though they are a god beside Allah (God).

If whites patterned themselves after God then we could follow them. But they have done quite the contrary. And so we can't follow their example and permit our children to be destroyed with false knowledge that breeds in white children a superior attitude and breeds a sense of inferiority in black children and an attitude that says we can not accomplish what we will.

This is why Malcolm X left school and went into criminal life. There seems to be a practice of identifying young, brilliant black children, particularly black boys, and casting in their minds suggestions that stagnate their development and kill their upward movement. Evil suggestions were made to Malcolm, to me (and others in the past) as students in the school system. I know that these same evil suggestions are being made to tens of thousands of today's young black children.

One of America's greatest crimes was and is depriving us totally of the knowledge of self. This is a crime of immeasurable dimension. Having been deprived of the richness of our history deprives us of the springs and motives of human action that would tell us the possibilities that are within us. If you know what your forebears did, then you know the realm of possibility for you. If you are deprived of that history, then you have nothing to connect yourself to as a person. You are left vulnerable to attach yourself to the circumstances you are given, and in a white society everything that is given to us has Eurocentric perspective that has historically been hostile to black people.

We as black people never, therefore, get a root in ourselves, but focus instead on white people - their vision and accomplishments - as the standard by which we judge our possibilities. Further, we are subtly and overtly taught that we can never measure up to them and achieve their level of accomplishments because, by nature, we are inferior beings.

Aboriginal Programming for Correctional Service

Policy Objectives:

1. To ensure that Aboriginal offenders are provided with an equitable opportunity to practice their culture and traditions without discrimination and with an opportunity to implement traditional Aboriginal healing practices.
2. To recognize and respect that Aboriginal cultures and traditional practices contribute to the holistic healing of the Aboriginal offender and his or her eventual reintegration into society.
3. To recognize that Aboriginal offenders have the collective and individual right to maintain and develop their distinct identities and characteristics including the right to identify themselves as Aboriginal.
4. To ensure and recognize that Aboriginal offenders have the right to practice and revitalize their cultural traditions and customs including the preservation, protection and access to cultural sites, ceremonial objects and traditional medicines.
5. To ensure that the needs of all Aboriginal offenders are identified and that programs and services are developed and maintained to meet those needs.

Definitions:

6. "*Aboriginal*" means Indian, Inuit, or Metis.
7. "*Aboriginal Community*" means a First Nation, Tribal Council, Band, Community Organization or other group with predominantly Aboriginal leadership.

Definitions Continued:

8. "*Cultural Ceremonies*" include, but are not necessarily limited to, the following:

- Sweat Lodge Ceremonies;
- Healing Lodge Ceremonies;
- Traditional Pow Wows;
- Changing of Seasons Ceremonies;
- Sundance Ceremonies;
- Healing Circles;
- Sacred Circles;
- Pipe Ceremonies;
- Potlatches;
- Fasts;
- Feasts;
- Tea Ceremonies.

9. "*Ceremonial Objects*" Include objects deemed by Traditional Elders as Sacred or Ceremonial in nature and include, but are not necessarily limited to the following:

- Medicine Bundles and Bags;
- Ceremonial Pipes;
- Colored Cloth Flags;
- Sweat Lodges;
- Drums;
- Abalone Shells;
- Rattles;
- Whistles;
- Eagle Feather and Fans.

10. "*Culture*" includes an integrated pattern of human Knowledge, Beliefs and Behavior that depends upon human capacity for learning and transmitting knowledge to succeeding generations: the Customary Beliefs, Spiritual Forms, Social Forms, Language and material.

Definitions Continued:

16. "*Traditional Medicine*" includes medicines as identified by a traditional Elder as having healing potential and includes, but is not necessarily limited to:

- Sage;
- Sweet Grass;
- Sacred Water;
- Cedar;
- Tobacco;
- Medicine Water.

17. "*Smudging Materials*" means Sweet Grass, Sage, Cedar, Tobacco or any other substance which is burned or otherwise used for ceremonial purification. The act of purification or blessing is referred to as "Smudging".

Institutional Responsibilities:

18. The Medicine Bundle of an Elder shall not normally be touched, except by the owner, during any required security inspection, and shall not normally be subjected to X-ray or cross-gender inspections.

19. Elders who are engaged to attend to inmates shall be accorded, in all respects, including compensation, the same status as Chaplains and Priests. The exception shall be their title if they choose not to be referred to as Chaplains or Priests. In consequence, Elders shall have the same freedom of movement within institutions, have the same opportunities to participate in the case management process, and shall be extended the same privileges and support which are provided Chaplains and Priests.

20. Aboriginal inmates shall be permitted personal possession and use of smudging material, required for spiritual practices, upon approval of the Institutional Head in consultation with an Elder or Aboriginal Advisory body.

Institutional Responsibilities Continued:

21. Aboriginal Inmates shall be permitted personal possession of Medicine Bundles and other sacred objects which have been provided or sanctioned by an Elder whose services to inmates have been solicited by the institution. Any required security examination of such Bundles or objects shall normally be accomplished by having the owner manipulate them for visual inspection by the examining officer.

22. The institution shall recognize and respect that Aboriginal offenders have a wide and purposeful concept of family. Thus, decision makers, when exercising discretion involving an assessment of family relationships, must incorporate, understand, accept and honor the extended family relationships of Aboriginal offenders.

Guidelines for Traditional Aboriginal Spiritual Practices

Objectives:

1. To provide consistency and continuity in the traditional spiritual services provided to Aboriginal offenders for rehabilitation purposes.
2. To provide support for Aboriginal Spiritual Leaders engaged by the institution to attend to the spiritual needs of Aboriginal offenders.

Engagement of Elders:

3. Contract managers shall consult with Aboriginal communities, regional Aboriginal committees and/or councils of Elders for the purpose of:
 - a. Identifying Aboriginal Elders who are suitable to attend to the spiritual needs of Aboriginal offenders: and
 - b. Ensuring that traditional spiritual practices offered are consistent with the generally accepted practices within the area.

Levels of Service:

4. Institutions shall provide the same level of Elder spiritual services for Aboriginal inmates as is provided by Chaplains and Priests for non-Aboriginal inmates.
5. The amount of time devoted to the conduct of group ceremonies should be left to the discretion of the Elders engaged to provide spiritual services to the Aboriginal offenders.

Levels of Service Continued:

6. Aboriginal Elders shall be engaged to provide individual counseling services to Aboriginal offenders.

Space for Spiritual Activities:

7. Elders shall be provided space which is commensurate with their de facto status as Chaplains.
8. Institutions shall designate indoor and outdoor space for the conduct of traditional ceremonies such as Pipe and Sweat Lodge Ceremonies. Where possible, Sacred Sweat Lodge compounds shall be established in consultation with the Elders, and shall be rotated regularly in the yard upon advice of an Elder.

Security Clearances:

9. In consultation with Elders, Aboriginal communities, Native Liaison Workers, Institutions shall establish standing orders for:
 - a. The security clearance of Elders and their Bundles;
 - b. The security inspection of Sacred objects in the authorized personal possession of inmates.
 - c. The security inspection of Sacred Sweat Lodge Compounds; and
 - d. The protection of Sacred objects and grounds.

Counts During Sacred Ceremonies:

10. Institutions shall establish procedures to obtain reliable counts of inmates who are participating in Sacred ceremonies. The procedures shall be developed in consultation with Elders, Native Liaison Workers, Aboriginal offenders and Aboriginal Communities to ensure that the ceremonies are not disrupted.

Preparation for Ceremonies:

11. Institutions shall consult the Elders, Native Liaison Workers and Aboriginal Communities in establishing procedures for the collection and storage of materials required for ceremonies.

12. If rocks or wood are required, arrangements shall be made to make vehicles available for their collection, to provide manual assistance or to provide the money required to secure them.

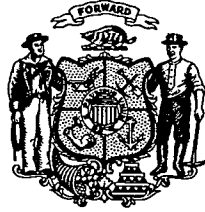
13. Sweet Grass, Sage or other required smudging substances shall be harvested by Aboriginal offenders locally when in season, or they should be purchased if the Elder considers that to be a suitable alternative. Appeals may be made to Aboriginal organizations for assistance in maintaining an adequate supply.

Process for Review of Inmate Religious Practice Requests

Thieszen, Department of Corrections (4/21/99)

Inmates who want to participate in practices and activities that are already taking place at an institution do not go through this process. They generally contact the chaplain or designated staff person about their interest in participating. The process in DOC 309.61(1) Wisconsin Administrative Code is used for requests for participation in religious practices that are above and beyond what we already do. (e.g. adding a new congregate service)

Initiation of Review	Process	Internal Review	Other Input
<p>1. Any inmate may submit a written request to the institution Warden for permission to participate in specific religious practices. This request must include a statement that the inmate professes or adheres to a particular religion and must specify the practice of the religion in which the inmate requests permission to participate in.</p>	<p>1. Under DOC 309.61 governing inmate religious beliefs and practices, the Warden or designee reviews the request with the Chaplain or designated staff person with appropriate religious training and decides if the request can be approved.</p>	<p>Non-routine requests receive more extensive review from various perspectives. This review is coordinated in the Division of Adult Institutions. This generally includes input from different areas including:</p> <ul style="list-style-type: none"> a) Institution Warden or designee b) Institution Security c) Chaplain d) DOC Legal Counsel e) Wisconsin Department of Justice f) Central Food Management if the request is related to religious diets. g) Bureau of Health Services if the request related to medical concerns. 	<p>Review may also include consultation:</p> <ul style="list-style-type: none"> a) With an outside religious / spiritual leader or organization to determine the extent to which the request relates to the religion. b) With other jurisdictions including the Federal Bureau of Prisons and other states.
<p>2. Any inmate may file a complaint regarding Department rules living conditions, and staff actions affecting the institution environment.</p>	<p>2. Under Wisconsin Admin. Code chapter 310 Complaint Procedures, the inmate submits a complaint at the institution level. The Institution Complaint Examiner investigates and makes a recommendation to the warden for a decision. The inmate may file a written appeal to the Corrections Complaint Examiner who investigates and makes a recommendation to the Department Secretary for a decision.</p>		



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FAITH-BASED APPROACHES TO CRIME
PREVENTION AND JUSTICE
MEMO NO. 2
April 20, 1999

TO: MEMBERS OF THE SPECIAL COMMITTEE ON FAITH-BASED
APPROACHES TO CRIME PREVENTION AND JUSTICE

FROM: Mary Matthias and Shaun Haas, Senior Staff Attorneys

SUBJECT: Description of Several Possible Recommendations for Legislation

This Memo was prepared for the Joint Legislative Council's Special Committee on Faith-Based Approaches to Crime Prevention and Justice. The Memo describes several proposals for consideration by the Special Committee. The proposals were developed based on a review of testimony and materials presented at previous meetings of the Special Committee. The basis for a particular proposal is described in background information preceding the description of the proposal.

This Memo is not an exhaustive list of all ideas presented to the Special Committee. Committee discussion need not be limited to the items set forth in this Memo.

A. RESTORATIVE JUSTICE

1. Background

At the December 2, 1998 meeting of the Special Committee, Bruce Kittle, Restorative Justice Project, University of Wisconsin Law School, explained the restorative justice concept. Additionally, the restorative justice concept is summarized in Part III, Restorative Justice, of Staff Brief 98-11, *Background Information on Faith-Based Approaches to Crime Prevention and Justice* (December 4, 1998), which was previously distributed to Special Committee members.

Restorative justice represents a mixing of the criminal justice and civil justice systems. Crime is viewed as an act carried out against the local community as well as the victim. Although restorative justice may take many forms, as shown in the listing contained in the Restorative Justice "Backgrounder" in Appendix A to Staff Brief 98-11, the practice of restorative justice often involves the offender making some sort of restitution to the victim.

Restitution is a common result of victim/offender mediation or conferencing. Victim/offender mediation specifically involves a trained mediator, who may be a volunteer, acting to facilitate a face-to-face meeting between the victim and offender to express feelings, discuss the harm done by the crime and negotiate a restitution agreement.

Based on various estimates, more than 300 victim/offender mediation programs are operating throughout the United States. In Wisconsin, according to spokespersons for the Dane County Juvenile Offender Conferencing Services Program, victim/offender mediation programs exist in Dane, La Crosse, Manitowoc and Outagamie Counties; Jefferson County is starting a similar program.

2. Proposal

Provide funding for one assistant district attorney position in Milwaukee County to establish and conduct a restorative justice program in Milwaukee County and provide assistance to other counties wishing to establish such programs. This position could be a permanent position or a project position. A project position expires after a specified period of time; by statute, a project position may not exist for more than four years. [s. 230.27, Stats.] A permanent position has no expiration date.

Based on the proposal in the 1999-01 Budget Bill to permanently fund two assistant district attorney positions to prosecute cases under the sexual predator law [ch. 980, Stats.], it is anticipated that this proposal would require a general purpose revenue (GPR) annual appropriation of \$76,250.

The assistant district attorney funded under this proposal would be required to submit to the Department of Administration (DOA) an annual report describing his or her activities, the numbers of victims and offenders served, the types of crimes involved and the rates of recidivism among offenders served by the program.

B. NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS

1. Background

Part IV of Staff Brief 98-11, *supra*, includes a discussion of the Charitable Choice provision of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. At the December 2, 1998 meeting of the Special Committee, Chairperson Jensen explained that a state version of the federal Charitable Choice provision had been incorporated in the 1997-98 Biennial Budget Act (1997 Wisconsin Act 27). These provisions address the issue of discrimination against religious organizations that apply for Department of Health and Family Services (DHFS) or Department of Workforce Development (DWD) contracts or grants. (A copy of the provision applicable to DHFS is attached to this Memo.)

Under the state nondiscrimination provisions, DHFS and DWD are authorized to contract with, or award grants to, religious organizations on the same basis as any other nongovernmental provider without impairing the religious character of such organizations and without diminishing

the religious freedom of beneficiaries of services funded under these programs. The nondiscrimination provisions incorporated into state law include the following requirements:

a. *Nondiscrimination against religious organizations.* Specify that if DHFS or DWD is authorized to distribute any grant to, or contract with, a nongovernmental entity, that nongovernmental entity can be a religious organization as long as the programs are implemented consistent with the U.S. Constitution and the Wisconsin Constitution. Prohibit DHFS and DWD from discriminating against an organization on the basis that the organization has a religious character.

b. *Religious character and freedom.* Specify that a religious organization that receives a grant from, or contracts with, DHFS or DWD retains its independence from federal, state and local governments, including such organization's control over the definition, development, practice and expression of its religious beliefs. Prohibit DHFS and DWD from requiring a religious organization to alter its form of internal governance or remove religious art, icons, scripture or other symbols as a condition of contracting with, or receiving a grant from, DHFS or DWD.

c. *Rights of beneficiaries of services.* Specify that if an individual has an objection to the religious character of the organization or institution from which the individual receives, or would receive, assistance funded from a program supported with funding administered by DHFS or DWD, DHFS or DWD would provide the individual services from an alternative provider that is accessible to the individual.

d. *Employment practices.* Specify that a religious organization's exemption recognized under federal law regarding employment practices [42 U.S.C. s. 2000e-1a] are not affected by its participation in programs administered by DHFS or DWD.

e. *Nondiscrimination against beneficiaries.* Prohibit a religious organization from discriminating against an individual in regard to rendering services funded under any DHFS or DWD program on the basis of religion, a religious belief or refusal to actively participate in a religious practice.

f. *Fiscal accountability.* Specify that any religious organization that receives grant funding from, or contract with, DHFS or DWD is subject to the same laws and rules as other contractors to account in accord with generally accepted auditing principles for the use of these funds. If the religious organization segregates funding from DHFS or DWD into separate accounts, only the financial assistance provided with these funds is subject to an audit.

g. *Limitations on the use of funds for certain purposes.* Prohibit any religious organization that receives funding from DHFS or DWD from expending any of those funds for sectarian worship, instruction or proselytization.

At its March 11, 1999 meeting, the Special Committee heard testimony from Carl Esbeck, Professor of Law, University of Missouri, who said he was involved in writing the federal Charitable Choice provision. He expressed the view that the Charitable Choice law is consistent with the Free Exercise and Establishment Clauses of the U.S. Constitution. Professor Esbeck's view was supported in testimony from William Mellor, President and General Counsel, Institute for Justice, Washington, D.C.

A cautionary viewpoint on this issue was expressed at this meeting by Steven K. Green, Legal Director, Americas United for Separation of Church and State. Specifically, Mr. Green suggested that any state program that involves religiously affiliated agencies must adhere to four requirements: (a) state moneys may not be used to fund any religiously oriented programs; (b) the state must not contract with, make referrals to or provide grants to organizations that have a primary or substantial goal of conversion or proselytization; (c) the state may refer individuals to nonfunded faith-based programs provided the programs have a primarily secular goal and secular-based alternatives are available; and (d) neither the state nor any grantee may require participation in any religious activity. Jeffrey Kassell, Attorney, Freedom from Religion Foundation, Madison, expressed support for Mr. Green's view of constitutional restrictions on state funding of religious organizations.

In rebuttal testimony, Professor Esbeck expressed the view that Mr. Green and Mr. Kassell had relied heavily in their remarks on the U.S. Supreme Court case of *Bowen v. Kendrick*, 487 U.S. 589 (1988) and observed that this case had been superseded by three cases with *Agostini v. Felton*, 521 U.S. 203 (1997), being the last expression of the view of the U.S. Supreme Court on this issue. He said that a review of the *Agostini* case shows that the Court is close to embracing the "neutrality" principle. Under the neutrality principle, explained Professor Esbeck, the Establishment Clause of the U.S. Constitution is not violated by allowing all providers of social services to participate in a state program without regard to religion. Under this principle, the question that matters is not "who is the provider?" but "how is the money being spent"?

2. Proposal

a. Recommend the enactment of legislation comparable to the nondiscrimination statutory provisions that currently apply to the DHFS and DWD, as described above, and apply these provisions to:

- (1) The Department of Corrections (DOC). The nondiscrimination provision would enable the DOC to contract with, and distribute grants to, religious organizations on the same basis as any other nongovernmental provider without impairing the religious character of such organizations and without diminishing the religious freedom of beneficiaries of services funded under these programs. An example of a DOC program to which this provision may apply is the Youth Gang Diversion Grant Projects funded by the Division of Juvenile Corrections. Currently, five Youth Gang Diversion Grant Projects are being funded--two in Racine County and one each in Milwaukee, Kenosha and Brown Counties. The primary goal of all five projects is to divert youth from gang activities and into protective activities, including appropriate educational, recreational and employment programs, and alcohol or other drug abuse education and treatment services.
- (2) Counties. Counties receive both federal and state funds which are used for substance abuse and crime prevention efforts directed at at-risk youth. An example of one of these programs is the Community Aids Program which distributes state and federal funds to counties to support community, social,

mental health, developmental disabilities and substance abuse services. The nondiscrimination provision would enable counties to contract with, and distribute community aids funds to, religious organizations to perform these services provided the organizations comply with the law.

b. The Special Committee could sponsor a letter to state agencies to which the nondiscrimination provisions apply encouraging them to engage in an outreach effort directed at religious organizations that would inform them of the protection against state interference with religious practices contained in law.

C. VALUES-BASED PRISON REHABILITATION

1. Background

Part II A. of Staff Brief 98-11 provides detailed information regarding the InnerChange Freedom Initiative in Texas. InnerChange is a Christian-based immersion-style rehabilitation program which is operated within the state prison and paid for by Prison Fellowship Ministries. Currently, there is no program of this type in operation in any of Wisconsin's correctional facilities.

At its first meeting, the Special Committee heard testimony regarding the benefits to inmates of the practice of religion. Walt Thieszen, Chief of Program Services, Division of Adult Institutions, DOC, stated that the practice of religion by inmates helps them keep continuity with their community and fosters reintegration into that community upon discharge. Lisa Whitney of Prison Fellowship Ministries said that studies have shown that the recidivism rate of inmates who participate in faith-based programs in prison is lower than that for inmates who do not participate in the programs.

2. Proposal

Require DOC to issue a request for proposals for, and facilitate the operation of, a values-based, rehabilitation program to be operated by a private organization in a portion of the new Milwaukee alcohol and other drug abuse (AODA) treatment facility which is scheduled to open in January 2001.

Although the program would not be required to be faith-based, if the proposal described in Section B. was adopted, DOC could permit a faith-based organization to operate the program.

Provide all of the following:

- DOC shall provide all services and staffing to the portion of the facility in which the program is operated that are provided to other portions of the facility.
- State funding shall be provided for an evaluation of the effectiveness of the program in reducing recidivism.

- The program will be operated for a limited amount of time on a pilot basis.
- Inmate participation in the program will be voluntary and available to any eligible inmate regardless of their religious beliefs. Relevant factors not related to religious beliefs, such as the length of sentence to be served, the community into which the inmate will be released and an inmate's ability to participate in the program, may be considered for determining inmate participation. An inmate may withdraw from the program at any time.
- An inmate's participation or lack of participation in the program may not be considered in any decision relating to the discipline, status or release of an inmate.
- Assignment of guards and other prison staff to the portion of the facility in which the program is operating will be voluntary and shall be made without regard to religious beliefs.
- The program shall provide aftercare services in the community for all participants upon their release from the facility.

D. GRASSROOTS YOUTH INTERVENTION

1. Background

At its February 23, 1999 meeting, the Special Committee heard testimony from several speakers involved in grassroots youth intervention in inner-city neighborhoods. Robert Woodson, President of the National Center for Neighborhood Enterprises, stated that neighborhood organizations are society's healing agents. He explained that crime prevention and social intervention efforts which are "parachuted in," and have no connection to the neighborhood, are ineffective. Mr. Woodson stated that currently, the people and organizations that are successful at fighting crime generally are not receiving any of the government crime prevention funding that is available, typically because they do not have the resources or technical expertise necessary to successfully compete for government-provided grants.

2. Proposal

Specify that a certain amount of the funds available under the Community Youth Grants Program be provided to one or more specified organizations, to be identified by the Special Committee, that engage in values-based crime prevention efforts among youth in inner-city communities. Provide that these organizations are not required to participate in a competitive process to receive funding.

The Community Youth Grants Program, as proposed to be created in the 1999-01 Budget Bill (1999 Assembly Bill 133 and Senate Bill 45), is a competitive grant program administered by the DWD for programs that improve social, academic and employment skills of youth from

Temporary Aid for Needy Families (TANF)-eligible families. The Governor's budget bill provides \$5,000,000 in 1999-00 and \$15,000,000 in 2000-01 for community youth grants.

The budget bill specifies that the Safe and Sound Initiative in the City of Milwaukee and the Wisconsin Good Samaritan Project may receive grant moneys under the Community Youth Grants Program without participating in a competitive process. The budget bill does not specify the amount of funds which may be provided to those organizations.

E. GRANT FOR VALUES-BASED NONPROFIT ORGANIZATION INCUBATOR

1. Background

At its January and February meetings, the Special Committee heard from several speakers that many values-based neighborhood organizations do not have the time, resources or technical expertise to gain access to sources of funding which are available. In addition, many such organizations may not be aware of the new nondiscrimination provisions (a.k.a., Charitable Choice) which apply to them.

2. Proposal

Provide a grant of up to \$100,000 to a nonprofit organization to act as a "values-based organization incubator." The grant would be administered by DHFS. The organization receiving the grant would be required to provide all of the following to values-based nonprofit organizations:

- Information regarding the various sources of funding available to values-based organizations.
- Liaison services between the organizations it serves and government agencies and other entities which provide funding for the types of activities undertaken by the organizations it serves.
- Outreach and information regarding Charitable Choice.
- Technical and clerical assistance in gaining access to funding.
- Any other assistance which will facilitate the development and effectiveness of the organizations served.

To be eligible to receive services from the values-based organization incubator, an organization must be providing or seeking to provide, community services such as youth intervention, crime prevention, AODA services or offender rehabilitation and must be values-based.

The organization receiving a grant under the program must provide to DHFS an annual report describing the services provided, the organizations served and the extent to which the capacity and effectiveness of those organizations was enhanced by the assistance provided by the

grantee. The program would be funded by transferring unutilized funds from a minority business incubator grant program in the Department of Commerce.

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Attachment

Section 46.027, Stats., Nondiscrimination Against Religious Organizations
Provision Pertaining to the Department of Health and Family Services

46.027 Contract powers. (1) RELIGIOUS ORGANIZATIONS; LEGISLATIVE PURPOSE. The purpose of this section is to allow the department to contract with, or award grants to, religious organizations, under any program administered by the department, on the same basis as any other nongovernmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under such program.

(2) **NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.** If the department is authorized under ch. 16 to contract with a nongovernmental entity, or is authorized to award grants to a nongovernmental entity, religious organizations are eligible, on the same basis as any other private organization, as contractors under any program administered by the department so long as the programs are implemented consistent with the First Amendment of the U.S. Constitution and article I, section 18 of the Wisconsin Constitution. Except as provided in sub. (10), the department may not discriminate against an organization that is or applies to be a contractor on the basis that the organization has a religious character.

(3) **RELIGIOUS CHARACTER AND FREEDOM. (a)** The department shall allow a religious organization with which the department contracts or to which the department awards a grant to retain its independence from state and local governments, including the organization's control over the definition, development, practice and expression of its religious beliefs.

(b) The department may not require a religious organization to alter its form of internal governance or to remove religious art, icons, scripture or other symbols in order to be eligible for a contract or grant.

(4) **RIGHTS OF BENEFICIARIES OF ASSISTANCE.** If an individual has an objection to the religious character of the organization or institution from which the individual receives, or would receive, assistance funded under any program administered by the department, the department shall provide such individual, if otherwise eligible for such assistance, within a reasonable period of time after the date of the objection with assistance from an alternative provider that is accessible to the individual. The value of the assistance offered by the alternative provider may not be less than the value of the assistance which the individual would have received from the religious organization.

(5) **EMPLOYMENT PRACTICES.** To the extent permitted under federal law, a religious organization's exemption provided under 42 USC 2000e-1a regarding employment practices is not affected by its participation in, or receipt of funds from, programs administered by the department.

(6) **NONDISCRIMINATION AGAINST BENEFICIARIES.** A religious organization may not discriminate against an individual in regard to rendering assistance funded under any program administered by the department on the basis of religion, a religious belief or refusal to actively participate in a religious practice.

(7) **FISCAL ACCOUNTABILITY. (a)** Except as provided in par. (b), any religious organization that contracts with, or receives a grant from, the department is subject to the same laws and rules

as other contractors to account in accord with generally accepted auditing principles for the use of such funds provided under such programs.

(b) If the religious organization segregates funds provided under programs administered by the department into separate accounts, then only the financial assistance provided with those funds shall be subject to audit.

(8) COMPLIANCE. Any party that seeks to enforce its rights under this section may assert a civil action for injunctive relief against the entity or agency that allegedly commits the violation.

(9) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES. No funds provided directly to religious organizations by the department may be expended for sectarian worship, instruction or proselytization.

(10) PREEMPTION. Nothing in this section may be construed to preempt any provision of federal law, the U.S. Constitution, the Wisconsin Constitution or any other statute that prohibits or restricts the expenditure of federal or state funds in or by religious organizations.