

STATE OF FLORIDA

INMATE REQUEST

DEPARTMENT OF CORRECTIONS

Mail Number: D2115L
 Team Number: #6
 Institution: CC-C-1

(Instructions on Back)

09-78

TO: (Check One) Warden Asst. Warden Classification Security Medical Mental Health Dental Other

FROM:	Inmate Name	DC Number	Quarters	Job Assignment	Date
	Johnnie C. Bowie Jr.	111099	D2115L	ED. AIDE	9/9/08

REQUEST INFORMAL GRIEVANCE

Sir, I am being denied/deprive the accommodation to exercise my religious freedom guaranteed by the U.S. Constitution. I have not been allowed to practice the central tenets of the Nation of Islam since March 7, 2008. My rights are being violated in several ways. I want to attend Nation of Islam Sunnah Prayer services.

Resolve

To have the same opportunity of accommodation for my NON-TRADITIONAL faith as is afforded to other inmates similarly situated. Respectfully submitted
 Johnnie C. Bowie

All requests will be handled in one of the following ways: 1) Written Information or 2) Personal Interview. All informal grievances will be responded to in writing.

DO NOT WRITE BELOW THIS LINE

RESPONSE Referred to Chaplain Pether DATE RECEIVED: 9-10-08

you are on the list to participate in Jumah prayer every Friday at 1:00 pm in the chapel. Therefore the chapel is not denying you your right to worship. You may come AND worship every Friday at 1:00 pm in the chapel with the Islamic inmate population.

[The following pertains to informal grievances only:

Based on the above information, your grievance is DENIED. (Returned Denied or Approved). If your informal grievance is denied, you have the right to submit a formal grievance in accordance with Chapter 33-103.006, F.A.C.]

Official (Signature): M. P.H.

Date: 9-11-08

Distribution: White -Returned to Inmate Pink -Retained by official responding, or if the response is to an informal grievance then forward to be placed in inmate's file.
 Canary -Returned to Inmate

INMATE REQUEST

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

Mail Number: D2115L
Team Number: #6
Institution: Oke. C.I.

(Instructions on Back)

TO: (Check One) Warden Asst. Warden Classification Security Medical Mental Health Dental Other 09-115 Chaplain Potter

FROM:	Inmate Name <u>Johnnie Bowie Jr</u>	DC Number <u>111099</u>	Quarters <u>D2115L</u>	Job Assignment <u>ED. Aide</u>	Date <u>9/15/08</u>
-------	--	----------------------------	---------------------------	-----------------------------------	------------------------

REQUEST INFORMAL GRIEVANCE

I am being denied accommodations to practice the central tenets of my religious faith, by being compelled to join worship service with a Muslim sect that has vehement hatred toward my non traditional Islamic faith that is in extreme opposition ideologically. I am entitled to a reasonable opportunity of pursuing my non-traditional faith the Nation of Islam as is comparable to the opportunity afforded inmates who adhere to conventional religious precepts.

Resolve

Provide accommodation to adherents of the Nation of Islam to conduct their own Jumah Prayer Service.

Respectfully Submitted
Johnnie C. Bowie Jr.

All requests will be handled in one of the following ways: 1) Written information or 2) Personal interview. All informal grievances will be responded to in writing.

DO NOT WRITE BELOW THIS LINE

RESPONSE

DATE RECEIVED: 9-16-08

It is the goal of the chapel to facilitate ALL inmates in their religious observance. The chapel provides one afternoon a WEEK for Jumah prayer to be attended by ALL Islamic inmates. This Jumah prayer is provided for you ALSO.

[The following pertains to informal grievances only:

Based on the above information, your grievance is DENIED. (Returned Denied or Approved). If your informal grievance is denied, you have the right to submit a formal grievance in accordance with Chapter 33-103.006, F.A.C.]

Official (Signature): M. P.H.

Date: 9-17-08

Distribution: White -Returned to Inmate Pink -Retained by official responding, or if the response is to an informal grievance then forward to be placed in inmate's file.
Canary -Returned to Inmate

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

REQUEST FOR ADMINISTRATIVE REMEDY OR APPEAL

TO: Warden Assistant Warden Secretary, Florida Department of Corrections

From: Bowie Johnnie C. Jr. 111099 Okeechobee C.I.
Last First Middle Initial Number Institution
0809-904-130

Part A - Inmate Grievance

This request for Administrative Remedy is predicated from response of Informal Grievance log # 09-115. The current policy and custom promulgated at this institution wherein Islamic inmates are forced to "merge," is creating a hostile and unsafe environment. The Nation of Islam a distinct and unique Non-Conventional Islamic Faith is forced to enter Jumah Prayer Service with a distinct sect of Sunni Muslim called Wahabists. They are very hostile and intolerant of any adherent to the teachings of the Nation of Islam, or any other Islamic Faith other than Wahabist. This Sunni sect refuse to recognize the Nation of Islam as Muslims, they refuse to greet the N.O.I. adherents, they refuse to line up and pray with N.O.I. The only participation allowed the N.O.I. is to listen to them denigrate and disparage in an attempt to persuade N.O.I. to accept their Conventional Islamic Faith. The responsible officials know or they should know that their refusal to correct this violation of my Constitutional rights amount to deliberate indifference. My rights as secured by the United States Constitution are being interfered with and this has been ongoing since March 7, 2008.

Resolve

To resume practice and policy that was in place prior to March 7, 2008, wherein separate Jumah Prayer services were held at the same time, in the same building in different area.

