



Office of Information and Privacy
U.S. Department of Justice
1425 New York Avenue, NW
Ste. 11050
Washington, DC 20530

November 12, 2009

Via First Class Mail and Facsimile to (202) 514-1009

AMERICAN CIVIL
LIBERTIES UNION FOUNDATION

PLEASE RESPOND TO:
NATIONAL PRISON PROJECT
915 15TH STREET, NW
7TH FLOOR
WASHINGTON, DC 20005-2112
T/202.393.4930
F/202.393.4931
WWW.ACLU.ORG

**Re: Freedom of Information Act Appeal
Federal Bureau of Prisons
Request No. 2009-06456**

ELIZABETH ALEXANDER
DIRECTOR
ATTORNEY AT LAW

To Whom It May Concern:

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125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
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OFFICERS AND DIRECTORS
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TREASURER

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 *et seq.* (“FOIA”), and 28 U.S.C. § 16.9, Joshua C. Harris, through counsel, files this appeal regarding FOIA Request No. 2009-06456.¹ Mr. Harris, a Masters Degree Candidate in the School of Religion of Claremont Graduate University, is writing a thesis about the Standardized Chapel Library Project (“SCLP”), a BOP policy later rescinded through federal legislation. Under the SCLP, BOP compiled a list of “acceptable” publications for each religion and began to remove books not on the list from prison chapel libraries.

The SCLP was a major undertaking that surely generated a substantial volume of records, and Mr. Harris requested, *inter alia*, “any/all documents that detail the reasoning behind, and implementation of, the [SCLP].”² Yet BOP’s search located only four documents. Mr. Harris appeals the adequacy of that search.

¹ Mr. Harris submitted the request to the Federal Bureau of Prisons (“BOP” or the “Bureau”), and BOP responded to the request on September 15, 2009. *See* Exhibit A (Sept. 15, 2009 BOP response to FOIA request).

²*See* Exhibit B (FOIA Request).

Background on the Standardized Chapel Library Project

In November 2006, BOP executive staff resolved to compile a list of “religiously reliable” materials based on determinations made by “Religious Subject Matter Experts.”³ BOP ordered that by June 1, 2007, “[a]ll books in Chapel libraries that do not appear on the Standardized Chapel Library List must be discarded.”⁴ The SCLP remained largely hidden from the public until September 2007, after BOP began removing publications from prison chapel libraries,⁵ apparently including such titles as Maimonides’ *Code of Jewish Law*.⁶

When revealed to the public, the SCLP received widespread criticism, followed by federal legislation ordering BOP to discontinue the project. In September 2007, the *New York Times* reported that “Republican lawmakers, liberal Christians and evangelical talk shows all criticized the government for creating a list of acceptable religious books.”⁷ A letter from the Republican Study Committee, a group of over 100 Republican U.S. Representatives, to BOP Director Harley Lappin, complained that “[n]o matter how well intentioned, a government project to limit books and other material deemed religious raises serious issues with respect to the religious liberties of Americans.”⁸ Critics of the SCLP included, among many others, a former Bush Administration official, the American Library Association, evangelical groups, and Jewish Rabbis.⁹

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³ See Exhibit C (Jan. 11, 2007 Memorandum from John M. Vanyur, Assistant Director, Correctional Programs Division), at 1.

⁴ *Id.* at 2.

⁵ Neela Banerjee, *Prisons To Return Purged Items To Chapels*, N.Y. TIMES (Sept. 27, 2007) (stating that “the details of the removal became widely known earlier this month”).

⁶ Complaint, *Milstein v. Federal Bureau of Prisons*, No. 07-7434 (S.D.N.Y. filed Aug. 21, 2007), at 2-3.

⁷ Banerjee, *supra* n.5.

⁸ Letter from U.S. Representatives Jeb Hensarling, Joe Pitts, and Don Manzullo to Director Harley Lappin (Sept. 17, 2007), *available at* rsc.tomprice.house.gov/News/DocumentSingle.aspx?DocumentID=101500.

⁹ Michael Gerson, “Prison Library Purge,” WASH. POST (Sept. 14, 2007), (stating that “the immediate effect of the [SCLP] has been to decimate prison libraries collected over decades”); American Library Association, “American Library Association President Loriene Roy Releases Statement on Removal of Religious Texts from Prison Libraries” (Sept. 24, 2007) (stating “[w]e are outraged to learn that the Bureau of Prisons is removing religious texts from prison chapel libraries based solely on whether or not the books are on a short list of ‘approved’ religious books”); Letter from Rabbi David Saperstein to Director Harley Lappin (Sept. 11, 2007) (stating, on behalf of Union for Reform Judaism, an organization consisting of over 900 congregations and 1800 rabbis, “[a]lthough we certainly recognize the

Ten days after the letter from the Republican Study Committee, BOP issued a memorandum ordering Regional Directors and Wardens to restore books that had been removed because they were not included on the approved list.¹⁰ Yet, in the same memorandum, BOP announced further efforts to remove books from prison chapel libraries, directing that by January 31, 2008, “[t]he titles of the holdings requiring removal from Chapel libraries will be communicated to each institution.”¹¹

The United States House of Representatives soon enacted legislation banning the SCLP. On November 13, 2007, the House passed the Second Chance Act of 2007, which contained the following provision:

Not later than 30 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall discontinue the Standardized Chapel Library project, or any other project by whatever designation that seeks to compile, list, or otherwise restrict prisoners’ access to reading materials, audiotapes, videotapes, or any other materials made available in a chapel library....¹²

The Bill, including the provision banning the SCLP, was passed by the Senate on March 11, 2008 and signed into law by President Bush on April 9, 2008.¹³

need to maintain order within our nation’s prisons, it appears from the press reports that in pursuit of that legitimate goal the Bureau has greatly, and unnecessarily, reduced prisoner’s access to religious texts.”); Bob Moore, *Throwing the Baby Out with the Bath Water*, 12 NATIONAL LIBERATOR 24-27 (2007) (noting that under the SCLP, “[b]ooks about the Talmud, Kabbalah, and Jewish Law and Tradition vanished from the shelves”); Prison Fellowship, “Religious Books Purged from Prison Libraries” (Sept. 19, 2007) (condemning the SCLP as “terribly overbroad”).

¹⁰ See Exhibit D (Sept. 28, 2007 Memorandum from Joyce K. Conley, Assistant Director, Correctional Programs Division), at 2 (ordering BOP Wardens and Regional Directors to “[s]ort and restore the books to the libraries in an orderly fashion”).

¹¹ *Id.* at 3.

¹² Second Chance Act of 2007, H.R. 1593, § 214, at 68-69 (Nov. 13, 2007).

¹³ Second Chance Act of 2007, PL 110-199, § 214(a), 122 Stat. 683 (2008).

Inadequacy of BOP's FOIA Search

FOIA reflects “a general philosophy of full agency disclosure” and serves to “open agency action to the light of public scrutiny.” *U.S. Dep’t of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 754, 772 (1989) (quoting *Dep’t of the Air Force v. Rose*, 425 U.S. 352, 360, 372 (1976)). “The agency is required to make a good faith effort to conduct a search for the requested records, using methods which can reasonably be expected to produce the information requested.” *Kishore v. U.S. Dep’t of Justice*, 575 F. Supp. 2d 243, 252 (D.D.C. 2004) (internal quotation omitted). Failure to conduct an adequate search “constitutes an improper withholding under the FOIA,” *id.*, and compels a judgment for the requester in litigation, *Wilderness Society v. U.S. Dep’t of Interior*, 344 F. Supp. 2d 1, 21 (D.D.C. 2004) (judgment for plaintiff based on inadequate search); *Defenders of Wildlife v. U.S. Dep’t of Interior*, 314 F. Supp. 2d 1, 13 (D.D.C. 2004) (same).

