

FREEDOM FROM RELIGION *foundation*

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May 5, 2017

SENT BY MAIL & EMAIL TO:

Mr. Harold W. Clarke
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Mr. A. David Robinson
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Re: Advancement of religion through prisoner fitness assessment and Matrix program

Dear Director Clarke and Mr. Robinson:

I am writing again on behalf of the Freedom From Religion Foundation (FFRF) to alert you to new constitutional concerns within the Virginia Department of Corrections. As you are aware, FFRF's purpose is to protect the constitutional separation between state and church. FFRF now represents more than 28,000 members across the country, including over 600 members in Virginia.

We have recently received multiple reports, from more than one correctional institution, that Virginia's nonreligious inmates are being penalized on their Compass Assessments for indicating that they do not participate in organized religion. We understand that Compass Assessments are given during inmates' annual review processes in order to evaluate areas that need improvement or attention prior to inmates' release. In the "Goals" category, we understand that inmates have been designated as "Aimless" based on selecting "Mostly Disagree" to the following statements:

101. I plan to attend religious activities regularly when I am released.
102. I have found a religion or spiritual path that I truly believe in.

We understand that being designated as "Aimless" in the "Goals" category can lead to additional programs being added to an inmate's case plan. Needless to say, for an inmate who has conscientiously elected not to participate in organized religion and does not consider himself to be "spiritual," the choice presented is unworkable: either he honestly selects "Mostly Disagree" and subjects himself to additional burdensome, unneeded, mandatory programs, or he does not answer these questions honestly, which undermines the very purpose of the annual review.

We are additionally concerned to learn that based on their annual review, some nonreligious inmates have reported being placed in the Matrix program. Matrix is a program that provides "intensive outpatient treatment for people with stimulant use disorders," yet these inmates report that they were not incarcerated for drug or alcohol-related offenses. They report that the Matrix program is led by instructors who focus the bulk of the program on the 12-step system of

recovery championed by Alcoholics Anonymous (AA), which is an inherently religious program. For this reason, the inmates suspect that they have been placed in Matrix due to their perceived lack of spiritual fitness.

Please find enclosed several worksheets from the Matrix “Client Handbook” that promote religious ideology and draw a link between Matrix and the religious 12-step system advanced by AA. The worksheets state, “Attendance at a 12-Step or mutual-help meeting is a critical part of the recovery process. It is essential to find a meeting that you will attend regularly.” While the worksheets go on to claim that “None of the 12-Step programs are religious” and that “Each person decides for himself or herself what the term ‘higher power’ means,” federal courts have consistently disagreed, ruling that the AA 12-Step model is inherently religious.

In *Inouye v. Kemna*, the Ninth Circuit Court of Appeals held that “the AA/NA [Narcotics Anonymous] program involved here has such substantial religious components that governmentally compelled participation in it violated the Establishment Clause.” 504 F.3d 705, 714 n.9 (9th Cir. 2007). The Second Circuit Court of Appeals similarly found an Establishment Clause violation when the state required a probationer to attend AA meetings. *Warner v. Orange Cnty. Dept. of Probation*, 115 F.3d 1068 (2nd Cir. 1997). The Court described the AA meetings as “intensely religious events.” *Id.* at 1075. Likewise, the Seventh Circuit Court of Appeals found an Establishment Clause violation and said, “A straightforward reading of the twelve steps shows clearly that the steps are based on the monotheistic idea of a single God or Supreme Being.” *Kerr v. Ferrey*, 95 F.3d 472, 480 (7th Cir. 1996). These cases are in alignment with cases throughout the country. *See Jackson v. Nixon*, 747 F.3d 537 (8th Cir. 2014) (finding that being required to attend and complete a nonsecular substance abuse treatment program in order to be eligible for early parole would violate the Establishment Clause); *Cox v. United States*, 296 F.3d 89, 108 n.11 (2nd Cir. 2002) (“We are not alone in concluding that A.A.’s activities must be treated as religious for purposes of such Establishment Clause analysis . . . to the best of our knowledge, no court presented with an Establishment Clause claim implicating A.A. or a comparable therapy program incorporating religious concepts has reached a contrary [conclusion].”).

Our organization receives a substantial number of complaints about AA or its affiliated programs, which are all built on the 12-Step system. Our complainants often express concern that they are subjected to religion and pressured to conform to the religious practices of the support group rather than receiving neutral, scientific assistance with substance abuse. Many describe experiencing ostracism after abstaining from a program’s overtly religious acts (such as prayer or professing reliance on a gendered deity). While there is no compelling evidence that the AA 12-Step system is an effective method for achieving long-term recovery from substance abuse issues,¹ the program is certainly not effective, and can in fact be detrimental, for those who do not subscribe to the program’s belief in a supernatural higher power.

¹ See LANCE DODES, MD & ZACHARY DODES, *THE SOBER TRUTH – DEBUNKING THE BAD SCIENCE BEHIND TWELVE-STEP PROGRAMS AND THE REHAB INDUSTRY* (Beacon Press 2015) (“Peer-reviewed studies peg the success rate of AA somewhere between 5 and 10 percent. . . . In 2006, one of the most prestigious scientific research organizations in the world, the Cochrane Collaboration, conducted a review of the many studies conducted between 1996 and 2005 and reached a stunning conclusion: ‘No experimental studies unequivocally demonstrated the effectiveness of AA’ in treating alcoholism.”).

Based on its incorporation of AA's 12-Step approach, no inmate can be compelled to attend the Matrix program. While the VA DOC can provide inmates with a secular alternative to Matrix when the goal is to address an inmate's addiction to stimulants, it's unclear in the case of our complainants that the DOC has even documented an underlying problem with substance abuse. It would, of course, be completely inappropriate to assign an inmate to a religiously-oriented substance abuse treatment program solely because the inmate exhibited signs of being nonreligious or lacking an interest in organized religion.

We recommend that the DOC launch an investigation into the circumstances in which inmates are being referred to the Matrix program to ensure that the program is only being recommended when inmates exhibit signs of substance abuse issues, not when they simply lack religious beliefs. Second, we recommend that the VA DOC remind its Case Management Counselors that any inmate who objects to the religious nature of Matrix or any other 12-Step program must be provided with a secular alternative. Please respond in writing to outline the steps taken to ensure that Virginia's inmates are able to freely exercise their rights of conscience and the freedom to practice any religion, or no religion, as they so choose.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sam Grover', with a long horizontal flourish extending to the right.

Sam Grover
Staff Attorney

Enclosures

Continuing Treatment Plan



Recovery is a lifelong process. You can stop drug and alcohol use and begin a new lifestyle during the first 4 months of treatment. Developing an awareness of what anchors your recovery is an important part of that process. But this is only the beginning of your recovery. As you move forward with your recovery after treatment, you will need a lot of support. And you may need different kinds of support than you did during treatment. You and your counselor can use the information below to help you decide how best to support your recovery.



Group Work

You should participate in at least one regular recovery group every week after treatment. The program offers a Social Support group that meets once a week. Other recovery groups are often available in the community. Ask your counselor about local recovery groups.

Individual Therapy

Individual sessions with an addiction counselor might be helpful. When your current treatment ends, you have choices about continuing with therapy. You may choose this time to enter therapy with another professional. You may want to return to therapy with the professional who referred you for the Matrix IOP method. Or you may choose to continue to see your current Matrix IOP counselor.

Couples Therapy

It is often a good idea at this point for couples to begin seeing a marriage counselor together to work on relationship issues.

12-Step or Mutual-Help Meetings

Attendance at a 12-Step or mutual-help meeting is a critical part of the recovery process. It is essential to find a meeting that you will attend regularly.

12-Step Introduction



- Topic meetings have a discussion on a specific topic such as fellowship, honesty, acceptance, or patience. Everyone is given a chance to talk, but no one is forced.
- Step/Tradition meetings are special meetings where the 12 Steps and 12 Traditions are discussed.
- Book study meetings focus on reading a chapter from the main text of the 12-Step group. (For AA, this is the Big Book; for NA, the Basic Text.) Book study meetings often focus on someone's experience or a recovery-related topic.
- Depending on where you live, there may be language-specific meetings, gender-specific meetings, open meetings, meetings based on participants' sexual orientation, and meetings for people who also have a mental disorder ("double trouble" Dual Recovery Anonymous meetings).

Are the 12-Step Programs Religious?

No. None of the 12-Step programs are religious, but spiritual growth is considered a part of recovery. Spiritual choices are very personal and individual. Each person decides for himself or herself what the term "higher power" means. Both nonreligious and religious people can find value and support in 12-Step programs.

How Do I Find a Meeting?

You can call directory assistance or check the phonebook for Alcoholics Anonymous, Cocaine Anonymous, or Narcotics Anonymous. Listings for Crystal Meth Anonymous meetings can be found at www.crystalmeth.org. You can call the numbers available from the Web site and speak to someone who can tell you when and where meetings are scheduled. At meetings, directories are available that list meetings by city, street address, and meeting time and include information about the meeting (for example,

ERS 4B

The Serenity Prayer and the 12 Steps of Alcoholics Anonymous

The Serenity Prayer

God grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference.

