FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL AND EMAIL: Tammy.Westcott@tulsadrugcourt.com

Ms. Tammy Westcott
COURTS Program Director
Tulsa Veterans Treatment Court
16 E. 16th St. #202
Tulsa, OK 74119

Re: Unconstitutional Religious Work Program

Dear Ms. Westcott:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Tulsa Veterans Treatment Court. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

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the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Tulsa Veterans Treatment Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

Other federal courts uniformly agree that mandatory participation in religious programs, such as Alcoholics Anonymous, violates the Establishment Clause. *See, e.g., Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007) (holding that "the AA/NA program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause"); *Warner v. Orange Cty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997) (finding an Establishment Clause violation when the state required a probationer to attend AA meetings); *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996) (holding mandatory AA participation unconstitutional).

It is simply beyond any reasonable dispute that the CAAIR program is far more religiously coercive than simply AA or NA. As the cases cited above demonstrate, the Constitution only requires showing a "substantial religious component" for governmentally-compelled attendance in a program to be unlawful. The religious components in CAAIR are pervasive, as are the human rights abuses. CAAIR is not a drug rehabilitation program in any meaningful sense of the term; it is a forced-labor camp, shot-through with religious proselytization. For your drug courts to continue to send Oklahomans to CAAIR is a patent violation of the First Amendment.

We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Tulsa Veterans Treatment Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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FREEDOM FROM RELIGION *foundation*

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October 16, 2017

SENT VIA U.S. MAIL AND FAX: (580) 795-2169

The Honorable Wallace Coppedge
District Judge
Marshall County District Court, Johnston County District Court (interim)
PO Box 58
Madill, OK 73446

Re: Unconstitutional Religious Work Program

Dear Judge Coppedge:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Marshall County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

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the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Marshall County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

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Other federal courts uniformly agree that mandatory participation in religious programs, such as Alcoholics Anonymous, violates the Establishment Clause. *See, e.g., Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007) (holding that "the AA/NA program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause"); *Warner v. Orange Cty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997) (finding an Establishment Clause violation when the state required a probationer to attend AA meetings); *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996) (holding mandatory AA participation unconstitutional).

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We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Marshall County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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FREEDOM FROM RELIGION *foundation*

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October 16, 2017

SENT VIA U.S. MAIL AND FAX: (918) 596-5402

The Honorable Rebecca B. Nightingale
District Judge
Tulsa County District Court
500 S. Denver, Rm. 708
Tulsa, OK 74103

Re: Unconstitutional Religious Work Program

Dear Judge Nightingale:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Tulsa County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

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the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Tulsa County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

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We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Tulsa County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

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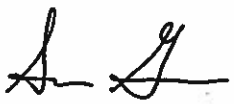

Sam Grover
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FREEDOM FROM RELIGION *foundation*

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October 16, 2017

SENT VIA U.S. MAIL

The Honorable Ken Graham
District Judge
Stephens County District Court
101 S. 11th Street
Duncan, OK 73533

Re: Unconstitutional Religious Work Program

Dear Judge Graham:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Stephens County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

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FREEDOM FROM RELIGION *foundation*

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October 16, 2017

SENT VIA U.S. MAIL AND FAX: (405) 257-2631

The Honorable George W. Butner
District Judge
Seminole County District Court
P.O. Box 656
Wewoka, OK 74884

Re: Unconstitutional Religious Work Program

Dear Judge Butner:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Seminole County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

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October 16, 2017

SENT VIA U.S. MAIL AND FAX: (918) 923-4567

The Honorable Sheila A. Condren
District Judge
Rogers County District Court
200 S. Lynn Riggs Blvd.
Claremore, OK 74017

Re: Unconstitutional Religious Work Program

Dear Judge Condren:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Rogers County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

[1] https://www.caair.org/home.html

the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Rogers County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

Other federal courts uniformly agree that mandatory participation in religious programs, such as Alcoholics Anonymous, violates the Establishment Clause. *See, e.g., Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007) (holding that "the AA/NA program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause"); *Warner v. Orange Cty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997) (finding an Establishment Clause violation when the state required a probationer to attend AA meetings); *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996) (holding mandatory AA participation unconstitutional).

