

Testimony of
Mr Harley Lappin

Director
Federal Bureau of Prisons
October 14, 2003

STATEMENT

OF

HARLEY G. LAPPIN
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BEFORE THE

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING

TERRORIST RECRUITMENT AND INFILTRATION IN THE UNITED STATES:
PRISONS AND MILITARY AS OPERATIONAL BASE

PRESENTED ON

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Chairman Kyl and Members of the Subcommittee:

I am pleased to appear before you today to discuss the efforts the Federal Bureau of Prisons has taken to ensure we are preventing the recruitment of terrorists and extremists in our Federal prisons.

The Bureau of Prisons (BOP) is responsible for the custody and care of more than 172,000 Federal inmates confined in 103 Federal prisons and in a number of facilities operated by private agencies and by State and local governments. Our mission is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure; and to provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

We understand the importance of controlling and preventing the recruitment of inmates into terrorism. We also acknowledge that this is an evolving issue, especially as it relates to the relationships between terrorism, certain radical or extremist ideologies, and the penchant of those who adhere to these ideologies to recruit others to their positions. We continue to evaluate our policies and practices and are open to recommendations to make improvements in this area.

The Bureau is playing a significant role in our Nation's war on terrorism. Our practices in institution security and inmate management are geared toward the prevention of any violence, criminal behavior, disruptive behavior, or other threats to institution security or public safety, including the radicalization of inmates. We have taken a number of measures over the last several years to ensure we are preventing disruption in our facilities, to include eliminating most inmate organizations in order to control the influence that outside entities have on Federal inmates, enhancing our information and monitoring systems, enhancing our intelligence gathering and sharing capabilities, and more effectively identifying and managing inmates who could perpetrate disruption.

We continue to confine and successfully manage a number of convicted terrorists in our custody. We are also actively engaged in a number of specific initiatives to ensure that Federal inmates are not recruited to support radical organizations or terrorist groups while incarcerated.

We know that inmates are particularly vulnerable to recruitment by terrorists and that we must guard against the spread of terrorism and extremist ideologies. Our agency has taken significant measures to combat radicalization of prisoners by other inmates.

We have been managing inmates with ties to terrorism for over a decade by confining them in secure conditions and monitoring their communications closely. We have established a strategy that focuses on the appropriate levels of containment and isolation to ensure inmates with terrorist ties do not have the opportunity to radicalize or recruit other inmates.

All inmates with terrorist ties are clearly identified and tracked in our information systems. The most dangerous terrorists are housed under the most restrictive conditions allowed, and many of

these inmates are in our most secure facility, the Administrative Maximum United States Penitentiary in Florence, Colorado.

We monitor and record all communications involving inmates with terrorist ties and we share any relevant information with the FBI, the National Joint Terrorism Task Force (NJTTF), and other intelligence agencies following established procedures. In addition, our institutions work closely with the Local Joint Terrorism Task Forces to share information and intelligence about these inmates.

The Bureau has worked diligently, particularly over the last 2 years, to enhance our intelligence gathering and sharing capabilities in order to ensure a seamless flow of intelligence information between the Bureau and these other law enforcement and counter-terrorism agencies. The BOP has a full-time employee assigned to the NJTTF to facilitate our involvement on this task force and exchange any intelligence related to corrections.

In addition to containing and isolating inmates who could attempt to radicalize other inmates, we employ a second very important strategy in lessening the opportunities for recruiting inmates to radical causes. We provide inmates with a wide variety of programs that have proven to give them the knowledge, skills, and abilities that they need to become productive, law abiding citizens when they are released from prison. The substantial proportion of inmates who actively participate in these programs are less susceptible to being radicalized because they have invested in a future in mainstream society when they return to the community. The programs we provide include work in prison industries and other institution jobs, vocational training, education, substance abuse treatment, other skills-building (pro-social values) programs, and religious programs.

We are required by the Constitution as well as the Religious Freedom Restoration Act (recently expanded by Congress under the Religious Land Use and Institutionalized Persons Act to cover the States) and crime-reduction objectives to provide religious programs to Federal inmates. We believe these programs are consistent with our other efforts to prepare inmates for a successful return to society.

Among the many programs offered to inmates in the Bureau of Prisons are the religious programs and chaplaincy services we provide to the approximately 30 faiths represented within the population. Within the constraints of security, we provide worship services, study of scripture and sacred writings, and religious workshops; and we make accommodations to facilitate observances of holy days. Full-time, civil service chaplains in the Bureau of Prisons lead worship services and provide pastoral care and spiritual guidance to inmates; and they oversee the breadth of religious programs and monitor the accommodation provided by contract spiritual leaders and community volunteers. All indications are that the overwhelming majority of inmates participate in religious programs in a positive, healthy, and productive way.