The 12 Steps of Alcoholics Anonymous*

1 We admitted that we were powerless over alcohol—that our lives had become unmanageable.

2 Came to believe that a Power greater than ourselves could restore us to sanity.

3 Made a decision to turn our will and our lives over to the care of God as we understood Him.

4 Made a searching and fearless moral inventory of ourselves.

5 Admitted to God, to ourselves, and to another human being the exact nature of our wrongs.

6 Were entirely ready to have God remove all these defects of character.

7 Humbly asked Him to remove our shortcomings.

8 Made a list of all persons we had harmed and became willing to make amends to them all.

9 Made direct amends to such people wherever possible, except when to do so would injure them or others.

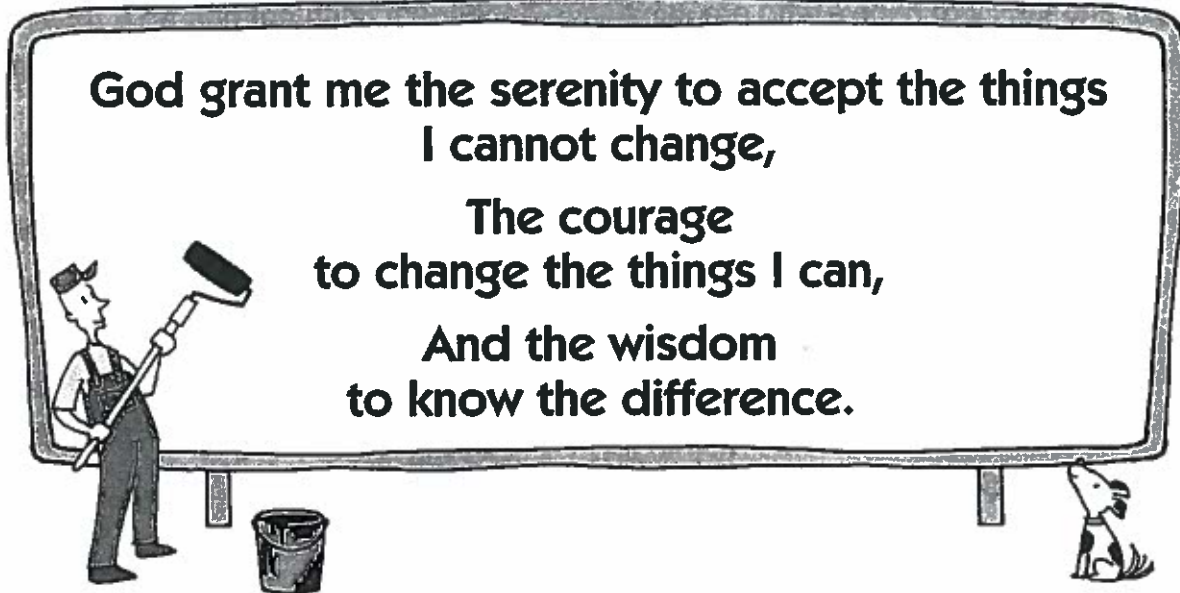
10 Continued to take personal inventory, and when we were wrong, promptly admitted it.

11 Sought through prayer and meditation to improve our conscious contact with God as we understood Him, praying only for knowledge of His will for us and the power to carry that out.

12 Having had a spiritual awakening as a result of the steps, we tried to carry this message to alcoholics and to practice these principles in all our affairs.

*The Twelve Steps are reprinted with permission of Alcoholics Anonymous World Services, Inc. (A.A.W.S.). Permission to reprint the Twelve Steps does not mean that A.A.W.S. has reviewed or approved the contents of this publication, or that A.A.W.S. necessarily agrees with the views expressed herein. A.A. is a program of recovery from alcoholism only—use of the Twelve Steps in connection with programs and activities which are patterned after A.A., but which address other problems, or in any other non-A.A. context, does not imply otherwise.

Serenity Prayer



**God grant me the serenity to accept the things
I cannot change,
The courage
to change the things I can,
And the wisdom
to know the difference.**

What does this saying mean to you? _____

How can you find meaning in this saying, even if you are not religious or don't believe in God? _____

What parts of your life or yourself do you know you cannot change? _____

What have you changed already? _____

What parts of your life or yourself do you need to change? _____

3. Made a decision to turn our will and our lives over to the care of God, as we understood Him.
4. Made a searching and fearless moral inventory of ourselves.
5. Admitted to God, to ourselves, and to another human being the exact nature of our wrongs.
6. Were entirely ready to have God remove all these defects of character.
7. Humbly asked Him to remove our shortcomings.
8. Made a list of all persons we had harmed and became willing to make amends to them all.
9. Made direct amends to such people wherever possible, except when to do so would injure them or others.
10. Continued to take personal inventory, and when we were wrong, promptly admitted it.
11. Sought through prayer and meditation to improve our conscious contact with God, as we understood Him, praying only for knowledge of His will for us and the power to carry it out.
12. Having had a spiritual awakening as a result of these Steps, we tried to carry this message to addicts and to practice these principles in all our affairs.

What Are CA and NA?

Cocaine Anonymous and Narcotics Anonymous. Other 12-Step groups include Marijuana Anonymous, Pills Anonymous, Gamblers Anonymous, Overeaters Anonymous, Emotions Anonymous, and more. Here are the Web site addresses for these support groups: