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The 'Jewish' Con

Incarcerated gang members and murderers here and elsewhere are abusing freedom of religion to get special treatment.

By [George Howland Jr.](#)

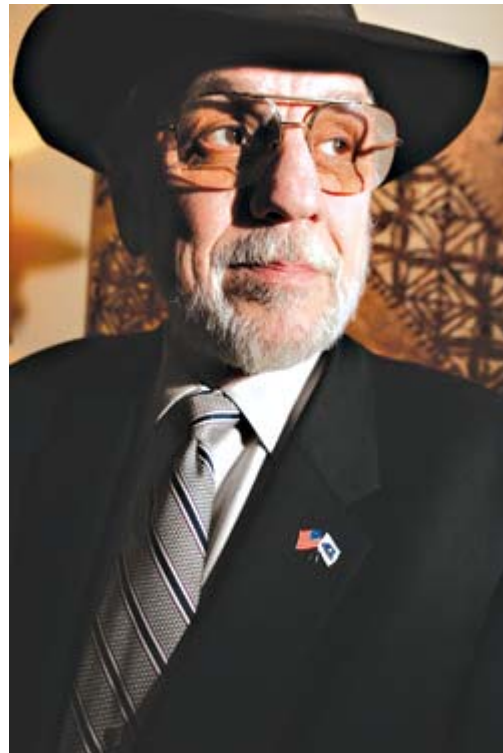
Jewish chaplain Gary Friedman wasn't surprised when he learned that incarcerated neo-Nazi gang members were claiming to be Jews at the Clallam Bay Corrections Center on the Olympic Peninsula. In fact, the chairman of the Seattle-based Jewish Prisoner Services International had been expecting the news. Nationwide, "There is this amazing phenomenon of non-Jews claiming to be Jewish," says Friedman.

Across the country, prisoners of every ethnicity, faith, and political viewpoint, including neo-Nazis, latch onto Judaism for a variety of reasons. Of the 120 prisoners in this state who are granted a kosher diet, only a dozen are Jewish, Friedman says. *Seattle Weekly's* interviews with Washington prisoners who have declared themselves Jewish and are receiving kosher food have yet to yield an actual Jew.

Interviews with these prisoners and prison officials reveal a host of reasons for the fakery. Some like the prison kosher diet better than regular institutional chow—one prisoner says it tastes better, another claims it's more nutritious, and a third says it helped him lose weight. Others use the opportunity to write to Jewish organizations asking for money. "All us Jews are rich, right? We get deposit slips for inmate accounts!" says Friedman.

Some really want to convert to Orthodox Judaism—even though that is next to impossible from within prison. Prison gangs other than neo-Nazis have used Judaism as a cover for criminal activity, according to Washington prison officials. Friedman believes one prison manipulator was trying to receive conjugal visiting rights based on his interpretation of Jewish law.

Then there are the prisoners who are just exercising their religious rights in a place where there is very little freedom. "Some are trying to assert some control over their lives," says Friedman. Several prisoners told *Seattle Weekly* they were just interested in checking out Judaism, so they



Gary Friedman, chairman of Jewish Prisoner Services International.

Kevin P. Casey

did the necessary paperwork and haven't done much else since.

In Washington, as in most states, a prisoner fills out a form declaring his or her religion, and the state accepts that declaration at face value. It doesn't matter if a prisoner was born a Baptist and has been a known member of a white supremacist organization for decades. If the prisoner now claims to be an Orthodox Jew, in the eyes of the state Department of Corrections, he is now an Orthodox Jew. He can get kosher meals and go to Shabbat services every Friday evening inside the prison. "It's insulting," says Friedman. Judaism, unlike Christianity, does not encourage conversion. In fact, it's very difficult to convert to Orthodox Judaism. It takes time and careful review by a local rabbinical board. One even must live within walking distance of an Orthodox temple, to experience life in the Jewish community, according to Friedman.