Respectfully Submitted

9/22/08
DATE

Johnnie C. Bowie 111099
SIGNATURE OF GRIEVANT AND D.C. #

*BY SIGNATURE, INMATE AGREES TO THE FOLLOWING # OF 30-DAY EXTENSIONS:

e 1 Exhibit () # Signature

OCT 07 2008

PART B - RESPONSE

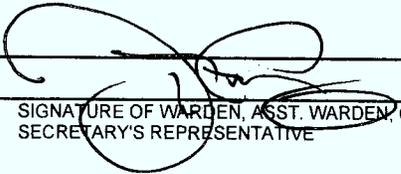
<u>BOUIE, JOHNNIE</u> INMATE	<u>111099</u> NUMBER	<u>0809-404-130</u> GRIEVANCE LOG NUMBER	<u>OKEECHOBEE C.I.</u> CURRENT INMATE LOCATION	<u>D2115L</u> HOUSING LOCATION
---------------------------------	-------------------------	---	---	-----------------------------------

Your Request for Administrative Remedy or Appeal has been received and evaluated, along with your attached informal grievance and response, and the following has been determined:

I find the response to the informal grievance be appropriate and to adequately address your issue.

Based on the above information, your grievance is DENIED.

You may obtain further administrative review of your complaint by obtaining form DC1-303, Request for Administrative Remedy or Appeal, completing the form, providing attachments, and forwarding your complaint to the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, FL 32399-2500.



9/30/06
DATE

SIGNATURE AND TYPED OR PRINTED NAME
OF EMPLOYEE RESPONDING

SIGNATURE OF WARDEN, ASST. WARDEN, OR
SECRETARY'S REPRESENTATIVE

COPY DISTRIBUTION - INSTITUTION / FACILITY

- (2 Copies) Inmate
- (1 Copy) Inmate's File
- (1 Copy) Retained by Official Responding

COPY DISTRIBUTION - CENTRAL OFFICE

- (1 Copy) Inmate
- (1 Copy) Inmate's File - Inst./Facility
- (1 Copy) C.O. Inmate File
- (1 Copy) Retained by Official Responding

Exhibit ①

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

**CLOSED
CIVIL
CASE**

Case No. 09-14430-CIV-GRAHAM/WHITE

JOHNNIE C. BOUIE, JR.,
WILLIE BONNER
DWIGHT JOHNSON-BAKER
DARRYL MACK, on behalf
of all Nation of Islam Muslims

Plaintiffs,

vs.

WALTER MCNEIL, et. al.,

Defendants.

ORDER

THIS CAUSE comes before the Court upon Plaintiffs' pro se Complaint.

United States Magistrate Judge Patrick A. White reviewed the Complaint for an initial screening pursuant to 28 U.S.C. § 1915. The Magistrate Judge issued a Preliminary Report recommending the Complaint be dismissed without prejudice so that the plaintiffs may each file a separate civil rights complaint. Plaintiffs have not filed timely objections.

THE COURT has conducted an independent review of the record and is otherwise fully advised in the premises. Based thereon, it is hereby

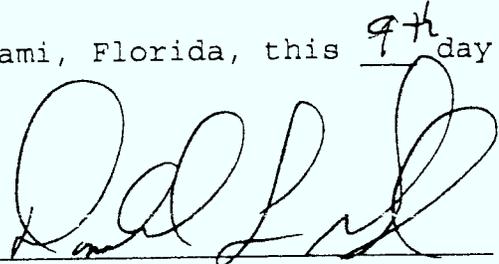
ORDERED AND ADJUDGED that the Magistrate Judge's Report and Recommendation [D.E. 5] is **AFFIRMED, ADOPTED AND RATIFIED** in its entirety. It is further

Exhibit P.

ORDERED AND ADJUDGED that Plaintiffs' Complaint is **DISMISSED** without prejudice. It is further,

ORDERED AND ADJUDGED that this case is **CLOSED** and all pending motions are **DENIED as MOOT**.

DONE AND ORDERED in Chambers at Miami, Florida, this 9th day of February, 2010.



DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

cc: U.S. Magistrate Judge White
Counsel of Record
Johnnie C. Bouie, Jr.
Willie Bonner
Dwight Johnson-Baker
Darryl Mack
Everglades Correctional Institution

INTRODUCTION

In the fall of 2000 the Religion Technical Guide was first distributed in the Florida Department of Corrections. For those who need technical assistance with religious decision-making, the Guide can be a great help. Religious diversity in the prison reflects the religious pluralism of our times. Gone are the days when we all shared a common faith heritage and religion in prison was limited to a few traditional faith groups. Inmates identify themselves with a wide variety of religious preferences. It is our responsibility to extend to each an opportunity to utilize religion for personal growth and an opportunity to participate in worship. Maintaining respect in the institution for the sacred beliefs and practices of inmates is of paramount importance to the Chaplain. Florida legislature has recognized the significant role that personal faith can have where it states in part;

“The Legislature finds and declares that faith-based programs offered in state and private correctional institutions and facilities have the potential to facilitate inmate institutional adjustment, help inmates assume personal responsibility, and reduce recidivism.”

944.803 FS

The responsibility of Chaplaincy Services within the Florida Department of Corrections is established in Chapter 33-503 of the Florida Administrative Code. In part, reads:

“It is the policy of the Department to extend to all inmates the greatest amount of freedom and opportunity for pursuing individual religious beliefs and practices consistent with the security and good order of the institution.”

Chapter 33-503.001

To accomplish this responsibility Chaplains conduct and supervise multiple weekly worship services and religious activities to meet the basic tenets of the numerous religious faiths represented throughout the Department.

The issues of faith and practice within the correctional setting will continue to provide challenges to the status quo. New religious groups emerge and make requests of the limited department resources. Appropriate *supervision*, available program *space*, and blocks of *time* on the weekly schedule are all resources that are finite and often define the extent of the religious provision. Occasionally, we are confronted with a religious belief or practice that is in direct conflict with the Department of Correction’s mission or goals. In such cases where religious freedom issues and departmental objectives intersect, it is our intent to thoroughly identify the issues and accommodate appropriate alternatives.

Many sources have contributed information contained in this document. We tried to be in direct contact with the religious leaders who can best answer the questions of how to practice the faith in a restrictive environment. Sources include relevant books, articles, websites, email, mail and telephone conversations on these subject groups. Whenever possible, we had the draft for the faith group reviewed by an authority in that faith group. The final document is now presented as a resource that can assist the institution in addressing the religious beliefs and practices of offenders.

The *Technical Guide* addresses a limited number of faith groups. Our aim is to supply information

Exhibit 

and guidance on the faith groups that are asked about most frequently or represent a significant portion of the inmate population. It is our intention to expand and update the *Technical Guide* each year.

The purpose of the *Technical Guide* is to:

- Answer questions that the Chaplains have about these religions and thus help them to fulfill their responsibility in regards to planning, coordinating and supervising all religious activities and services at the local institution.
- Define the specific tenets, practices and requirements of each selected faith group in such a way as to enable the chaplain and other staff to make informed decisions concerning the religious practice requests of inmates. This is especially important when the requested religious beliefs and/or practices are in conflict with Department rules, procedures or objectives.
- Standardize permissible religious accommodations for inmates at all of the Department's institutions while maintaining sensitivity to the sacred practices of religious groups and to the priority of safe and secure practice in a prison environment.
- Provide normative and acceptable information regarding the selected faith groups in a format that is conducive to the correctional environment.
- Provide a useable resource tool addressing issues, procedures, and practices common to Chaplains.

The *Technical Guide* is limited in the amount of information provided for each faith group and is not meant to be a comprehensive theological handbook. Neither is it meant to be the 'last word' on a religious practice, belief or item as it is used in the Florida Department of Corrections. It is a guide.

Preface to the 3rd Edition, February 2007

"This is the best document of its kind in the entire nation," is the comment of one DOC administrator referring to the Religion Technical Guide (RTG). The complexities of managing the religious programs and activities of convicted felons have steadily escalated since 1993. Religious Freedom for the prisoner is an important area of knowledge that every professional chaplain should develop. This guide is intended to increase your expertise in managing religious programs by supporting your program with reliable information and general guidelines.

Each year, Central Office staff revise the RTG in response to the issues that Chaplains, volunteers or faith based organizations surface. This year's revisions include:

- An expanded section on Buddhism including various schools of Buddhism, work proscription days and additional religious items that may be used in group activities;
- Additional devotional items for Assembly of Yashua inmates;
- Additional items volunteers can bring for use in Wiccan group worship;

Exhibit 

- Expanded section on Roman Catholicism with critical input from the Florida Catholic Conference;
- Added Procedure 503.002 Chaplaincy Services to the Appendix;
- A new appendix on Cremation and Religious Practice;
- Updated (current to January 2007) all Chaplaincy procedures

Preface to the 5th Edition, January 2010

The past few years have witnessed an economy driven downsizing of the field staff that provide direction to the institutional chaplaincy services program. Increasingly, Chaplains are called upon to provide support to transition and re-entry programs that better prepare inmates for sustained release. The inmate population continues to increase. Essentially this presents the problem of an increasing workload and a diminishing work force. To combat this, the department has opened the doors wider than ever for the support efforts of approved volunteers. Additionally, innovations in how the work is done are made possible by better computer equipment and improved data systems. Today's Corrections department hires religious professionals to serve as chaplains. They provide traditional pastoral care and religious services as well as a full range of faith and character based transitional and re-entry programs for inmates. Finally, the impact of State and Federal religious freedom legislation and consequent litigation continues to describe a critical function of correctional chaplaincy. Professional chaplains find themselves defined as frontline religious freedom fighters. They are guarantors protecting First Amendment rights and saving the citizens of Florida from expensive inmate religious freedom complaints. This guide is a source of valuable information for Chaplains and administrators who seek to provide religious services in today's prisons.

Once again, Will Smith, Ph.D. spearheads this effort and put the manuscript together in its current form. It is our hope that you will find this guide useful in your institution when addressing the religious needs of inmates in the Florida Department of Corrections.



Ch. Alex S. Taylor
Chaplaincy Services Administrator
(850) 410 4362

Exhibit Q.

also requested that officers not "supervise Muslim" services or stop sermons by telling "the person to be quiet." *Id.* Plaintiff said that they "shout just like the Chirstians [sic] and other practioners [sic]" *Id.* The response on that grievance advised Plaintiff that the rules allow inmates to "participate in religious services by providing special music, reading scripture, leading in prayer, brief testimonies, etc., but they may not be allowed to lead services or deliver the sermon." *Id.* Nevertheless, the response to Plaintiff's formal grievance indicates that, despite the rule, Plaintiff was "allowed to offer a Khutbah (Sermon from the Koran) during the regularly scheduled Jumah Service, if it [was] presented in an orderly manner." Doc. 50, ex. B.

Plaintiff also directed a grievance, which he designated as an "emergency," to Defendant Watson. Doc. 50, ex. D. The grievance was dated by Plaintiff on March 19, 2001, and responded to by Defendant Watson on March 20, 2001. *Id.* Although much of the grievance is cryptic, Plaintiff does ask that Defendant Watson "instruct the supervisors [to] desist their covert practices upon [Plaintiff] because [he] teach[es] the right order of creation to [his] brothers." *Id.* The response states that if Plaintiff starts "teaching hatred, & racial prejudices, the staff will stop you every time." *Id.* Defendant Watson explained that he had been advised by both staff and other inmates in Plaintiff's Muslim group that Plaintiff was "intent on presenting & teaching issue[s] that are not part of the Muslim religion." *Id.* Defendant Watson's response ended by telling Plaintiff he was "expected to comply with departmental rules & regulations while partiscipating [sic] in Religious activities." *Id.*

Exhibit Q.

Hebrew Israelite Holy Days

Hebrew Israelite Passover and Feast of Unleavened Bread

☞ Hebrew Israelite (Nation of Yahweh)

General Procedure for Hebrew Israelite Passover and feast of Unleavened Bread:

For the symbolic, ceremonial Passover meal chaplains should speak to their local Food Services regarding the availability of the lettuce, vinegar and unleavened bread. If these products are not available the Passover ceremony should still be observed.

Passover Day is a work proscription day as is the first and last days of the Feast of Unleavened Bread.

Note: If at all possible, leavened products should not be placed on the food trays of Hebrew Israelite inmates.

Memorial Blowing of the Trumpets

General Procedure for Memorial Blowing of the Trumpets:

Work Proscription Day—Twenty-four hour period beginning at sundown on the eve of Holy Day.

Day of Atonement

General Procedure for Day of Atonement:

Work Proscription Day—Twenty-four hour period beginning at sundown on the eve of the Holy Day.

Fast Day (please remind food services to avoid pork products in the break the fast sack dinner).

Feast of Tabernacles

General Procedure for Feast of Tabernacles:

First and last days are Work Proscription Days.

Twenty-four hour period beginning at sundown on the eve of the first Holy Day.

Twenty-four hour period beginning at sundown on eve of the last Holy Day.

Exhibit R.

Table of Contents

Clergy:

Yahweh ben Yahweh (God the Son of God) is the Grand Master of the Celestial Lodge, Architect of the Universe, the Blessed and only Potentate. No other formal clergy has been identified.

Basic Beliefs:

Hebrew Israelites believe they are the true Tribe of Judah and practice the "Laws, Statutes, Judgments and Commandments of our Great, Good and Terrible Black God, YAHWEH." They believe that God, Jesus and all the prophets were black; that they are the true Hebrews and that the Jews who inhabit present day Israel are "False Jews." The Nation of Yahweh believes that there is one God, Yahweh, the Father of all men. They believe that The Holy Bible and Yahweh ben Yahweh are the Great Light and the rule and guide for faith and practice of the laws, statutes, judgments and commandments of Yahweh. Hebrew Israelites believe Yahweh ben Yahweh and those who believe in Him and His name are immortal. They believe that character, integrity and morality determine destiny and that the love of moral men is next to love of Yahweh and His Son, Yahweh ben Yahweh is man's first duty. They believe that prayer and communion of man with Yahweh is helpful.

References:

Nation of Yahweh Website. URL: <http://www.yahwehbenyahweh.com>
Shabbath Home Study Guide. Seguin, Texas: P.E.E.S.S., no date provided.
Yahweh ben Yahweh. You Are Not A Nigger! "Our True History, The World's Best Kept Secret. Seguin, Texas: P.E.E.S.S., no date provided.
<http://www.hebrewisraelites.net> and <http://www.yahshuah.com>

Note: Hebrew Israelite doctrine states that they are not to cut their hair or shave. These doctrines are in conflict with the Florida Department of Corrections rules and requirements and as noted in F.A.C. 33-503.001 (2) 2: "Religious beliefs do not justify violation of Department or institutional rules and regulations."

Note: The Court Order in Lawson v. Dugger establishes the parameters of the practice of the Hebrew Israelite faith in the FDOC. See Appendix 5 for Lawson v. Dugger Amended Final Judgment.

☞ APPENDIX

Exhibit R.

Table of Contents

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-14277-CIV-MARTINEZ/WHITE

JOHNNIE C. BOUIE,

Plaintiff,

v.

WALTER A. McNEIL, et al.,

Defendants.

Defendant TAYLOR'S Response to Plaintiff's Interrogatories

Defendant TAYLOR, by and through the undersigned counsel hereby responds to Plaintiff's First Set of Rule 26.1(g) Interrogatories to Defendant TAYLOR as follows:

1. *Who is the author of the policy "It is the policy of the FDOC to provide religious activities for Muslims that are inclusive of variant Islamic groups. This policy include[s] Juma prayer?"*

There is no specific author. You are using language similar to that used by Chaplaincy Services and the Bureau of Inmate Grievance Appeals in responding to grievances regarding inclusive activities for Muslim groups.

2. *When was the policy of variant Islamic groups published?*

Again, you are using language similar to that used by Chaplaincy Services and the Bureau of Inmate Grievance Appeals in responding to grievances regarding inclusive activities for Muslim groups. Nevertheless, the Department's policies of providing an inclusive service for Christians and an inclusive service for Muslims was already in place when I took the role of Chaplaincy Services Administrator for the Florida Department of Corrections in July of 1999.

3. *Where in the department's rules, policy, directives or procedure of inclusive variant Islamic groups located?*

As said above, language similar to that is used by Chaplaincy Services and the Bureau of Inmate Grievance Appeals in responding to grievances regarding inclusive activities for Muslim groups. Essentially, the policy is the exercise of the administration's discretion in the allocation of limited resources.

Exhibit S.

9. *Why did you not correct the grieved complaint?*

I did not personally assist in responding to your grievance, although Chaplaincy administrative staff did. Nevertheless, there was no error requiring correction.

10. *Why the quoted policy quoted in ch. 33-503.001(2)(a), is not the stated policy in your response?*

I did not personally assist in responding to your grievance. Nevertheless, there is no requirement that rule 33-503.001(2)(a) be quoted in a response. Furthermore, inclusive Muslim activities promotes rule 33-503.001(2)(a), F.A.C.

11. *What date did you receive notice of provocation, disturbance, or incident by Plaintiff or any other Nation of Islam adherent?*

I have no knowledge of such action.

12. *Who reported any security breaches, disturbances, and no incidents of violence was such decision made?*

I have no recollection of reports of such incidents.

13. *Why after eighteen months of no provocations, no disturbances, and no incidents of violence was such decision made?*

As said above, I do not recall if I gave such a particular order to Chaplain Collins with respect to Okeechobee C.I. Nevertheless, I have instructed Chaplain Collins that merged Muslim activities are necessary for consistency within the Department.

14. *What was the impact of accommodating the asserted constitutional right of Plaintiff on inmates, staff and prison resources?*

The Department tries to afford the greatest number of inmates the opportunity to access the Chapel amid the constraints of appropriate time, space, and supervision. Institutional chapels are multipurpose buildings, with inmates using the chapel for purposes of study, personal contemplation, as well as congregant worship of groups of varying sizes.

The scheduling of activities for some necessarily crowds out the activities of others. Additional noise and overflow can impact effective supervision.

Exhibit 5

See

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-14277-CIV-MARTINEZ/WHITE

JOHNNIE C. BOUIE,
Plaintiff,

v.

WALTER A. McNEIL, et al.,
Defendants.

Defendant COLLINS'S Response to Plaintiff's Interrogatories

Defendant COLLINS, by and through the undersigned counsel hereby responds to Plaintiff's First Set of Rule 26.1(g) Interrogatories to Defendant COLLINS as follows:

1. *What is your full name?*

Garland S. Collins

2. *What date did you receive instructions from Chaplaincy Services Administrator Taylor to execute orders to compel Muslim groups to merge on March 7, 2008?*

There was no specific order. The Department's practice has long been to provide a Muslim service for the Muslim community groups. This was pointed out to me when I began in 2004.

3. *Who instructed, ordered, recommended or persuaded you to order Muslim services to merge on March 7, 2008?*

See the response to #2.

4. *Who instructed, ordered, recommended or persuaded you to order Muslim services to merge?*

See the response to #2.

Exhibit T.

5. *Why did you not inform your supervisor about your plan to order Muslim groups to merge?*

I did by informing the Assistant Warden of Programs at Okeechobee CI that there would be one Jumah Prayer service.

6. *When did you inform Warden Skipper that you would be coming to Okeechobee C.I. on March 7, 2008?*

I did not.

7. *How did you inform Warden Skipper about your plan to order Muslim groups to merge on March 7, 2008?*

I did not inform Mr. Skipper. I spoke to Mr. Matthews, the Assistant Warden of Programs.

8. *What was Warden Skipper's response?*

I did not speak to Mr. Skipper about this matter.

9. *What date did Warden Skipper respond?*

I did not speak to Mr. Skipper about this matter.

10. *When did you inform Acting Chaplain Hardaker about your plan to compel Muslim groups to merge on March 7, 2008?*

On March 7, 2008, as best I can recall.

11. *Why did you not inform Acting Chaplain Hardaker?*

I did inform him.

12. *What is your reason for ordering Muslim services combined?*

I was implementing the Department's existing practice.

13. *What complaint led you to decide that on March 7, 2008, you would not allow separate Muslim services?*

There were no complaints that I was aware of.

Exhibit T

14. *Who reported any security breaches, disturbances, or incidents of violence, racial or otherwise, during the eighteen (18) months of separate Muslim services?*

There were no reports that I was aware of.

15. *Why after eighteen (18) months of no provocations, no disturbances, and no incidents of violence, was such a decision made?*

After discovering deviation from Department practice at Okeechobee C.I., I was restoring Department practice when I implemented the joint Muslim service at that institution.

16. *What date did you receive notice of a provocation, disturbance, or incident by Plaintiff or any other adherent of the Nation of Islam?*

There were no reports that I was aware of.

17. *What was the compelling government interest that caused you to take action on March 7, 2008?*

The institutional need to maintain security and order where limited time, space, and supervision is available.

18. *How did that cause the furtherance of a compelling governmental interest at Okeechobee C.I.?*

One Jumah service that includes the various Muslim faith groups allows religious expression while ensuring suitable time, space, and supervision.

19. *What was the impact of accommodating Plaintiff's asserted constitutional right on staff, inmates, and the allocation of prison resources?*

Plaintiff's constitutional right to religious expression was accommodated at Okeechobee C.I. by one Jumah service that included the various Muslim faith groups. There are many factors which go into accommodating religious expression within a correctional institution, including appropriate time, space, and supervision.

20. *Please describe in detail how the incident described in the complaint happened, including all actions taken by you.*

When I first saw the calendar I was made aware that there were two separate services. The Department's general practice is to have just one Jumah Prayer for all Muslims. When I arrived, I made a point of being there to notify the inmates in the Muslim community in person that Jumah prayer would happen here and we were providing them a time and a space. There are multiple Muslim groups, not just two. They were all invited to one Jumah prayer, and anyone who did not want to participate could leave the Chapel.

Exhibit T

12. Why are Christians and Jews exempt from the policy of inclusive variant groups?

I cannot answer this question without more specific information.

13. Who reported any security breaches, disturbance, or incident of violence, racially or otherwise?

None have been reported to me.

14. What date did you receive notice or provocation, disturbance, or incident of violence racially or otherwise?

I have not received any.

15. What was the reason stated to you referring to eighteen months of no provocation, violence, disturbances, or incidents, it was tie to enforce joint Muslim service?

I don't remember a reason stated other than being inconsistent with Department practice. I do not remember any reference to violence, disturbances, or incidents.

16. Who issued the statement?

Chaplain Collins advised that the two services were to be joined. Again, I do not remember there being any reference to violence or disturbance.

17. Did you know on Marc[h] 7, 2008 that law was clearly established on prisoners retain rights to free exercise of religion?

I know that prisoners retain a right to free exercise of religion consistent with the safety and orderly operation of the institution.

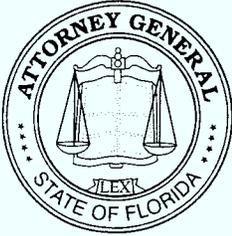
18. Did you know on March 7, 2008, that law was clearly established on similarly situated prisoners must be treated similar?

There is not enough information in this question for me to answer.

19. Why do you assert that you are entitled to qualified immunity from damages in your individual capacity?

I have not violated Mr. Bouie's constitutional or federal rights.

Exhibit U



PAM BONDI
ATTORNEY GENERAL
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL
Corrections Litigation Section

Joy A. Stubbs
Assistant Attorney General

PL-01 The Capitol
Tallahassee, FL 32399-1050
Phone (850) 414-3300 Fax (850) 488-4872
<http://www.myfloridalegal.com>

January 13, 2012

John C. Bouie, Jr., DC# 111099
Avon Park CI,
P. O. Box 1100, County Road, 64 East,
Avon Park, FL 33826-1100

Re: 2:10-cv-14277-JEM, Bouie v. McNeil, et al

Dear Mr. Bouie:

This is to let you know that you will be scheduled for follow-up document inspection next week with regard to vehicle records for Chaplain Collins. I am still in the process of reviewing the matter you raise regarding Defendant Skipper visiting Okeechobee C.I. prior to becoming warden of that institution. Also, I am still in the process of coordinating Chaplain Taylor's response to your interrogatories and working to provide them to you within the next week.

Regards,

A handwritten signature in black ink that reads "Joy A. Stubbs". The signature is fluid and cursive.

Joy A. Stubbs
Assistant Attorney General

Exhibit V.

Case 2:10-cv-14277-JEM Document 99-1 Entered on FLSD Docket 05/30/2012 Page 1 of 2

INTERNAL MOVEMENTS AS OF 01/30/12 TIME: 10:13

NAME: BOUIE, JOHNNIE C. JR. DOC NO: 111099 STATUS: ACTIVE

THE FOLLOWING ENTRIES REFLECT THE OFFENDER'S INTERNAL MOVEMENTS AND JOB ASSIGNMENTS DURING INCARCERATION

DATE	--- CURRENT INCARCERATION ---			ASSIGNMENT PM
	FACILITY	HOUSING	ASSIGNMENT AM	
12/24/2005	MARION C.I.	F3111L	LAW CLERK - TRAI	LAW CLERK - TRAI
01/05/2006	MARION C.I.	F3111L	LAW CLERK - CERT	LAW CLERK - CERT
08/09/2006	MARION C.I.	D2207L	CONFINEMENT-ADMI	CONFINEMENT-ADMI
08/14/2006	CFRC-EAST	E2109L	IN-TRANSIT	IN-TRANSIT
08/17/2006	S.F.R.C.	I1210L	IN-TRANSIT	IN-TRANSIT
08/22/2006	OKEECHOBEE C.I.	D1212L	RECEPTION/ORIENT	RECEPTION/ORIENT
08/29/2006	OKEECHOBEE C.I.	D1212L	HOUSEMAN	UNASSIGNED-OPEN
10/03/2006	OKEECHOBEE C.I.	D1212L	EDUCATION AIDE	EDUCATION AIDE
02/14/2007	OKEECHOBEE C.I.	D2115L	EDUCATION AIDE	EDUCATION AIDE
07/06/2007	OKEECHOBEE C.I.	D2115L	HOUSEMAN	UNASSIGNED-OPEN
10/01/2007	OKEECHOBEE C.I.	D2115L	EDUCATION AIDE	EDUCATION AIDE
10/21/2008	S.F.R.C.	A1201U	IN-TRANSIT	IN-TRANSIT
10/21/2008	S.F.R.C.	A2108L	IN-TRANSIT	IN-TRANSIT
10/23/2008	CFRC-EAST	E2142S	IN-TRANSIT	IN-TRANSIT



INTERNAL MOVEMENTS AS OF 01/30/12 TIME: 10:13
 NAME: BOUIE, JOHNNIE C. JR. DOC NO: 111099 STATUS: ACTIVE

THE FOLLOWING ENTRIES REFLECT THE OFFENDER'S INTERNAL MOVEMENTS AND JOB ASSIGNMENTS DURING INCARCERATION

--- CURRENT INCARCERATION ---				
DATE	FACILITY	HOUSING	ASSIGNMENT AM	ASSIGNMENT PM
10/28/2008	HARDEE C.I.	F2105L	RECEPTION/ORIENT	RECEPTION/ORIENT
10/30/2008	HARDEE C.I.	F2105L	ITA/CTTP TRAININ	ITA/CTTP TRAININ
01/13/2009	CFRC-MAIN	B4111L	IN-TRANSIT	IN-TRANSIT
01/15/2009	S.F.R.C.	J2212L	IN-TRANSIT	IN-TRANSIT
01/20/2009	OKEECHOBEE C.I.	E2113L	RECEPTION/ORIENT	RECEPTION/ORIENT
01/23/2009	OKEECHOBEE C.I.	E2113L	INMATE TEACHING	INMATE TEACHING
01/26/2010	S.F.R.C.	H3209L	IN-TRANSIT	IN-TRANSIT
02/04/2010	CFRC-EAST	E2120L	IN-TRANSIT	IN-TRANSIT
02/09/2010	AVON PARK C.I.	B3204L	RECEPTION/ORIENT	RECEPTION/ORIENT
02/15/2010	AVON PARK C.I.	A2115L	RECEPTION/ORIENT	RECEPTION/ORIENT
02/16/2010	AVON PARK C.I.	A2115L	HOUSEMAN	HOUSEMAN

Religious Freedom Short Instruction

1. The First Amendment to the U.S. Constitution states: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;...”
2. Chapter 761 of the Florida Statutes has its’ own Religious Freedom assertion for the citizens of Florida:

761.03 Free exercise of religion protected. --
(1) The government shall not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, except that government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person:
(a) Is in furtherance of a compelling governmental interest; and
(b) Is the least restrictive means of furthering that compelling governmental interest.
(2) A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief.

3. Over the past 50 years, the religious freedom of inmates has been extended so that the prisons of the United States more accurately reflect a rich religious diversity. Inmates do not lose first amendment freedom of religion simply because they are inmates.
4. Every inmate has the absolute right to hold any religious **belief**. This means that religious freedom applies to non-traditional religions (the ones you’ve never heard of) as well as the mainstream religions. However, specific religious **practices** may be restricted under certain circumstances and with legitimate cause. Restriction of religious practice is drawn from two general justifications:
 - a. Administrative reasons (for example; expense, or the limitation of vital resources (time space and the ability to supervise), population control)
 - b. Security reasons
 - c. There is a third reason to restrict, but it may prove difficult to determine to the satisfaction of a reviewing legal authority. I am referring to the inmate’s religious sincerity
5. The courts have upheld inmates’ right to
 - a. Meet as a group for worship or religious observations;
 - b. Observe special religious Holy days of obligation;
 - c. Receive and possess religious literature;
 - d. Receive and possess religious items (medallions, certain religious clothing, prayer beads, and other varied items that are essential to the one’s beliefs)
 - e. Visit and correspond with clergy
6. In the Florida Department of Corrections there are 111 different choices for inmates when it comes to religion. Though it varies from month to month the chart gives an approximate distribution of inmate religion. Remember that with 100,000 inmates, 1% equals 1,000. Any group with less than 1,000 inmates appears as 0%.
7. You have probably noticed that some inmates are permitted to wear non-issue head gear. That’s because for some religions head coverings are required as a statement of submission and devotion to their God. This includes the Jewish Kippa or Yarmulke, the Koofi for Muslim men or the Hijab for Muslim women. Native American inmates are permitted to wear a headband and some are permitted to wear a Turban under certain conditions.

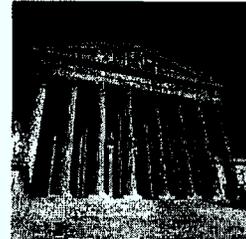
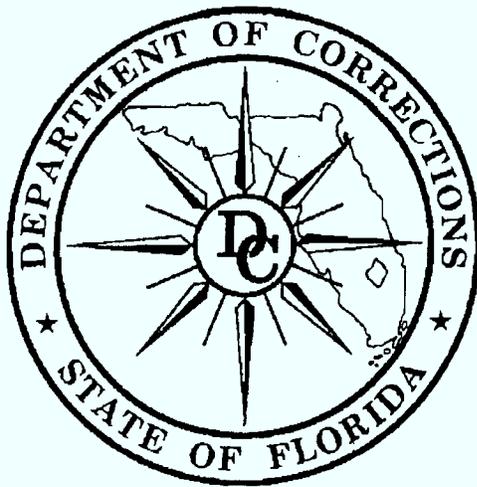


Exhibit W.

**FLORIDA
DEPARTMENT OF CORRECTIONS
CHAPLAINCY SERVICES**



**RELIGION TECHNICAL GUIDE
FOR
SELECTED RELIGIOUS GROUPS**

Governor
CHARLIE CRIST

Secretary
JAMES McDONOUGH



Islam

Sacred Text:

Holy Qur'an

Special Days/Holy Days: *Islamic Holy Days*

Work Proscription Days: (Note: The Islamic calendar (or Hijri calendar) is a purely lunar calendar. It contains 12 months that are based on the motion of the moon, and because 12 synodic months is only $12 \times 29.53=354.36$ days, the Islamic calendar is consistently shorter than the western calendar year. The calendar is based on the Qur'an (Sura IX, 36-37) and its proper observance is a sacred duty for Muslims. Work proscription days for Muslims change yearly and will be noted on the Department's Religion Calendar)

Eid ul Fitr—the feast of fast breaking.

Eid ul Adha—the feast of sacrifice.

Significant Days: (Note: Muslims use a lunar calendar, thus the dates of their work proscription days change yearly and will be noted on the Department's Religion Calendar)

1. *Eid ul Fitr
2. *Eid ul Adha
3. *Ramadan (30 days)
4. *Lailat ul Qadr [Night of Power (during the last ten days of Ramadan)]

*Note: See Appendix 1 for *general guidelines* regarding these significant days.

Devotional Items/Head Gear/Clothing:

1. One Koofi (Kufi) (for men) cap color should be white only (may be worn at all times)
2. Scarf (for women) may be white or blue (two of each color) (may be worn at all times)
3. Prayer rug (1)
4. Religious Beads (Dhikr beads) they are either 99 or 33 in number, for security reasons the strand of 33 is preferable. Beads must be all of one color—black, white, clear, or natural (wood or seed) and should be carried in the pocket, not worn around the neck. Note: Islam adopted the practice of saying pieties while counting with beads. The usual *subha* or *tasbih* ("to praise") has 99 beads on which the devotee says the 99 names of Allah found in the Quran. This may be abbreviated to 33 beads cycled three times. Dhikr beads are not to be confused with "worry beads." Worry beads are used in some Muslim countries but carry no religious purpose and serve only to occupy the hands.

Return to Table of Contents

Diet:

Pork and all of its derivatives are not permitted.

Private Worship:

All individual Muslim inmates must be permitted to take the time from assigned duties to pray five times a day:

- Before sunrise at the first break of day
- Noon, between midday and before the time for the midafternoon prayer
- Afternoon, midway between the noon prayer and the sunset prayer
- Sunset, anytime immediately after sunset and up to the disappearance of the red glow of twilight (~90 minutes)
- Night, anytime after the disappearance of the red glow of twilight. All prayers are to be performed at a clean place.

Note: All prayers are to be performed in a clean place. Any of these prayers can be said in a ten to fifteen minute time period. The Muslim must face Mecca. Normally, routine Muslim prayer is not to interrupt scheduled educational, vocational, work or treatment assignments.

Group Worship:

Friday is the most important day of worship in Islam. It is the weekly occasion earmarked by God for Muslims to express their collective devotion, Jumah Prayer. Islamic lay jurists generally agree that two or more adult Muslims are usually required to hold the Friday congregational service. Ritual washing (ablution) is required before the prayer. The Qur'an makes peculiar reference to circumstances where a full ablution may not be possible. The prayer starts with a formal sermon (Khutbah) and is followed by the prayers. *If a volunteer is not present then inmate speakers for the Khutbah must be rotated on a weekly basis. The choice of speakers is at the chaplain's discretion as long as the speakers are rotated.* All kinds of normal work are allowed on Fridays as on any other weekday. Friday congregational prayer is obligatory for all Muslim inmates, both male and female. Jumah prayer for Muslims is scheduled every Friday between 11:30 a.m. and 2:30 p.m. for a one to two hour service.

Taleem services are studies on Islamic beliefs, culture and /or history. Taleem services may be accomplished with videos, study times with qualified volunteers or even through scheduled individual study.

Clergy:

An Imam generally leads the prayer and gives the sermon. An Imam can also serve as a spiritual advisor.

Basic Beliefs:

The most important aspects of the Islamic practices are the five pillars of Islam:

Return to Table of Contents

- The Shahada or declaration of faith: The individual Muslim is to believe and pronounce that "There is no God worthy of worship except Allah (God) and Muhammad is his servant and messenger."
- Prayer (Salat) is the obligatory (Fardh) worship which is observed five times a day (see above under Private Worship) and prostrates himself/herself before God in prayer as prescribed by religious law.
- Charity (Zakat) is a religious tax that entails payment of two and one half percent of one's annual savings or capital. It is to be used primarily for aiding the poor and the needy.
- Fasting (Saum) during the month of Ramadan is obligatory for every Muslim man and woman. In Islam, fasting means abstaining completely from food, drink, smoking, and marital relations every day of Ramadan before the break of dawn until sunset. Ramadan, the holy month of fasting, is the ninth lunar month of the Islamic calendar. Fasting infuses the individual with a genuine virtue of deprivation, vigilance, and sound conscience, discipline, patience self control, and sympathy to the needy and poor. Adequate, suitable food and drink should be provided at the commencement and the conclusion of the fast each day to prevent ill health. A Muslim may be exempt from fasting if he/she is ill. Women are exempt when they are pregnant or when menstruating. All missed days however have to be made up on other days. It is highly recommended that Muslims increase the recitation of the holy Qur'an and observe the nightly prayers called Taraweeh.
- Pilgrimage (Hajj) to the holy city of Mecca, in which the Ka'ba, the holiest shrine of Islam is located. The sacred Ka'ba, toward which all Muslims turn their faces in prayer, was built by the patriarch prophet Abraham as the First House of God. The performance of Hajj is obligatory, at least once in a lifetime, upon every Muslim, male or female, who is financially and physically capable.

References:

- Khouj, Dr. Abdullah Muhammad. Islam: Its Meaning, Objectives, and Legislative System. Arlington, VA.: Saudi Arabian Television in the USA, 1994.
- Magida, Arthur J. and Matlins, Stuart M., eds. How to Be a Perfect Stranger, Vol. I. Woodstock, Vermont: Skylight Paths Publishing, 1999.
- Siddiqui, Muhammad Abdul Aleem. Elementary Teachings of Islam. Chicago: Kazi Publications, 1992.
- White, Gayle Colquitt. Believers and Beliefs. New York: Berkley Books, 1997.
- <http://www.islamworld.net>

Return to Table of Contents