

**REPORT ON LAWSUIT AGAINST THE NEW YORK STATE
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
REGARDING QUARTERLY MEETINGS IN
GREEN HAVEN CORRECTIONAL FACILITY**

Background

Green Haven Prison Preparative Meeting is under the care of Poughkeepsie Monthly Meeting and is part of Nine Partners Quarterly Meeting. Beginning in 1980, full-day “quarterly meetings” were held at Green Haven Correctional Facility (“Green Haven CF”). These quarterly meetings generally lasted from the time of morning worship through mid-afternoon, and included fellowship over a meal (lunch) paid for by Friends. Similar gatherings inside other facilities under the charge of the New York State Department of Corrections and Community Supervision (“DOCCS”) occur or have occurred at Auburn, Otisville and Sing Sing Correctional Facilities. In 2015, Green Haven CF authorities ended these gatherings on the basis that DOCCS’ annual Religious Events Calendar identifies Friends as “Protestants” who can participate in a “Family Event” on Pentecost, together with the 18 other faiths designated as Protestant.

Friends made substantial, but unsuccessful, efforts to get the quarterly meetings in Green Haven CF restored. In addition, during the course of trying to resolve this concern through consultation and negotiation with DOCCS, Green Haven CF terminated the Green Haven Preparative Meeting’s weekly meetings for worship with a concern for business, perhaps in retaliation.

Because DOCCS has failed to address this problem, but rather has expanded the deprivation of Friends’ opportunities for worship and fellowship in Green Haven CF, the members of Green Haven Prison Preparative Meeting determined to seek recognition of their

rights through a lawsuit brought primarily under the Religious Land Use and Institutionalized Persons Act, 42 USCS § 2000cc-1 (“RLUIPA”). This statute (similar to the Religious Freedom Restoration Act) requires governments, including DOCCS, to accommodate inmates’ religious practices unless the government can prove that permitting the religious activity would jeopardize a compelling governmental interest and that there are no other ways to achieve this compelling governmental interest which would be less harmful to the inmates’ religious freedom.

At Summer Sessions, New York Yearly Meeting approved a minute to participate in the proposed lawsuit, and named Robert Martin (Bulls Head-Oswego Meeting) and Pamela Wood (Morningside Meeting) to serve as liaison for the Yearly Meeting. (Minute 2018-07-46 (July 27, 2018).) Frederick Dettmer (Purchase Meeting) is acting as counsel *pro bono*. New York Yearly Meeting’s Prisons Committee has agreed to cover expenses of the litigation out of its allocations from the Sharing Fund.

Developments Since Summer Sessions

Over the summer, Nine Partners Quarterly Meeting, Bulls Head-Oswego Monthly Meeting and Poughkeepsie Monthly Meeting approved minutes to participate in the lawsuit, and a number of Friends (see list below) also discerned their clearness to participate in the lawsuit as a representative of their Meeting or in their individual capacity or both.

The lawsuit was filed in the United States District Court for the Southern District of New York (White Plains branch) on September 18, 2018. Thereafter, the Summons and Complaint were served on the defendants, which process was completed on October 15, 2018. The Complaint is available on the NYYM website ([click here](#) to download, or visit <http://nyym.org/session/fall-sessions-2018> to find the Complaint in the Advance Documents section). Defendants have been granted an extension of time to December 21, 2018 to respond to

the Complaint by submitting Answers or making a motion to dismiss the Complaint or both.

The Complaint alleges that DOCCS's termination of Quarterly Meetings at Green Haven CF and the recent termination of Green Haven Prison Preparative Meeting's meetings for worship with a concern for business violate the rights of Green Haven Prison Preparative Meeting and its members and attenders, including in particular plaintiffs Yohannes ("Knowledge") Johnson and Gregory Thompson, under (1) the Religious Land Use and Institutionalized Persons Act; (2) the freedom of religion clauses of the First Amendment to the United States Constitution ("*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . .*"); (3) the equal protection clause of the Fourteenth Amendment ("*No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.*"); (4) Article 1, Section 3 of the New York State Constitution ("*The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state to all humankind. . . .*"); and (5) Section 610 of the New York Correction Law ("*All persons who may have been or may hereafter be committed to or taken charge of by any of the institutions mentioned in this section, are hereby declared to be and entitled to the free exercise and enjoyment of religious profession and worship, without discrimination or preference.*"). The Complaint also alleges that DOCCS's actions violate the rights of the other plaintiffs, including NYYM, under the First and Fourteenth Amendments and the New York State Constitution. The Complaint asks the Court to direct the defendants to accommodate plaintiffs' religious practices by (i) reinstating the holding of quarterly meetings at Green Haven Correctional Facility, (ii) removing the Religious Society of Friends from the category of Protestants and celebrants of Pentecost (because that classification is used to deny the requests for quarterly meetings), (iii) reinstating meetings for worship with a concern for

business at Green Haven Correctional Facility, and (iv) eliminating a DOCCS rule that limits the ability of Green Haven Prison Preparative Meeting to attract new worshippers. The Complaint also requests that the Court award plaintiffs damages, costs and attorneys fees.

The complete list of the plaintiffs is:

- Green Haven Prison Preparative Meeting
- Yohannes (“Knowledge”) Johnson, individually and as Clerk of Green Haven Meeting
- Gregory Thompson, individually and as a member of Green Haven Meeting
- Nine Partners Quarterly Meeting
- Donald Badgley, individually and as Co-Clerk of Nine Partners Quarterly Meeting
- Emily Boardman, individually and as Co-Clerk of Nine Partners Quarterly Meeting
- Bulls Head-Oswego Monthly Meeting
- Carole Yvonne New, individually and as Clerk of Bulls Head-Oswego Meeting
- David Leif Anderson, individually and as Treasurer of Bulls Head-Oswego Meeting
- Poughkeepsie Monthly Meeting
- Frederick Doneit, Sr., as Treasurer of Poughkeepsie Monthly Meeting
- Julia Giordano
- Margaret L. Seely
- Solange Muller
- New York Yearly Meeting

The complete list of the defendants is:

- New York State Department of Corrections and Community Supervision
- Anthony Annucci, DOCCS Acting Commissioner
- Jeff McKoy, DOCCS Deputy Commissioner for Program Services
- Alicia Smith-Roberts, DOCCS Director of Ministerial, Family and Volunteer Services
- Jamie LaManna, Superintendent of Green Haven CF
- Jaifa Collado, former Deputy Superintendent of Programs at Green Haven CF
- Marlyn Kopp, Deputy Superintendent of Program Services at Green Haven CF

October 23, 2018

Submitted by:

- Frederick R. Dettmer (Purchase Meeting)
- Robert Martin (Bulls Head-Oswego Meeting)
- Pamela Wood (Morningside Meeting)