While the neo-Nazis' ruse galls Friedman, he is more concerned about the behavior of one of the state's most notorious murderers, Roland Pitre Jr., who was born Catholic, has never undergone formal conversion to Judaism, but is leading the Jewish services at Clallam Bay. "He is playing rabbi!" says Friedman.

So how did faith get so topsy-turvy in Washington's state prisons? Can or should anything be done about it?

Prisoners fought to ensure their right to religious freedom. In the 1960s, inmate devotees of the Nation of Islam, the African-American Islamic sect whose most famous adherents have been Malcolm X and Muhammad Ali, won the first significant cases concerning religious freedom in prisons, according to Paul Wright, the editor of *Prison Legal News*. "The prisons have always been supportive of Christianity, but not of minority religions," says Wright. Since the First Amendment of the U.S. Constitution guarantees the right to freedom of religion, contemporary courts have been very protective of prisoners' constitutional rights to worship freely. The most recent and significant in this long line of court cases was 2005's *Cutter v. Wilkinson*, in which the U.S. Supreme Court upheld a federal law called the Religious Land Use and Institutionalized Persons Act. Under the act, prisons must accommodate religious practices by all faiths and cannot restrict religion unless there is a "compelling governmental interest" to do so. The *Cutter* decision affirmed what has been official policy for many years in Washington prisons.



The Washington State Reformatory at Monroe.

Kevin P. Casey

Even Wright, who is a harsh critic of the Department of Corrections, says Washington is more progressive on religious issues than other states. Paul Rogers, president of the American Correctional Chaplain Association, echoes that evaluation: "The state of Washington Department of Corrections is a national leader."

Chaplain Art Morlin has been working at Clallam Bay for 36 years. He is a Protestant minister of

the Assembly of God, and when he began ministering to prisoners, there were just three recognized religious groups: Protestant, Roman Catholic, and Native American. Over time, as religious liberty took hold in prisons and American society diversified, Morlin saw more and more religions. The Corrections Department's current *Handbook of Religious Beliefs and Practices* lists 26 recognized religions, including Bahai, four kinds of paganism (Asatru, Astara, Odinist, and Wicca), Rastafarian, International Society of Krishna Consciousness, three types of Islam (Muslim, Nation of Islam, and Moorish Science Temple of America), Hindu, and Sikh. "As the population has grown, so has the religious preference," says Morlin. "It takes time to know what people want and what they do. I saw it grow little by little." Of 887 inmates at Clallam Bay, about 400 participate in some kind of religious service on a weekly basis, says Morlin.

Morlin says the list of religions will keep growing. If a prisoner is an adherent of an unrecognized religion, he must work with the chaplains to get the religion officially sanctioned. The Corrections Department investigates the religion to see if it really exists and gets a list of its requirements from the faith's established leaders. "Some guys do make it up," says Morlin, but that's the exception. "We do get scammed, but we try to keep that level down." Most of the time, Morlin believes, religion is providing a real benefit to the prisoners. "They are talking about good morals, good ways to live."

Prisons accommodate a wide variety of religious practices. At the Washington State Reformatory at Monroe, there are two gathering points for group religious observance: the religious activity center, usually called the chapel, and the sacred grounds.

The sacred grounds resemble a beloved, ramshackle garden. Although the area is a small patch of land, mostly covered with grass, surrounded by a chain-link fence topped with razor wire, and closely observed from surrounding guard towers, it manages to convey strong spirituality. The sacred grounds accommodate four religions—Native American, Buddhist, and two pagan groups, Wicca and Asatru. The Buddhist area is festooned with colorful religious flags hung on a clothesline. Statues of the Buddha—some rejoicing, some contemplative—greet visitors throughout. Roses, bamboo, pansies, and tulips struggle to flourish in garden beds overgrown with grass.

Virgil Edwards, the prisoner who acts as spiritual adviser to Native Americans at Monroe, explains the significance of each aspect of the Native American area. Twice a month, Edwards and his group conduct a lengthy purification and prayer ceremony there from 7:30 a.m. to 3 p.m. Prisoners deposit their prayers into the prayer mount, an altarlike structure centered around a buffalo skull. They take the "elders," a group of large rocks, and heat them in a fire pit. Once the elders are hot, they are picked up with antlers and brought into the sweat lodge—a small dome of

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willow branches. Blankets are placed over the dome, and up to 50 prisoners strip down to their underwear and squeeze inside to pray. "We are out there to be connected with the Creator and Mother Earth," says Edwards, who is one-quarter Blackfoot. "If I hadn't been on this path, I can almost guarantee that I would be deceased." Edwards says he works hard to get younger Native American inmates to walk the path with him. He will not tolerate participation in the ceremony by anyone who is not serious or who is using drugs or who is involved with gangs.

Monroe chaplain David Sherman is impressed with the quality of leadership shown by Edwards and the other Native American prisoners who run these ceremonies. He is heartened by the impact that it has on the younger Native Americans who get involved. "They come back to their faith here," he says.

While the chapel looks like a standard, interdenominational Christian church, Sherman says it doesn't function like one. A Christian group paid for the construction of the chapel, and its main feature is a large white cross. Sherman says the cross is covered when non-Christian faith groups use the chapel. "It is a place of solitude and meditation," says Sherman. "When you are in the cell block, there is no peace. We understand the importance of solitude." Sherman says that 275 to 300 of Monroe's prisoners visit the chapel at least once a month.

Among them are around five observant Jewish prisoners. Orthodox Judaism is a religion that demands much from adherents, including proscribed dress, requiring a yarmulke (skullcap) and a tallith (prayer shawl); observance of the weekly Sabbath (no work may be performed from sundown Friday until sundown Saturday); daily prayer; and specially prepared kosher food. But, says Clallam Bay prisoner Scott Franklin: "I'm not Jewish. It's better food." Another prisoner at Clallam Bay, Elijah Stroman, says he is Muslim but thinks the kosher food is a better diet.

Says Stroman: "The mainline food is not nutritious." Prisoner James Dunn, who attends a variety of religious services, says kosher food has helped him lose weight. Cambodian-born Kea Ieng has explored many religions since emigrating to the U.S. Although he has not been able to even get hold of a Torah to read, he has declared himself Jewish.

While these prisoners have benign or at worst odd reasons for declaring themselves Jewish, in 2004 Friedman received a call from Clallam Bay investigator Terry Benda about prisoners who were receiving kosher food for a more frightening purpose. In that conversation, first reported by the *JTNews*, a Seattle-based Jewish publication, Benda told Friedman that neo-Nazi gang members and Mexican-American gang members were signing up for kosher food in large numbers. Benda called Friedman to brainstorm possible explanations for the phenomenon. Friedman told Benda about the case of white supremacist prisoners in Arizona who follow a diet very similar to kosher. "They have a dietary standard that they take from the Old Testament—the Torah. It's quasi-kosher: no pork, no shellfish, no mixing of milk and meat. If the white

Chaplain Friedman's idea seems to completely rely on religious law for judging sincerity of faith, whereas the courts have interpreted religious freedom to mean religious belief is an individual choice.

supremacists are from that denomination, they may have a bona fide religious practice and I have to support it," says Friedman. Benda ruled that out. As they talked the matter through, Benda told Friedman that they fed the prisoners receiving kosher food at the same time each day. "It gave them an opportunity to meet three times a day," says Friedman.

Friedman says the institution has since changed that practice. Robert Jacobs, regional director for the Anti-Defamation League (ADL), says gangs' use of Judaism as a cover for criminal activity is of great concern to his organization. "It's obscene," says Jacobs. He says that the ADL's national office is aware of the problem, not only in Washington but throughout the country. "It is taking place everywhere. More and more groups or individuals are learning how they can use this process to meet."

Gangs are an ongoing problem in the Washington prisons. As authorities work to keep gang members apart, gang members are scheming to find ways to meet and plot. While the Clallam Bay administration chose not to comment on the problem of gangs pretending to be Jewish, or anything else relating to organized criminal activity within the institution, details were forthcoming from other sources.



Prisoner Virgil Edwards, adviser to Native Americans at the reformatory.
Kevin P. Casey

According to *Prison Legal News'* Wright, who was a prisoner at Clallam Bay in the 1990s, the Aryan Family, a neo-Nazi gang, was formed at the institution early in that decade. "I'm mystified by how the whole thing has grown," says Wright. "White supremacy is pretty well established there. Clallam Bay has seemed to evolve in its little twisted mess all on its own." Wright, however, is more concerned about white racism among the guards at Clallam Bay than among the prisoners and has reported extensively on that problem (see "**White Guard, Black Guard**," March 10, 1999). He believes prison officials hype the gang threat to create employment for themselves.

Current observers at Clallam Bay are split on whether gangs continue to be a problem. In a court document, Clallam Bay investigator Benda declares, "The Aryan Family engages in criminal, violent, and security threatening activity, including drug dealing, and has a growing influence within the white inmate population."

One prisoner, a member of the Aryan Family who requested anonymity, says his group is more of a fraternal organization than a criminal group. "It's just camaraderie. People don't have too many people here, so they are looking for a way to be comfortable." The prisoner reports that there are a lot of Aryan Family members at Clallam Bay. While the prisoner was not at Clallam Bay at the time Benda told Friedman that neo-Nazis were using Judaism to meet, he does say that he and some other Aryans declared themselves Jewish and were getting kosher food. He did so after assaulting a corrections officer, because he was afraid the institution would retaliate by tampering with his food. "I knew they couldn't mess with the kosher food," he says, referring to the fact that kosher food is prepackaged and brought in from outside. He also notes that for a

while, all the prisoners who were receiving kosher food were housed in the same section of the prison. Such an arrangement was convenient for him and his Aryan pals. "That didn't work out," he says. Eventually, some of the older leaders of the Aryan Family learned of their younger comrades' culinary choices and put an end to it. "There was a problem with Aryans eating kosher food," he says.

While the Aryan Family prisoner describes his group in benign terms, court documents tell a different story. Prison authorities accuse James Curtis, a Clallam Bay prisoner, of being a member of the Aryan Family and leading a brutal assault against James Wilkenson, an African-American prisoner, including carving the initials "A.F." into Wilkenson's back. Curtis denies the charges and being a member of the Aryan Family. The case is headed for trial later this year.

Friedman is not surprised that gangs pretend to be religious to try to take advantage of the system. He says the same thing has happened across the country—which is confirmed by prison officials in other states. Dave Burnett, special activities coordinator of Michigan's Department of Corrections, says, "We had a group of individuals at one institution, who were white supremacists, sign up as Jewish to try to take over those services." The prison administration only noticed the plan after it was under way because Jewish prisoners began dropping out of services. Prison officials investigated and found that the neo-Nazis were intimidating, threatening, and assaulting the Jews to drive them out. "The institution became aware and broke it up," says Burnett. "It's a pattern we've heard about in a number of states. It's not uncommon."

Michigan has come up with a relatively easy solution: a screening interview. When a prisoner declares himself Jewish and requests a kosher diet, he must submit a written statement about his religious beliefs and why he needs kosher food. Next, a deputy warden or a chaplain interviews the prisoner and asks a series of questions. "1. Briefly explain the major teachings of your designated religion. 2. Why is a kosher diet required by this religion? 3. What is a kosher diet? In other words, how does it differ from food otherwise provided by the institution? What type of foods are not allowed?"

Burnett says when Michigan began serving kosher meals around 12 years ago, an overwhelming number of prisoners declared themselves Jewish. In 1998, Michigan officials wised up and started the interviews. The numbers are down to a manageable 125 prisoners on the kosher diet, and the neo-Nazis have been weeded out.

Washington state Sen. Ken Jacobsen, D-Seattle, is aware of the problems with gangs and religion in Washington's prisons. In fact, he brought the story to *Seattle Weekly's* attention. He clearly wants to do something to address the problem but hasn't determined what course of action to pursue.