It is simply beyond any reasonable dispute that the CAAIR program is far more religiously coercive than simply AA or NA. As the cases cited above demonstrate, the Constitution only requires showing a "substantial religious component" for governmentally-compelled attendance in a program to be unlawful. The religious components in CAAIR are pervasive, as are the human rights abuses. CAAIR is not a drug rehabilitation program in any meaningful sense of the term; it is a forced-labor camp, shot-through with religious proselytization. For your drug courts to continue to send Oklahomans to CAAIR is a patent violation of the First Amendment.

We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Rogers County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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[2] https://www.revealnews.org/article/they-thought-they-were-going-to-rehab-they-ended-up-in-chicken-plants/

[3] https://www.washingtonpost.com/business/lawsuit-oklahoma-court-diversion-program-is-exploitative/2017/10/11/c9434184-ae9f-11e7-9b93-b97043e57a22_story.html

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL AND FAX: (580) 332-5766

The Honorable Steven Kessinger
District Judge
Pontotoc County District Court
120 W. 13th Street
Ada, OK 74821

Re: Unconstitutional Religious Work Program

Dear Judge Kessinger:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Pontotoc County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

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the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Pontotoc County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

Other federal courts uniformly agree that mandatory participation in religious programs, such as Alcoholics Anonymous, violates the Establishment Clause. *See, e.g., Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007) (holding that "the AA/NA program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause"); *Warner v. Orange Cty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997) (finding an Establishment Clause violation when the state required a probationer to attend AA meetings); *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996) (holding mandatory AA participation unconstitutional).

It is simply beyond any reasonable dispute that the CAAIR program is far more religiously coercive than simply AA or NA. As the cases cited above demonstrate, the Constitution only requires showing a "substantial religious component" for governmentally-compelled attendance in a program to be unlawful. The religious components in CAAIR are pervasive, as are the human rights abuses. CAAIR is not a drug rehabilitation program in any meaningful sense of the term; it is a forced-labor camp, shot-through with religious proselytization. For your drug courts to continue to send Oklahomans to CAAIR is a patent violation of the First Amendment.

We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Pontotoc County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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[2] https://www.revealnews.org/article/they-thought-they-were-going-to-rehab-they-ended-up-in-chicken-plants/

[3] https://www.washingtonpost.com/business/lawsuit-oklahoma-court-diversion-program-is-exploitative/2017/10/11/c9434184-ae9f-11e7-9b93-b97043e57a22_story.html

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL AND FAX: (918) 540-3278

The Honorable Robert G. Haney
District Judge
Ottawa County District Court
102 E. Central Ave. Ste. 200
Miami, OK 74354

Re: Unconstitutional Religious Work Program

Dear Judge Haney:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Ottawa County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

[1] https://www.caair.org/home.html

the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Ottawa County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

Other federal courts uniformly agree that mandatory participation in religious programs, such as Alcoholics Anonymous, violates the Establishment Clause. *See, e.g., Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007) (holding that "the AA/NA program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause"); *Warner v. Orange Cty. Dept. of Probation,* 115 F.3d 1068 (2nd Cir. 1997) (finding an Establishment Clause violation when the state required a probationer to attend AA meetings); *Kerr v. Ferrey,* 95 F.3d 472, 480 (7th Cir. 1996) (holding mandatory AA participation unconstitutional).

It is simply beyond any reasonable dispute that the CAAIR program is far more religiously coercive than simply AA or NA. As the cases cited above demonstrate, the Constitution only requires showing a "substantial religious component" for governmentally-compelled attendance in a program to be unlawful. The religious components in CAAIR are pervasive, as are the human rights abuses. CAAIR is not a drug rehabilitation program in any meaningful sense of the term; it is a forced-labor camp, shot-through with religious proselytization. For your drug courts to continue to send Oklahomans to CAAIR is a patent violation of the First Amendment.

We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Ottawa County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL

The Honorable John Kane
District Judge
Osage County District Court
600 Grandview, Rm. 302
Pawhuska, OK 74056

Re: Unconstitutional Religious Work Program

Dear Judge Kane:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Osage County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

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the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Osage County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

Other federal courts uniformly agree that mandatory participation in religious programs, such as Alcoholics Anonymous, violates the Establishment Clause. *See, e.g., Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007) (holding that "the AA/NA program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause"); *Warner v. Orange Cty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997) (finding an Establishment Clause violation when the state required a probationer to attend AA meetings); *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996) (holding mandatory AA participation unconstitutional).

It is simply beyond any reasonable dispute that the CAAIR program is far more religiously coercive than simply AA or NA. As the cases cited above demonstrate, the Constitution only requires showing a "substantial religious component" for governmentally-compelled attendance in a program to be unlawful. The religious components in CAAIR are pervasive, as are the human rights abuses. CAAIR is not a drug rehabilitation program in any meaningful sense of the term; it is a forced-labor camp, shot-through with religious proselytization. For your drug courts to continue to send Oklahomans to CAAIR is a patent violation of the First Amendment.

We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Osage County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL AND FAX: (918) 758-1237

The Honorable Ken Adair
District Judge
Okmulgee County District Court
314 W. 7th Street, Ste. 305
Okmulgee, OK 74447

Re: Unconstitutional Religious Work Program

Dear Judge Adair:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Okmulgee County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

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the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Okmulgee County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

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We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Okmulgee County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL AND FAX: (580) 622-2979

The Honorable Aaron Duck
Associate District Judge
Murray County District Court
PO Box 578
Sulphur, OK 73086

Re: Unconstitutional Religious Work Program

Dear Judge Duck:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Murray County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

[1] https://www.caair.org/home.html

the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Murray County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

Other federal courts uniformly agree that mandatory participation in religious programs, such as Alcoholics Anonymous, violates the Establishment Clause. *See, e.g., Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007) (holding that "the AA/NA program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause"); *Warner v. Orange Cty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997) (finding an Establishment Clause violation when the state required a probationer to attend AA meetings); *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996) (holding mandatory AA participation unconstitutional).

It is simply beyond any reasonable dispute that the CAAIR program is far more religiously coercive than simply AA or NA. As the cases cited above demonstrate, the Constitution only requires showing a "substantial religious component" for governmentally-compelled attendance in a program to be unlawful. The religious components in CAAIR are pervasive, as are the human rights abuses. CAAIR is not a drug rehabilitation program in any meaningful sense of the term; it is a forced-labor camp, shot-through with religious proselytization. For your drug courts to continue to send Oklahomans to CAAIR is a patent violation of the First Amendment.

We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Murray County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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[2] https://www.revealnews.org/article/they-thought-they-were-going-to-rehab-they-ended-up-in-chicken-plants/

[3] https://www.washingtonpost.com/business/lawsuit-oklahoma-court-diversion-program-is-exploitative/2017/10/11/c9434184-ae9f-11e7-9b93-b97043e57a22_story.html

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL AND FAX: (405) 527-1856

The Honorable Leah Edwards
District Judge
McClain County District Court
121 N. 2nd Street
Purcell, OK 73080

Re: Unconstitutional Religious Work Program

Dear Judge Edwards:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the McClain County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

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the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the McClain County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

Other federal courts uniformly agree that mandatory participation in religious programs, such as Alcoholics Anonymous, violates the Establishment Clause. *See, e.g., Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007) (holding that "the AA/NA program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause"); *Warner v. Orange Cty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997) (finding an Establishment Clause violation when the state required a probationer to attend AA meetings); *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996) (holding mandatory AA participation unconstitutional).

It is simply beyond any reasonable dispute that the CAAIR program is far more religiously coercive than simply AA or NA. As the cases cited above demonstrate, the Constitution only requires showing a "substantial religious component" for governmentally-compelled attendance in a program to be unlawful. The religious components in CAAIR are pervasive, as are the human rights abuses. CAAIR is not a drug rehabilitation program in any meaningful sense of the term; it is a forced-labor camp, shot-through with religious proselytization. For your drug courts to continue to send Oklahomans to CAAIR is a patent violation of the First Amendment.

We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The McClain County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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[3] https://www.washingtonpost.com/business/lawsuit-oklahoma-court-diversion-program-is-exploitative/2017/10/11/c9434184-ae9f-11e7-9b93-b97043e57a22_story.html

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL AND FAX: (918) 825-4415

The Honorable Terry H. McBride
District Judge
Mayes County District Court
1 Court Place, Suite 240
Pryor, OK 74361

Re: Unconstitutional Religious Work Program

Dear Judge McBride:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Mayes County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

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the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Mayes County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

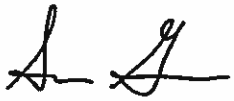
Other federal courts uniformly agree that mandatory participation in religious programs, such as Alcoholics Anonymous, violates the Establishment Clause. *See, e.g., Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007) (holding that "the AA/NA program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause"); *Warner v. Orange Cty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997) (finding an Establishment Clause violation when the state required a probationer to attend AA meetings); *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996) (holding mandatory AA participation unconstitutional).

It is simply beyond any reasonable dispute that the CAAIR program is far more religiously coercive than simply AA or NA. As the cases cited above demonstrate, the Constitution only requires showing a "substantial religious component" for governmentally-compelled attendance in a program to be unlawful. The religious components in CAAIR are pervasive, as are the human rights abuses. CAAIR is not a drug rehabilitation program in any meaningful sense of the term; it is a forced-labor camp, shot-through with religious proselytization. For your drug courts to continue to send Oklahomans to CAAIR is a patent violation of the First Amendment.

We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Mayes County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,



Sam Grover
Associate Counsel
STG:cem

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FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL

The Honorable Todd Hicks
Associate District Judge
Love County District Court
405 W. Main Street
Marietta, OK 73448

Re: Unconstitutional Religious Work Program

Dear Judge Hicks:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Love County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

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the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Love County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

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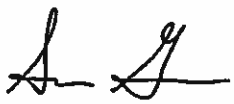
It is simply beyond any reasonable dispute that the CAAIR program is far more religiously coercive than simply AA or NA. As the cases cited above demonstrate, the Constitution only requires showing a "substantial religious component" for governmentally-compelled attendance in a program to be unlawful. The religious components in CAAIR are pervasive, as are the human rights abuses. CAAIR is not a drug rehabilitation program in any meaningful sense of the term; it is a forced-labor camp, shot-through with religious proselytization. For your drug courts to continue to send Oklahomans to CAAIR is a patent violation of the First Amendment.

We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Love County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,



Sam Grover
Associate Counsel
STG:cem

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FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL AND FAX: (405) 282-7661

The Honorable Louis A. Duel
Associate District Judge
Logan County District Court
301 E. Harrison, Rm. 203
Guthrie, OK 73044

Re: Unconstitutional Religious Work Program

Dear Judge Duel:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Logan County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

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We write to ensure that the Logan County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

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Sincerely,

Sam Grover
Associate Counsel
STG:cem

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FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL AND FAX: (580) 228-2185

The Honorable Dennis Gay
Associate District Judge
Jefferson County District Court
220 N. Main St
Waurika, OK 73573

Re: Unconstitutional Religious Work Program

Dear Judge Gay:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Jefferson County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

[1] https://www.caair.org/home.html

the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Jefferson County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

Other federal courts uniformly agree that mandatory participation in religious programs, such as Alcoholics Anonymous, violates the Establishment Clause. *See, e.g., Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007) (holding that "the AA/NA program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause"); *Warner v. Orange Cty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997) (finding an Establishment Clause violation when the state required a probationer to attend AA meetings); *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996) (holding mandatory AA participation unconstitutional).

It is simply beyond any reasonable dispute that the CAAIR program is far more religiously coercive than simply AA or NA. As the cases cited above demonstrate, the Constitution only requires showing a "substantial religious component" for governmentally-compelled attendance in a program to be unlawful. The religious components in CAAIR are pervasive, as are the human rights abuses. CAAIR is not a drug rehabilitation program in any meaningful sense of the term; it is a forced-labor camp, shot-through with religious proselytization. For your drug courts to continue to send Oklahomans to CAAIR is a patent violation of the First Amendment.

We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Jefferson County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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[2] https://www.revealnews.org/article/they-thought-they-were-going-to-rehab-they-ended-up-in-chicken-plants/

[3] https://www.washingtonpost.com/business/lawsuit-oklahoma-court-diversion-program-is-exploitative/2017/10/11/c9434184-ae9f-11e7-9b93-b97043e57a22_story.html

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL AND FAX: (405) 379-3204

The Honorable Gordon Allen
Associate District Judge
Hughes County District Court
PO Box 875
Holdenville, OK 74848

Re: Unconstitutional Religious Work Program

Dear Judge Allen:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Hughes County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

[1] https://www.caair.org/home.html

the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Hughes County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

Other federal courts uniformly agree that mandatory participation in religious programs, such as Alcoholics Anonymous, violates the Establishment Clause. *See, e.g., Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007) (holding that "the AA/NA program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause"); *Warner v. Orange Cty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997) (finding an Establishment Clause violation when the state required a probationer to attend AA meetings); *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996) (holding mandatory AA participation unconstitutional).

It is simply beyond any reasonable dispute that the CAAIR program is far more religiously coercive than simply AA or NA. As the cases cited above demonstrate, the Constitution only requires showing a "substantial religious component" for governmentally-compelled attendance in a program to be unlawful. The religious components in CAAIR are pervasive, as are the human rights abuses. CAAIR is not a drug rehabilitation program in any meaningful sense of the term; it is a forced-labor camp, shot-through with religious proselytization. For your drug courts to continue to send Oklahomans to CAAIR is a patent violation of the First Amendment.

We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Hughes County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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[2] https://www.revealnews.org/article/they-thought-they-were-going-to-rehab-they-ended-up-in-chicken-plants/

[3] https://www.washingtonpost.com/business/lawsuit-oklahoma-court-diversion-program-is-exploitative/2017/10/11/c9434184-ae9f-11e7-9b93-b97043e57a22_story.html

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL AND FAX: (405) 224-0514

The Honorable Kory Kirkland
District Judge
Grady County District Court
P.O. Box 605
Chickasha, OL 73023

Re: Unconstitutional Religious Work Program

Dear Judge Kirkland:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Grady County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

[1] https://www.caair.org/home.html

the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Grady County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

Other federal courts uniformly agree that mandatory participation in religious programs, such as Alcoholics Anonymous, violates the Establishment Clause. *See, e.g., Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007) (holding that "the AA/NA program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause"); *Warner v. Orange Cty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997) (finding an Establishment Clause violation when the state required a probationer to attend AA meetings); *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996) (holding mandatory AA participation unconstitutional).

It is simply beyond any reasonable dispute that the CAAIR program is far more religiously coercive than simply AA or NA. As the cases cited above demonstrate, the Constitution only requires showing a "substantial religious component" for governmentally-compelled attendance in a program to be unlawful. The religious components in CAAIR are pervasive, as are the human rights abuses. CAAIR is not a drug rehabilitation program in any meaningful sense of the term; it is a forced-labor camp, shot-through with religious proselytization. For your drug courts to continue to send Oklahomans to CAAIR is a patent violation of the First Amendment.

We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Grady County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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[2] https://www.revealnews.org/article/they-thought-they-were-going-to-rehab-they-ended-up-in-chicken-plants/

[3] https://www.washingtonpost.com/business/lawsuit-oklahoma-court-diversion-program-is-exploitative/2017/10/11/c9434184-ae9f-11e7-9b93-b97043e57a22_story.html

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL AND FAX: (405) 238-1138

The Honorable Steven Kendall
Associate District Judge
Garvin County District Court
201 W. Grant Street
Pauls Valley, OK 73075

Re: Unconstitutional Religious Work Program

Dear Judge Kendall:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Garvin County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

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the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Garvin County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

Other federal courts uniformly agree that mandatory participation in religious programs, such as Alcoholics Anonymous, violates the Establishment Clause. *See, e.g., Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007) (holding that "the AA/NA program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause"); *Warner v. Orange Cty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997) (finding an Establishment Clause violation when the state required a probationer to attend AA meetings); *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996) (holding mandatory AA participation unconstitutional).

It is simply beyond any reasonable dispute that the CAAIR program is far more religiously coercive than simply AA or NA. As the cases cited above demonstrate, the Constitution only requires showing a "substantial religious component" for governmentally-compelled attendance in a program to be unlawful. The religious components in CAAIR are pervasive, as are the human rights abuses. CAAIR is not a drug rehabilitation program in any meaningful sense of the term; it is a forced-labor camp, shot-through with religious proselytization. For your drug courts to continue to send Oklahomans to CAAIR is a patent violation of the First Amendment.

We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Garvin County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL AND FAX: (918) 253-5739

The Honorable Barry V. Denney
District Judge
Delaware County District Court
P.O. Box 489
Jay, OK 74346

Re: Unconstitutional Religious Work Program

Dear Judge Denney:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Delaware County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

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the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Delaware County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

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We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Delaware County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL

The Honorable Jeff Virgin
District Judge
Cleveland County District Court
200 S. Peters Ave.
Norman, OK 73069

Re: Unconstitutional Religious Work Program

Dear Judge Virgin:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Cleveland County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

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the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Cleveland County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

Other federal courts uniformly agree that mandatory participation in religious programs, such as Alcoholics Anonymous, violates the Establishment Clause. *See, e.g., Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007) (holding that "the AA/NA program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause"); *Warner v. Orange Cty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997) (finding an Establishment Clause violation when the state required a probationer to attend AA meetings); *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996) (holding mandatory AA participation unconstitutional).

It is simply beyond any reasonable dispute that the CAAIR program is far more religiously coercive than simply AA or NA. As the cases cited above demonstrate, the Constitution only requires showing a "substantial religious component" for governmentally-compelled attendance in a program to be unlawful. The religious components in CAAIR are pervasive, as are the human rights abuses. CAAIR is not a drug rehabilitation program in any meaningful sense of the term; it is a forced-labor camp, shot-through with religious proselytization. For your drug courts to continue to send Oklahomans to CAAIR is a patent violation of the First Amendment.

We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Cleveland County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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[2] https://www.revealnews.org/article/they-thought-they-were-going-to-rehab-they-ended-up-in-chicken-plants/

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FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL

The Honorable Dennis Morris
District Judge
Carter County District Court
20 B. Street S.W., Rm. 304
Ardmore, OK 73401

Re: Unconstitutional Religious Work Program

Dear Judge Morris:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Carter County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

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the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Carter County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

Other federal courts uniformly agree that mandatory participation in religious programs, such as Alcoholics Anonymous, violates the Establishment Clause. *See, e.g., Inouye v. Kemna*, 504 F.3d 705, 714 n.9 (9th Cir. 2007) (holding that "the AA/NA program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause"); *Warner v. Orange Cty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997) (finding an Establishment Clause violation when the state required a probationer to attend AA meetings); *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996) (holding mandatory AA participation unconstitutional).

It is simply beyond any reasonable dispute that the CAAIR program is far more religiously coercive than simply AA or NA. As the cases cited above demonstrate, the Constitution only requires showing a "substantial religious component" for governmentally-compelled attendance in a program to be unlawful. The religious components in CAAIR are pervasive, as are the human rights abuses. CAAIR is not a drug rehabilitation program in any meaningful sense of the term; it is a forced-labor camp, shot-through with religious proselytization. For your drug courts to continue to send Oklahomans to CAAIR is a patent violation of the First Amendment.

We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Carter County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

Please inform us in writing of the steps you are taking address this grave breach of the First Amendment and basic human rights. Thank you for your time and attention to this serious matter.