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In this case, Mr. Harris requested:

All policy statements related to the BOP's Standardized Chapel Library Project (2007). I am particularly interested in reviewing any/all documents that detail the reasoning behind, and implementation of, the program. I am aware that a list of suitable texts/materials was created at the time of its implementation. That list would also be very useful for research purposes.¹⁴

This amounted to a broad request for “any/all documents” regarding the reasoning behind or implementation of the SCLP, in addition to more specific requests for policy statements and the list of “suitable” materials.¹⁵ *LaCedra v. Executive Office for U.S. Attorneys*, 317 F.3d 345 (D.C. Cir. 2003), forecloses any argument that the more specific requests for policy statements and the list of approved materials removed BOP's obligation to search for documents encompassed by the catch-all request for “any/all documents that detail the reasoning behind, and implementation of, the program.”¹⁶ In *LaCedra*, the plaintiff made a catch-all request for “all documents pertaining to my case,” in addition to specific requests for documents regarding inducements provided to a government witnesses and fingerprinting results. *Id.* at 346. The government only conducted searches responsive to the specific requests, but the D.C. Circuit held the search inadequate and stated “we think it improbable ... that a person who wanted only the subset would draft a request that ... first asks for the full set.” *Id.* at 348.

¹⁴ See Ex. B.

¹⁵ *Id.*

¹⁶ See Ex. B.

The government has an “obligation under the law of [the D.C. Circuit] to construe a FOIA request liberally.” *Id.* (internal citation omitted). A FOIA request need not be a “model of clarity,” *id.* at 348 particularly in this case, given that Mr. Harris was not represented by counsel at the time of his request. As OIP recently stated in interpreting the President’s FOIA Memorandum and the Attorney General’s FOIA Guidelines, “[w]hen responding to a request, agencies should approach their review of documents by asking, “*What can I release?*”¹⁷

Although the SCLP was a major undertaking that surely generated substantial records regarding the reasoning behind and implementation of the program, the agency’s search located a grand total of four documents: (1) a two-page statement regarding the SCLP provided to National Public Radio on September 26, 2007; (2) a three-page memorandum from Joyce K. Conley, Assistant Director, Correctional Programs Division, dated September 28, 2007; (3) a two-page memorandum from John M. Vanyur, Assistant Director, Correctional Programs Division, dated January 11, 2007; and (4) the list of publications determined to be “acceptable” under the SCLP. The search that located these four documents appears to be have been deficient in numerous respects.

First, assuming BOP did not search for documents responsive to the catch-all request for any “any/all documents” regarding the reasoning behind or implementation of the SCLP, the search was too narrow in scope. Indeed, the few documents that BOP provided to Mr. Harris identify numerous other responsive documents that a reasonable search would have identified. Responsive records that BOP failed to locate, even though they are identified in the documents already produced, include the following:

- A Strategic Plan for the SCLP, and other documents related to such a plan. *See* Ex. C at 1 (“[T]he Bureau has implemented a Strategic Plan which completes the transition to a Standardized Chapel Library by September 30, 2007.”).
- Documents, such as lesson plans and agendas, regarding the training of “Subject Matter Experts” who compiled the original list of acceptable publications. *See id.* at 1 (“Central Office Chaplaincy Services identifies and trains Religious Subject Matter Experts (SME) for the purpose of establishing a Standardized List of Religious Resources for the Chapel Library.”).

¹⁷ United States Department of Justice, Office of Information and Privacy, *OIP Guidance: President Obama’s FOIA Memorandum and Attorney General Holder’s FOIA Guidelines: Creating a “New Era of Open Government”* (emphasis added).

- Documents regarding a mandatory CENTRA Training (Internet seminar) for BOP Chaplains. *See id.* at 2 (“Central Office Chaplaincy Services offers mandatory CENTRA Training on the Chapel Library Project transition for all chaplains.”).
- Documents regarding further CENTRA trainings. *See id.* at 2 (“Further direction will be provided through future CENTRA Training Sessions.”).
- A widely-distributed teletmessage from Joyce K. Conley, Assistant Director, Correctional Programs Division, to Regional Directors and Wardens, announcing the return of books that had been removed because they did not appear on the list of approved publications. *See Ex. D* at 1 (“This is a follow-up to my recent teletmessage announcing the decision to return chapel library holdings to the shelves and to resume library circulation.”).¹⁸
- Agendas, notes, minutes, video files, and other documents relating to a CENTRA Conference (Internet seminar) conducted by Chaplain Administrator Van Baalen on October 1, 2007. *See id.* at 1 (“I have asked Chaplain Van Baalen to schedule a Centra Conference with the chaplains on Monday, October 1, 2007, in order to ensure that all have the same understanding of the time line and procedures for continuing the review.”).
- Inventories of publications in prison chapel libraries provided by BOP facilities to Regional Chaplains. *See id.* at 2 (“By December 14, 2007: Provide to the Regional Chaplain a complete alphabetical inventory of the Chapel library holdings by religion. The inventory will include the title, author, and ISBN number of each book, and titles, authors/artists and ISBN numbers, if available, for audio recordings and videos.”).
- Lists of publications recommended by BOP facilities for removal from chapel libraries. As noted above, even after BOP reversed its decision to create a list of acceptable

¹⁸ FOIA defines “record[]” to include information “maintained by an agency in any format,” 5 U.S.C. § 552(f)(2)(A), which encompasses audio files. *Swope v. U.S. Dep’t of Justice*, 439 F. Supp. 2d 1, 5 (D.D.C. 2006) (search held adequate where BOP produced audio recordings of 45 telephone calls).

publications, the Bureau continued to remove publications deemed unacceptable. *See supra* p. 3. In preparing lists of materials to remove, BOP required facilities to submit lists recommending materials for removal. *See id.* at 2 (“By December 14, 2007: Provide the Regional Chaplain with a copy of the material recommended for removal from circulation and the reason(s) for removal.”).

- The final lists, issued by the Central Office, of the books to remove from chapel libraries at each institution. Once the lists were submitted to the Central Office, the Central Office made decisions about which books to remove and communicated the lists of books to remove to BOP facilities. *See id.* at 3 (“By January 31, 2008: The titles of holdings requiring removal from Chapel libraries will be communicated to each institution.”).

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More generally, an adequate search of files maintained by Chaplaincy Services staff in BOP’s Central Office in Washington, D.C. should have located a broad array of documents, given the major role that Chaplaincy Services staff played in the SCLP. “Central Office Chaplaincy Services identifie[d] and train[ed] Religious Subject Matter Experts (SME) for the purpose of establishing a Standardized List,” and offered “mandatory CENTRA Training [*i.e.*, Internet seminars] on the Chapel Library Project transition for all chaplains.” Ex. C at 1-2. Lists of removed books and the reasons for removal were “forwarded directly to the Central Office Religious Services Branch for further review.” Ex. D at 2; *see also* Ex. C at 2 (“If you have questions or need further guidance, please Contact Chaplain Susan Van Baalen, Chaplain Administrator ...”); Ex. D at 1 (“I have asked Chaplain Van Baalen to schedule a Centra Conference with the Chaplains...”).

Second, all of the documents produced appear to have originated in BOP’s Central Office, strongly suggesting that BOP did not search for records in locations outside the Central Office. BOP failed to conduct such searches despite obvious indications in the Central Office documents themselves that such records would exist in BOP regional offices and facilities. Indeed, the two memoranda disclosed to Mr. Harris are directed to Wardens and Regional Directors and plainly contemplate implementation of the SCLP occurring at the facility and regional office levels. *See* Ex. D at 1 (“I want to thank *the regional and institution staff* who have been involved in the Chapel Library Project thus far, and in particular, for their efforts and responsiveness in the past few months”) (emphasis added); *id.* (“I would encourage Wardens and/or Associate Wardens to be involved in this meeting, as it will be important for you to provide the oversight and support necessary to accomplish our goals within the time frames established.”); *id.* at 2-3 (describing the duties of BOP Regional Chaplains); Ex. C

at 2 (requiring Institution Chaplains to “communicate the Library Changeover to inmates through Town Hall and/or Religious Group Meetings”).

FOIA requires an agency to search for responsive records in the offices most likely to possess them, which in this case included BOP prisons and regional offices. *See Friends of Blackwater v. U.S. Dep’t of Interior*, 391 F. Supp. 2d 115, 121 (D.D.C. 2005) (adequate FOIA search requires referring request to office likely to possess record); *Wilderness Soc’y v. U.S. Dep’t of Justice*, 344 F. Supp. 2d 1, 20 (agency has “affirmative duty to refer requests to other components of the agency which it reasonably knows might be responsive to specific FOIA requests”); *Defenders of Wildlife v. U.S. Dep’t of the Interior*, 314 F. Supp. 2d 1, 14 (D.D.C. 2004) (search held inadequate where agency failed to search components likely to possess records)

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Third, BOP did not conduct email searches and appears not to have searched for any electronic records whatsoever. Numerous discussions about implementation of the SCLP must have occurred over email, and documents relevant to the SCLP surely exist in electronic form. *See* 5 U.S.C. § 552(f)(2)(A) (defining “record” for purposes of FOIA to include “any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, *including an electronic format*”) (emphasis added).

Conclusion

FOIA enables citizens “to know what their Government is up to.” *NARA v. Favish*, 541 U.S. 157, 171 (2004) (quoting *Reporters Comm.*, 489 U.S. at 773), a goal that cannot be accomplished when an agency locates only four documents about a major government program.

In order to remedy the deficiencies identified above, BOP should be required to conduct a search for “any/all documents that detail the reasoning behind, and implementation of, the [SCLP],”¹⁹ as Mr. Harris requested, without limiting the search to policy statements and the list of approved publications. Such a search would include, but not be limited to, efforts to locate the specific documents identified on pages 5-7. BOP should also be required to (1) search for records outside BOP’s Central Office, including those of BOP Chaplains who are not employed at the Central Office; and (2) conduct searches for responsive electronic records.²⁰

¹⁹See Exhibit B (FOIA Request).

²⁰ In the event that BOP locates further records but withholds or redacts them pursuant to FOIA exemptions, we reserve the right to appeal such withholdings or redactions to OIP. Mr. Harris’ request for a fee waiver is hereby renewed.

Respectfully Submitted,



David M. Shapiro

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Counsel for Joshua C. Harris

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EXHIBIT A



U.S. Department of Justice

Federal Bureau of Prisons

Washington, DC 20534

September 15, 2009

For Further Inquiry Contact:
Federal Bureau of Prisons
320 First Street, N.W.
Room 738, HOLC Building
Washington, D.C. 20534

Joshua Harris
P.O. Box 1071
Claremont, CA 91711

Re: Your Information Request No. 2009-06456

Dear Mr. Harris:

This is in response to the above referenced Freedom of Information Act (FOIA) request. Specifically, you request any documents that detail the reasoning behind, and implementation of the BOP's Standardized Chapel Library Project (2007). Additionally, you seek a copy of the list of suitable text/materials that was created at the time of the implementation.

Pursuant to your request we have located four (4) documents responsive to your request. This documents are being released to you in their entirety.

I trust this has been responsive to your request. If you have any questions or concerns please contact LeeAnn Tuft, Paralegal at 913-551-1174.

Sincerely,


Wanda M. Hunt
Chief, FOIA/PA Section

Enclosures: 4 documents

cc: File

EXHIBIT B

From: "Joshua Harris" <joshua.harris@cgu.edu>
To: <ogc_efoia@bop.gov>
Date: 4/17/2009 11:10 PM
Subject: request for documents

April 17, 2009

To whom it may concern:

I am seeking access to the following:

All policy statements related to the BOP's Standardized Chapel Library Project (2007). I am particularly interested in reviewing any/all documents that detail the reasoning behind, and implementation of, the program. Also, I am aware that a list of suitable texts/materials was created at the time of its implementation. That list would also be very useful for research purposes.

My use of these documents is for scholarly purposes. I'm an MA candidate at Claremont Graduate University in the School of Religion and my thesis deals with intersections of religion and law, specifically in US prisons.