There are approximately 9,600 Muslim inmates, which is 5.5 percent of the inmate population. (This figure does not include inmates who belong to American adaptations of Islam such as the Nation of Islam or the Moorish Science Temple). The percent of Federal inmates who identify themselves as Muslim has remained very stable for close to a decade.

We currently employ 231 full-time, civil service chaplains; 10 of these chaplains are Muslim Imams. We have approximately 12,000 contractors and volunteers nationwide providing a variety of services, religious and otherwise. In the BOP, 56 contractors provide services to Islamic inmates, some at more than one BOP facility. We also have 80 volunteers who assist with Islamic religious programs or studies. We screen all staff, volunteers, and contractors to avoid hiring or contracting with anyone who is likely to pose a threat to institution security.

BOP civil service chaplains must meet all the requirements for employment as a Federal law enforcement officer, including a field investigation, criminal background check, reference check, drug screening, a pre-employment suitability interview, and a panel interview. In addition, chaplains must meet requirements unique to their discipline.

The additional requirements for a Bureau chaplain are

(1) successful completion of an undergraduate degree and a Master of Divinity degree or the equivalent from a seminary or school of theology, (2) ordination or membership in an ecclesiastically-recognized religious institute, (3) at least 2 years of experience as a religious or spiritual leader in a congregation or specialized ministry setting, (4) endorsement by a recognized endorsing organization, and (5) a demonstrated willingness and ability to provide and coordinate religious programs for inmates of all faiths.

The BOP expects chaplains to provide a full spectrum of programs and practices across multiple religions. For example, a Roman Catholic priest has the responsibility to facilitate religious worship for Jewish, Protestant, Muslim, and Buddhist inmates as well as present to Catholic inmates the full spectrum of Catholic belief. Chaplains, like all BOP employees, are strictly prohibited from using their position to condone, support, or encourage violence or other inappropriate behavior.

Concerns have been expressed that we are not providing Muslim inmates with the range of beliefs and practices in Islam. We appreciate that there are different schools of thought within the sects of the Islamic faith and, in recent years, we have attempted to broaden our services to Muslim inmates. For example, we became aware of the Islamic Supreme Council of America (ISCA) in late 2001. We initiated a series of meetings with ISCA executives, and we invited the founder of ISCA to address our chaplains at a training conference held this past spring. We also accepted a significant amount of donated materials from ISCA, and we purchased an eight volume collection of ISCA publications for each of our institutions.

Religious contractors and volunteers are also subject to a variety of security requirements prior to being granted access to the institution including: criminal background checks; law enforcement agency checks to verify places of residence and places of employment; a fingerprint check; vouchering of employers over the previous 5 years; and drug testing.

Contractors provide a clearly-defined service averaging 4 to 8 hours per month. Contractors of the Islamic faith provide instruction and prayer leadership for Muslim inmates. Muslim contractors may or may not be Imams or Muslim clerics.

Our religious volunteers assist and augment the services of civil servant chaplains and contractors in our institutions. Contractors and volunteers are only authorized to address the

specific religious areas of inmates of their own faith tradition, therefore, they are not required to meet an academic or ministerial professional level required of our chaplains.

Contractors and volunteers study and pray with the inmates of their own faith, counsel them in their faith, and help ensure the Bureau is meeting these inmates' religious needs.

In addition to the criminal background check conducted on all contractors and volunteers, the Bureau is working closely with the National Joint Terrorism Task Force in the enhancement of our screening of contractors, volunteers, and endorsing organizations.

We are also being alerted by the NJTTF agencies of any individual who has any potential to enter a Federal prison, such as a contractor, volunteer, or visitor who may be tied to an organization under investigation or may be involved in inappropriate activities.

The BOP is committed to providing inmates with the opportunity to practice their faith while at the same time ensuring that Federal prisoners are not radicalized or recruited for terrorist causes. The support that has been provided by the FBI, the agencies represented on the National Joint Terrorism Task Force, other components of the Department of Justice, and many other members of the law enforcement and intelligence communities has been invaluable in our efforts in this area.

Chairman Kyl, this concludes my formal statement. I would be pleased to answer any questions you or other Members of the Subcommittee may have.