Sincerely,

Sam Grover
Associate Counsel
STG:cem

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FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL AND FAX: (405) 262-1522

The Honorable Paul Hesse
District Judge
Canadian County District Court
P.O. Box 730
El Reno, OK 73036

Re: Unconstitutional Religious Work Program

Dear Judge Hesse:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Canadian County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

From what we have learned, the depth of religious coercion in the CAAIR program is staggering. All CAAIR clients are required to attend church services every Sunday for the first four months of their term, as well as weekly bible study each Wednesday. A former CAAIR client reported to us that "counselling" sessions, which were ostensibly meant to be drug and alcohol counselling, consisted almost entirely of watching Christian-themed films and church sermons. We are further informed that every few months, a Christian acting troupe called "For His Glory Drama Ministries" visits CAAIR and performs sketches that promote Christian ideology, including an actor playing Jesus. CAAIR's only perfunctory attempt at substance abuse treatment (albeit still religious in nature) are twelve-step group meetings led by fellow CAAIR clients.

Attendance at CAAIR's religious events is absolutely mandatory. Failure to report – or merely being tardy – will result in a loss of privileges or possibly expulsion from the program, which for most of these men will mean prison time. A more religiously coercive environment is scarcely imaginable. And all this to say nothing of the appalling conditions under which these men are forced to work, day in and day out, without a single cent to show for it. CAAIR primarily functions as a source of free labor for several major chicken companies – most notably Simmons Foods, Inc. Former CAAIR clients report of grievous injuries from heavy machinery that are left untreated, abusive supervisors who accuse the ill and injured of "laziness," and

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the ever-present, nauseating stench of chicken blood and feces.[2] We understand that CAAIR was recently named in a federal class action lawsuit over its exploitative practices.[3]

We write to ensure that the Canadian County District Court cease sending offenders to CAAIR. The CAAIR program is so flagrantly religious and so woefully inadequate at rehabilitating offenders that it does not serve any secular purpose, as required by law. *See, e.g., Lemon v. Kurtzman*, 403 U.S. 602 (1971).

Compelling program participants to attend a religious event as a term of their probation is patently illegal. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) ("a parole stipulation requiring [an offender] to attend and complete a substance abuse program with religious content in order to be eligible for early parole violates the Establishment Clause of the First Amendment."). The *Jackson* court held that a Department of Corrections director and the director of the substance abuse treatment program could each be held personally liable under § 1983 for violating an atheist prisoner's First Amendment free exercise rights by requiring his participation in religious activities as a condition of the program. *Id.* at 544–45.

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We ask that you communicate immediately with all drug courts under your supervision and ensure that no offenders are sentenced to CAAIR in the future. The Canadian County District Court should completely dissociate itself from CAAIR. All offenders currently enrolled must be offered a secular alternative. Given the documented abuses within the program, all offenders should be recalled from the program entirely.

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FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 16, 2017

SENT VIA U.S. MAIL AND FAX: (580) 931-0577

The Honorable Mark Campbell
District Judge
Bryan County District Court
402 W. Evergreen St.
Durant, OK 74701

Re: Unconstitutional Religious Work Program

Dear Judge Campbell:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to bring your attention to a serious constitutional violation occurring in the Bryan County District Court drug courts. FFRF is a nationwide nonprofit organization with more than 29,000 members across the country, including members in Oklahoma. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It has come to our attention that for the last several years, the court has regularly sentenced non-violent offenders to Christian Alcoholics & Addicts in Recovery ("CAAIR") for terms of one-year in place of traditional drug rehabilitation programs or prison time. The CAAIR program markets itself as an intensive substance abuse recovery program whose goal is "provide every man an equal opportunity to achieve a life free from addiction."[1] In reality, however, CAAIR clients get very little to nothing in the way of actual drug rehabilitation treatment. Instead, they receive only a heavy dose of religious indoctrination that is utterly repugnant to that most basic human right enshrined in our First Amendment – the freedom of conscience.

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