I am requesting that the fees be waived. As a grad student, I am on limited income. Because of this, I am requesting a fee waiver for the requested documents.

The research I am conducting will be presented at a conference at the end of the summer (2009). To complete the research (and subsequent paper) by that time, an expedited return is preferred.

Thank you for your time.

Sincerely,

Joshua Harris
joshua.harris@cgu.edu
14947 White Butte Drive
Poway, CA 92064

EXHIBIT C



U.S. Department of Justice

Federal Bureau of Prisons

Washington, DC 20534

January 11, 2007

MEMORANDUM FOR CHIEF EXECUTIVE OFFICERS

FROM: *Joyce K. Cooney*
John M. Vanyur, Assistant Director
Correctional Programs Division

SUBJECT: Standardized Chapel Library Project

In November 2006, the Bureau of Prisons (Bureau) Executive Staff made a decision to strengthen accountability and control of chapel library collections through creation and maintenance of a Standardized Chapel Library. This ensures each Chapel library's written and audio-visual resources are religious in nature, religiously reliable, consistently available and free from discrimination, disparagement, advocacy of violence, and radicalization.

To accomplish this task, the Bureau has implemented a Strategic Plan which completes the transition to a Standardized Chapel Library by September 30, 2007. To be successful, several components will necessitate your attention.

Please note the essential components of the transition plan and communicate this with your staff. I have also attached Talking Points for use by the Chaplains in communicating the change to a Standardized Chapel Library with the inmates. The Transition Plan highlights when these Talking Points are to be used.

Standardized Library Transition Plan

- Central Office Chaplaincy Services identifies and trains Religious Subject Matter Experts (SME) for the purpose of establishing a Standardized List of Religious Resources for the Chapel Library. Library collections will only contain religious material (audio-visual and written) appearing on this list.

Target Completion Date: January 2007

- Religious SME'S identify written and audio-visual resources for inclusion on the Standardized Chapel Library List.
Target Completion Date: February 15, 2007
- Central Office Chaplaincy Services offers mandatory CENTRA Training on the Chapel Library Project transition for all chaplains. Associate Wardens are encouraged to attend.
Target Completion Date: February 15, 2007
- After receiving Centra Training, institution Chaplains (see Attached Talking Points) communicate the Library Changeover to inmates through Town Hall and/or Religious Group Meetings.
Target Completion Date: March 15, 2007
- The initial Bureau Standardized Chapel Library List is issued to all Bureau Religious Services Departments. **Target Completion Date: March 15, 2007**
- All books in Chapel libraries that do not appear on the Standardized Chapel Library List must be discarded. Further direction will be provided through future CENTRA Training Sessions.
Target Completion Date: June 1, 2007
- A designated area in the chapel available for inmates is established for a Chapel Library. Only resources identified on the Standardized Chapel Library List may be in the Library. These approved reference works may come from current institution holdings, procurement, or by acceptance of unsolicited donations.
Target Completion Date: September 30, 2007
- The Standardized Chapel Library List will be reviewed and supplemented at least annually.

Your assistance in this matter is greatly appreciated. If you have questions or need further guidance, please contact Chaplain Susan Van Baalen, Chaplain Administrator at 202-514-9740.

Attachment

Institutional Talking Points for Inmates on the Standardized Chapel Library Project

- The Bureau of Prisons has made the decision to standardize their Chapel libraries.
- The Chapel libraries are in designated areas of the chapel with religious written and audio-visual resources available to all inmates.
- Standardized chapel libraries ensure that the religious resource material is **consistently available** for all religious groups; provides **religiously reliable** teaching as determined by religious subject matter experts in the field; and does not discriminate, disparage, advocate violence or radicalize.
- The religious resource material has been identified and standardized based upon recommendations from professional Subject Matter Experts of each religious group and through networking with community resources (e.g. American Academy of Religions and Theological Seminaries).
- The Chapel libraries will be solely composed of religious resources (both written and audio/visual) available to the general inmate population to foster spiritual growth and strengthen religious accommodation. These resources have been procured with government funds or unsolicited donations from religious organizations.
- Inmate religious groups may request the procurement of resources that are on the Bureau's Standardized Chapel Library List.
- All religious groups authorized to meet in the Bureau will have audio and written resources available for their spiritual and religious edification.
- A Standardized List of Chapel Library Resources will be made available to each institution in the Spring of 2007. The Standardized Library List will be reviewed and supplemented annually.
- Current religious reference works not on the "Standardized Chapel Library List" will be discarded. The Department will add resources to the library as resources become available.
- Chapel library resources designated for disposal will not be donated to inmates, staff, volunteers nor contractors.
- The Standardized Chapel Library will be fully operational by October 1, 2007.

EXHIBIT D

U.S. Department of Justice
Federal Bureau of Prisons



Washington, DC 20534

September 28, 2007

MEMORANDUM FOR REGIONAL DIRECTORS AND WARDENS

Joyce K. Conley
FROM: Joyce K. Conley, Assistant Director
Correctional Programs Division
SUBJECT: Chapel Library Project Update

I want to thank the regional and institution staff who have been involved with the Chapel Library Project thus far, and in particular, for their efforts and responsiveness in the past few months.

This is a follow-up to my recent telemessage announcing the decision to return Chapel library holdings to the shelves and to resume library circulation. The Bureau is committed to providing inmates all appropriate materials that support the pursuit of religious interests and commitments. At the same time, the agency is committed to ensuring that we maintain the safety and security of staff, inmates, and the community. Therefore, we have determined that the most efficient and effective means of accomplishing our objective is to resume library operations while the review process continues.

I have asked Chaplain Van Baalen to schedule a Contra Conference with the chaplains on Monday, October 1, 2007, in order to ensure that all have the same understanding of the time line and procedures for continuing the review. Charles Samuels, Senior Deputy Assistant Director, and I will also be attending the Contra conference, and I would encourage Wardens and/or Associate Wardens to be involved in this meeting, as it will be important for you to provide the oversight and support necessary to accomplish our goals within the time frames established.

The following summarizes the procedures:

Immediately: Sort and restore the books to the libraries in an orderly fashion using the religious categories provided in the Centra Conference.

By October 5, 2007: Provide to the Regional Chaplain a count of the Chapel library holdings using the data form provided on the CPD Chaplaincy Services Intranet. The completion of the count and inventory of the holdings may be accomplished by inmates, as long as they are working on a stand alone word processor and have sufficient supervision.

By December 14, 2007: Provide to the Regional Chaplain a complete alphabetical inventory of the Chapel library holdings by religions. The inventory will include the title, author and ISBN number of each book, and titles, authors/artists and ISBN numbers, if available, for audio recordings and videos. Format will be provided. The inventory will help to identify holdings that may require further review, and will be ongoing. We are exploring automated solutions that will reduce the workload associated with compiling the inventory, and we will provide details as soon as they are available.

By December 14, 2007: Provide the Regional Chaplain with a copy of the material recommended for removal from circulation, and the reason(s) for removal. The list and reasons will be forwarded directly to the Central Office Religious Services Branch for further review. After that review, a decision will be made whether the materials should be removed from circulation. This process will continue as needed for adding new materials.

The standards for recommending materials for removal are as follows:

Materials to be included in the chapel libraries should be religious in nature. Items that may jeopardize the safety, security, or good order of correctional or detention facilities, or that might facilitate criminal activity, or could be used to radicalize inmates or incite them to violence, must be reviewed for possible removal from Chapel libraries

- By January 10, 2008, Regional Chaplains will provide to the Central Office Religious Services Branch an alphabetical list of the holdings for each institution and a master list of all holdings in the region, by religions. Format will be provided.
- By January 31, 2008, The titles of holdings requiring removal from Chapel libraries will be communicated to each institution.

I trust this memo, combined with material to be presented during the October 1, 2007, Centra Conference, will provide you sufficient information to implement our plan of action.

Thank you again for your support with this agency initiative. Please contact me at 202-307-3226, if I can be of assistance.