Other Washington officials think the current system is the best one, certainly better than Michigan's. "It's not easy to determine sincerity," says Daniel Williams, religious program manager of the Washington Department of Corrections. His department worries that prisoners who cannot express themselves well in writing or orally, but who are sincerely religious, will lose their right to worship. "Some people are more intelligent than others. Some people might lose

out," he says. Yet Williams admits that gangs have used religion as a cover for activities at Clallam Bay.

Michigan's Burnett says his state's standards are not onerous. "We don't expect people to be rabbinical students," he says, and if prisoners struggle with the formal questions, the interviewers just talk informally about what it was like growing up Jewish. They ask about the prisoners' family rabbi, synagogue, holiday celebrations, and food growing up.

"Weed out the fakers!" says Bob Moore, legal director at the Aleph Institute, a Florida-based group that advocates for Jewish prisoners. "The sincerely-held-belief standard really needs to be worked over. It's a problem for everyone. You can tighten it up like Michigan has."

Stalwart defenders of the freedom of religion agree. Charles Haynes, a senior scholar at the First Amendment Center in Virginia, passionately believes in religious liberty. "There is a higher authority for many people than the state," he says. "The protection of conscience is something we have to work at. It's a very precious right." Haynes, however, thinks prison officials should do simple testing of sincerity. "The free exercise of religion is not a free pass," Haynes says. "The public won't support the free expression of religion if it is made frivolous."

While it's easy to see why neo-Nazi gangs should not be able to declare themselves Jewish, the case of Roland Pitre Jr. raises more difficult questions. Pitre is the main subject of Seattle crime writer Ann Rule's new book, *Worth More Dead*. In the book, Rule describes how Pitre was convicted of murdering his lover's husband in 1980 and his first wife in 2004. Both murders involved elaborate, convoluted conspiracies. Over the past 25 years, Pitre has claimed to be mentally ill, to have suffered a stroke, and to actually be his brother, Wade, who died at age 2. Pitre refuses to comment on his past. Now, in a development not known to Rule, Pitre claims to have converted to Orthodox Judaism.

In a series of interviews with *Seattle Weekly*, Pitre says his religious conversion began in 1997 when he was imprisoned at Airway Heights Correctional Center in Spokane. "I was doing some Old Testament research in Hebrew," Pitre recalls. He didn't declare himself Jewish on the state form until two years later, however. "I resisted it," he says. "I didn't want to put up with all the BS you have to put up with from the staff and the inmates." When Pitre did declare himself Jewish, the Department of Corrections consulted with Friedman about whether the prisoner's declaration was valid—a practice it has since abandoned due to court rulings. Since Pitre was born Catholic and has never undergone formal Jewish conversion, Friedman told them that under Jewish law, Pitre was a



The sacred grounds at the Monroe prison.
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gentile. The Corrections Department denied Pitre's request for a kosher diet. In 2001, Pitre sued the state and Friedman. (The chaplain's advice to states around the country about Jewish law have resulted in him being named in six other lawsuits, including one that is pending.)

In 2002, the state settled the lawsuit with Pitre, agreed to pay him \$2,000, provide him with kosher meals until the end of his incarceration (2054, when he will be 101), and refrain from infringing on Pitre's "ability to engage in the same religious activities and privileges as other Jewish inmates. . . ."

Federal courts have made it very clear that when determining the legitimacy of a prisoner's declared religion, the state must accept a prisoner's "sincerely held belief" rather than rely on the hierarchy of an established religion. In 1999, the Second Circuit U.S. Court of Appeals, in *Jackson v. Mann*, found in favor of Nathaniel Jackson, a New York inmate, in his claim of being Jewish that was denied by the state on the basis of advice from a Jewish chaplain. That is why Michigan does not ask someone if they were born into the Jewish faith or consult with rabbis about whether someone is really Jewish. Instead, Michigan relies on an inquiry that tests the sincerity of a prisoner's faith. The belief has to be sincere, but the prisoner doesn't have to follow the rules and regulations set forth by a rabbinical board.

