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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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April 7, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable Charles E. Samuels, Jr.
Director
Federal Bureau of Prisons
320 First Street, NW
Washington, D.C. 20534

Dear Director Samuels:

The Bureau of Prisons (BOP) requires religious contractors to affirm the following: “I do not endorse nor will I practice or use language in the institution that will support violence, terrorism, discriminate against other inmates or exclude other inmates from religious services based on race, color, religion, gender, or national origin.”¹ Recent press accounts have raised concerns about exactly how the federal prison system ensures that individual hires are in fact able to live up to that affirmation.²

Indeed, there has been considerable concern within the BOP community that individual inmates are vulnerable to recruitment for terrorist related activity. Mr. Harley Lappin, former Director of BOP, provided testimony to Congress regarding his concerns “that inmates are particularly vulnerable to recruitment by terrorists,” and he further noted that “we must guard against the spread of terrorism and extremist ideologies.”³ In addition, former Senator John Kerry, as Chairman of the Senate Foreign Relations Committee, stated in 2010, “Three dozen U.S. citizens who converted to Islam while in prison have travelled to Yemen, possibly for al Qaeda training.”⁴ Likewise, in 2011, then-Secretary of the Department of Homeland Security, Janet Napolitano, noted that the federal government and states were “[c]ollaborating to develop a mitigation strategy for terrorist use of prisons for radicalization and recruitment.”⁵

¹ Federal Bureau of Prisons, Form BP-A0778, accessible at http://www.bop.gov/policy/forms/BP_A0778.pdf.

² *Terrorist Recruitment and Infiltration in the United States: Hearing Before the Subcommittee on Terrorism and Homeland Security*, Senate Judiciary Committee, 2003. See also, Ayaan Hirsi Ali, *America's Academies for Jihad*, WALL STREET JOURNAL (March 31, 2015).

³ *Terrorist Recruitment and Infiltration in the United States: Hearing Before the Subcommittee on Terrorism and Homeland Security*, Senate Judiciary Committee, 2003.

⁴ Rep. Peter King, *The threat of Muslim radicalization in U.S. prisons*, THE HILL (June 15, 2011).

⁵ *Id.*

Islamic radicalism in U.S. prisons is a bipartisan concern – and unfortunately a real concern. According to a recent *Wall Street Journal* opinion piece, a number of former state and federal officials continue to voice alarm about the level of influence radical Islamic groups have within the prison system.⁶ The author of the article, Ms. Ayaan Hirsi Ali, also mentions that a religious contractor recently hired by BOP⁷ contended that her stances against Islam's treatment of women warranted the death penalty.⁸

Moreover, according to the *Wall Street Journal*, the state prison system is also implicated. For example, an imam that helped run the New York State Department of Correctional Services' Islamic prisons program held the opinion that the 9/11 hijackers that killed almost 3,000 innocent civilians should be honored as martyrs.⁹

These reports are quite troubling given the fact Islamic chaplains and religious instructors have significant responsibility within the prison system to promote religious freedom and rehabilitation. Furthermore, the fact that both federal and state officials have voiced substantial concerns – and continue to voice concerns – regarding the reach of radical Islamic groups within the prison system raise broader questions about the general quality of the background checks and other credentialing being performed by BOP prior to hiring religious instructors.

Accordingly, please provide the following information:

1. Please describe in detail the process by which an individual applies, is vetted, interviewed and subsequently hired for a religious services contractor position in federal prison.
2. Are background checks performed on potential religious contractor hires? If so, has BOP found any evidence of potential hires advocating violence against those who criticize Islam or any other incendiary remarks? If no background checks are performed, why not?
3. If the vetting of potential hires uncovered statements advocating violence against those who criticize Islam or other incendiary remarks, then what process does the hiring official use to evaluate it? If a process is employed, is this the same process that is generally applied to all potential religious contractors?
4. Has BOP hired religious contractors who have made statements endorsing violence against those who do not agree with particular religious tenets? If so, what is BOP's procedure to approve hiring them despite those comments?

⁶ Ayaan Hirsi Ali, *America's Academies for Jihad*, WALL STREET JOURNAL (March 31, 2015).

⁷ *Id.* See also, Report, USASpending.Gov, *Prime Award Spending Data: ElBayly, Fouad A*, accessible at://www.usaspending.gov/search?form_fields=%7B%22search_term%22%3A%22elbayly%22%7D;

⁸ Ayaan Hirsi Ali, *America's Academies for Jihad*, WALL STREET JOURNAL (March 31, 2015); Chuck Ross, *Imam Who Said Ayaan Hirsi Ali Deserved Death Penalty Was Hired By DOJ To Teach Muslim Classes to Federal Prisoners*, DAILY CALLER (March 3, 2015).

⁹ Paul M. Barrett, *How a Muslim Chaplain Spread Extremism to an Inmate Flock*, WALL STREET JOURNAL (February 5, 2003).

5. Does BOP use certain Islamic groups as a reference and/or for guidance when hiring religious contractors? If so, what groups are used?
6. Please produce the entire file for each religious contractor hired by BOP that has made statements advocating violence against those who criticize Islam or other incendiary remarks of a related nature. In this production please include all documents, notes, interview material, associations, personal references, letters of recommendation, and other similar material.

In addition to written responses to the above questions, I request that my staff receive an immediate briefing on this subject matter to further understand the full and complete hiring process for religious contractors. Please number your responses according to their corresponding questions. I request a response no later than April 23, 2015. If you have any questions, contact Josh Flynn-Brown of my Committee staff at (202) 224-5225. Thank you for your cooperation in this important matter.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary