

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

DANIEL GREER

Plaintiff,

-v-

CONNECTICUT DEPARTMENT OF
CORRECTION; CHESHIRE CORRECTIONAL
INSTITUTION; and ROLLIN COOK,
Commissioner for the Department of Correction
in the State of Connecticut,

Defendants.

Civil Action No.
MARCH 13, 2020

**AFFIDAVIT OF DANIEL GREER IN SUPPORT OF HIS MOTION FOR
PRELIMINARY INJUNCTION**

I, Daniel Greer, affirm as follows:

1. I am a Connecticut Department of Correction (CTDOC) inmate, and have been incarcerated at the Cheshire Correctional Institution by CTDOC since December 2019.
2. I am filing this affidavit in support of a motion for a preliminary injunction, requesting relief to receive religious accommodations for the Jewish holiday of Passover, including provisions for two ceremonial dinners (this year on the nights of April 8 and 9), and food that is prepared under certified Orthodox kosher conditions for Passover during the eight-day holiday (that runs this year from April 8 through nightfall on April 16).
3. This motion is necessary because CTDOC and the Cheshire Correctional Institution have refused my requests for Passover accommodations.

4. If denied relief, I will be forced to choose between starving for the eight days of Passover or violating my sincerely held religious beliefs. Given my advanced age and poor health, this could be a life-threatening decision.
5. I am Jewish, my mother and father were Jewish, I was raised as an Orthodox Jew, and I was a practicing Orthodox Jew long before I became incarcerated. Rabbi Yehoshua Neuwirth, an eminent Orthodox Jewish rabbi and authority on Jewish law in Jerusalem, Israel until his passing in 2013, granted my rabbinic ordination in 1975, and I have been an Orthodox Jewish rabbi since then. In 1977, I founded the Yeshiva of New Haven, a primary school for Jewish children under Orthodox Jewish auspices. I am also a graduate of Princeton University and Yale Law School. I was born in 1940, and I am in poor health.
6. I have continued to practice Orthodox Judaism to the best of my ability since becoming a CTDOC inmate.
7. It is a central tenet of my Jewish beliefs that I should only eat kosher food, as mandated by Orthodox Jewish law. I have tried to the best extent possible to follow kosher laws while incarcerated.
8. I am very concerned about my ability to observe the upcoming holiday of Passover, during which additional, especially stringent kosher requirements apply. Generally speaking, these requirements entail conducting ceremonial dinners and refraining from eating leavened products, as well as any food prepared with or touched by leavened products.

9. In 2020, Passover takes place from sunset on April 8 through nightfall on April 16. The prohibition on eating and drinking leavened products applies for a slightly longer period, from 10:14 a.m. on April 8 through 8:46 p.m. on April 16.

I. BACKGROUND ON PASSOVER

10. As an ordained rabbi with decades of service, and having studied Talmud and related subjects under Rabbi Joseph Soloveitchik, a renowned Orthodox Jewish rabbi and Talmudist, I am very knowledgeable about the laws of Passover and kosher.

11. Passover commemorates the 1313 BCE redemption of the Jewish people from slavery in Egypt, as recounted in the book of Exodus (1:8–15:21). It is a fundamental holiday in Judaism.

II. PASSOVER REQUIRES ADHERENCE TO SPECIAL DIETARY RULES.

12. Passover observance, generally speaking, entails eating unleavened bread (*matza*), avoiding leavened products (*chametz*), and conducting a ceremonial dinner (*seder*) on each of the first two nights of Passover.
13. From Passover eve through the end of the holiday, Jews may not consume or own leavened products. Ashkenazi Jews,¹ such as myself, also refrain from eating *kitniyot*, which includes, but is not limited to, legumes, corn, and rice. Moreover, food made on equipment that processed leavened products is rendered non-kosher for Passover, even if it would otherwise be permissible. The Biblical punishment for eating leavened products on Passover is *kares*, being cut off from the Jewish people (Exodus 12:15).

¹ Generally speaking, this term refers to Jews who trace their recent ancestry to Central and Eastern Europe.

14. The obligation to conduct a *seeder*, or ceremonial dinner, on the first two nights of Passover, fulfills many Biblical and rabbinical obligations, such as remembering the Exodus, eating unleavened bread, eating bitter herbs, and drinking four cups of wine or grape juice.

15. Prior to being incarcerated, I have always observed these Passover obligations.

III. CTDOC PREVENTS ME FROM PROPERLY OBSERVING PASSOVER.

16. Currently, CTDOC provides only non-prepackaged common fare entrees prepared at the facility as part of its common fare meal plan.

17. CTDOC does not offer a designated kosher meal plan for Orthodox Jews like myself. Instead, they offer a “one size fits all” option for everyone who seeks religious dietary accommodations.

18. Since December 2019, CTDOC has imposed its common fare meal plan on me. I am a participant in the common fare meal plan at Cheshire Correctional because Cheshire Correctional denies alternative religious diet options to inmates. The common fare meal plan food is generally not kosher, although certain products are. I survive by eating those kosher products on the common fare menu, supplemented only by the few additional kosher foods products that I purchase from the commissary. I have not had a hot meal, meat, poultry, or cooked fish since December 2, 2019.

19. None of the prepared or pre-packaged food offered by CTDOC on the common fare menu will meet the stringent requirements for Passover, as they are not prepared in accordance with dietary laws specific to Passover. In particular, and among other things, these meals are prepared within Cheshire Correctional’s

kitchen, which I understand is not properly *kashered* prior to Passover. This renders any food from that kitchen, even if it might ordinarily be kosher, non-kosher. Relying on the common fare menu for sustenance would therefore force me to decide either to starve and endanger my life or violate my core religious beliefs over Passover.

20. In addition, CTDOC does not provide me with any of the items necessary for conducting two ceremonial *seder* dinners, as required by Jewish law. At most, I understand CTDOC will provide me with a box of unleavened bread and some tuna fish, which will not even be sufficient for ordinary meals over the course of nine days, let alone satisfy the requirements of Passover.
21. Appropriate prepackaged meals, including special ones for the ceremonial dinners, readily available for purchase by CTDOC, are the easiest way for CTDOC to provide me with Passover accommodations.
22. I understand that the Aleph Institute can easily arrange for prepackaged kosher for Passover food and ceremonial dinner materials to be delivered to Cheshire Correctional in time for Passover 2020. The Aleph Institute is an Orthodox Jewish organization that, among other things, addresses the spiritual needs of Jewish inmates in correctional facilities throughout the country.
23. I have made a formal demand for accommodation under the CTDOC procedures, and I understand that my request has not been honored.
24. I have submitted numerous complaints and grievances to CTDOC and Cheshire Correctional requesting proper kosher food and an accommodation for Passover, including kosher for Passover food and provisions for two ceremonial *seder*

dinners, consistent with my religious beliefs. In particular, I have suggested that CTDOC make prepackaged meals prepared by a reputable kosher food vendor under Orthodox rabbinical supervision available to me for purchase through the Cheshire Correctional commissary, at *no* cost to CTDOC, but CTDOC has refused to provide these accommodations.

25. I understand that Cheshire Correctional Food Services has refused to bring in outside prepackaged meals, despite my willingness to pay for them, citing supposed safety concerns. But these meals are prepared by reputable, well-known kosher food vendors under Orthodox rabbinical supervision and would be safe and would satisfy my religious dietary requirements for Passover. Moreover, these meals would be no different from every other prepackaged food made available to inmates in the commissary and could undergo the same safety precautions and checks, if any are applied. I understand that these meals are also made available in other correctional institutions, and similar security procedures can be followed at Cheshire.
26. Indeed, I understand that CTDOC rejected the suggestion to provide me with kosher prepackaged meals, or make them available for purchase through the commissary.

27. By denying me food that is kosher for Passover, even after reasonable suggestions were made for the provision of that food, and also provisions for two ceremonial dinners on the first two nights of Passover, Defendants will substantially burden my religious exercise.

I affirm under penalty of perjury that the foregoing is true and correct.

Executed: Cheshire, Connecticut
March 10, 2020

A handwritten signature in black ink, appearing to read "Daniel Greer", written in a cursive style.

Daniel Greer