

Atheist Jailed for Refusing 'Higher Power' Rehab Wins \$2 Million Settlement

A California atheist convicted of drug possession who was found in violation of his parole and sent back to prison after he objected to a treatment program centered on belief in a higher power has won a nearly \$2 million legal settlement, his attorney said on Wednesday.

Barry Hazle Jr., 46, had sued parole officials accusing them of breaching the constitutional separation of church and state, and won the payout after the 9th U.S. Circuit Court of Appeals found last year he was entitled to compensation for time he was unjustly held in prison.

Months of negotiations by his lawyers resulted in a settlement of \$1 million from the state and \$925,000 from Westcare, a company hired by parole officials to provide drug treatment for convicts. Hazle dropped his suit this week because of the settlement.

The case highlighted atheists' long-standing objections to the faith-based component of 12-step recovery programs originally promoted by Alcoholics Anonymous. California prison officials said the state had since changed its policy to allow convicts who object to a 12-step program to attend a secular program instead.

Hazle's attorney, John Heller, said his client endured dangerous conditions during his 100 days in an overcrowded prison after his parole was revoked over his objections to the recovery program.

"He stood up for his constitutional rights when many others would have just gone along, and in doing that he paid a heavy price," Heller said in a phone interview.

A resident of Redding in Northern California, Hazle was convicted of possession of methamphetamine in 2006 and sent to prison for a year. When he was released on parole in 2007, authorities sent him to a recovery center that included a 12-step recovery program that required him to express faith in a higher power, Heller said.

After he raised objections based on his atheism and asked to be transferred to a secular program, his parole officer found he had violated his parole and Hazle was arrested at the center and sent to prison for 100 days.

Hazle sued in federal court in 2007, and he won a judgment that his constitutional rights were violated, but a jury awarded him no damages. The San Francisco-based 9th Circuit appeals court last year overturned that aspect of the case and found he was entitled to damages.