Friedman, however, believes Washington's Department of Corrections has turned the First Amendment upside down and allowed prisoners like Pitre to start dictating how religious authorities must behave. Friedman's lawyer, Fred Diamondstone, says that by allowing Pitre to engage in the same religious activities as Jewish prisoners, the state has begun dictating to a religion—a clear violation of the First Amendment. Diamondstone gives an example: A common part of any Shabbat service is a reading from the Torah to the congregation. "It is something that Jews may participate in, but non-Jews may not read to the participants," he says. "The state doesn't get to tell religious groups how to practice religion."

There is no doubt that Pitre has been very observant for years now. Currently incarcerated at Clallam Bay, he wears a yarmulke and a prayer shawl and faithfully celebrates the Jewish Sabbath and holidays. He talks about how his faith helps him in daily life. "It deals with how to live rather than how to prepare for your death," says Pitre. "I do my best to try to do Orthodox practice. There are 613 commandments. Your day flies by. I pray three times a day. It makes me a better person. It makes me a better citizen. I sure have made more screwups than your average person. It can help me make a difference." Pitre also says that he encounters hostility from both staff and prisoners on account of his faith. When he arrived at Clallam Bay in 2003, somebody slipped a swastika under his door. "I wasn't going to get scared away by the neo-Nazis," says Pitre. Prisoners would come up to him and say, "Some people don't like having a Jew on mainline" (in the prison's regular population), according to Pitre.

Clallam Bay chaplain Morlin says Pitre performs a valuable service. "There's a lot of people who doubt his sincerity, but he's the only one who keeps the Jewish religion going" at the prison. "If he wasn't here, we wouldn't have anything," Morlin says. Pitre holds a Jewish Sabbath service every week and reminds the chaplains of upcoming Jewish holy days and what needs to be done for them. Morlin says other prisoners, including Jews and non-Jews, participate in the services

or in Jewish education with Pitre. "He does the best he can. If he didn't do it, it wouldn't be done," Morlin says, adding that Pitre knows more about Judaism than some of the inmates born into the faith.

Friedman finds the situation appalling: "I don't know what [Pitre] is teaching out there. He calls it basic Judaism. He doesn't know what basic Judaism is. What he is teaching is not right." Pitre, Friedman says, is engaged in another of his outrageous scams. "The guy is a master manipulator," says Friedman. "All his schemes have been extremely complex. He has convinced other people to commit his murders for him."

Friedman says he has received information from another prisoner about the basis for this latest con game. While in prison, Pitre married for a third time. Under regulations, a prisoner is only eligible for conjugal visits with his wife if he was married before being imprisoned. Friedman says Jewish law is very clear: A husband must provide his wife with her conjugal rights. Friedman says Pitre was going to sue the Department of Corrections and claim that the prison's rules violated his religious rights as a Jew. "He will challenge the conjugal visiting rights," says Friedman. "He will argue that he is being denied his religious rights." Pitre says that is completely untrue. He offers as evidence that he is no longer married, but he doesn't explain that he was divorced just six months ago.

Friedman thinks the state should deny Pitre's claim of Judaism because the prisoner's faith is demonstrably insincere. "His own beliefs about Judaism are not consistent with Judaism," says Friedman. "He is challenging Jewish law—that is blatantly insincere." Friedman believes that Pitre's unwillingness to accept the established rabbinical hierarchy's view that he is not Jewish is clear evidence of his bad faith.

It's hard to imagine the courts upholding such a standard. Friedman's idea seems to completely rely on religious law for judging sincerity, whereas the courts have interpreted religious freedom to mean that religious belief is an individual choice. Religious institutions are, of course, private groups, and they can choose whom to allow as members or who can participate in services. Yet the First Amendment allows each American to be free of state interference in practicing his own version of religious belief. While it is distasteful, that cherished freedom protects a convicted murderer and con man who has constructed his own peculiar version of Judaism as much as it protects you and me.

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