

Palmer Strubhar

10th Grade

Jan. 6, 2019

How Jails Are Overlooking Prisoners' First Amendment Rights

No matter how split the United States becomes, most citizens appreciate our country's amendments and the freedoms and rights they grant us. For example, if the right side exercises their Second Amendment right to bear arms, the left side can retaliate by using their First Amendment right to assembly. Like Yin and Yang, one amendment can always help someone protest another. The majority of the population can also agree that the freedom given to people in America is one of the more favorable aspects of our country. For example, our Fifteenth and Nineteenth Amendments, which allowed black men and later women the right to vote respectively. Speaking of voting, the suggestion of abolishing the electoral college, which means changing the thirteenth amendment, is just another example of how amendments have changed and are changing to conform to our modern day society. Whether you are a Democrat, Republican, or a third party, every person has to know the limits of our amendments to keep up with our fast-paced society, which furthermore proves the importance of the United States' amendments and the impact they have on our country and its citizens.

In cases like Schenck v. United States (1919), Minersville School District v. Gobitis (1940) and NAACP v. Button (1963), people challenged the meaning of the First Amendment's 45 words and put them under a magnifying. One right these cases did not examine was our freedom of religion, which was promised to citizens in the Bill of Rights. The freedom of religion, which suggests religious equality, sounds like a difficult promise to maintain with 70% of Americans identifying as part of the Christian religion (pewforum.org). The motto "In God We Trust" was officially made the American motto by President Dwight D. Eisenhower, who

was raised Lutheran, a branch of Protestant Christianity. With the words “In God We Trust” on US currency and as the national motto, it seems hard to believe that religious beliefs and traditions that are outside the traditional Christian faith are supported as equally as the First Amendment promises.

While keeping this in mind, we will visit the topic of prisoners being allowed or rejected the choice of a vegetarian/vegan option in jails across the United States. The argument here is that state penitentiaries are giving inmates a vegetarian meal only if it is for a specific religion, while they are not considering vegetarianism to be a religious belief in itself. While multiple states have differing views over this issue, my opinion remains unswayable: prisoners all across the country should be allowed to eat vegetarian or vegan during their stay at a jail, in accordance with their right of religious freedom.

California is the first state in America that has made it mandatory to have a vegan meal available to prisoners, no matter if the warden is familiar with their religion or not. California’s state senator Nancy Skinner said she received letters from inmates telling her they had to eat the only available vegan options from their given meal: crusts of bread and white rice, calling it a “scraps-only diet” (sanfrancisco.cbslocal.com). Skinner explained, “We really want people to be able to have the meal option of their religious, ethical or environmental choice or health choice, and we want to make sure our facilities honor that.” The author of the article explains how the bill will also make this go into effect in nursing homes and hospitals, furthermore proving how incredulous it is that the first time people have considered this is in 2018 (and the bill won’t be going into effect until January of 2019!). It is no surprise that California is the first state to have this though, with their government recently passing a law that demands pet stores to only sell dogs, cats and rabbits that come from shelters or non-profit organizations (CNN.com), which

will lead to a decrease in puppy mills and kitten factories. However, other states, like Oklahoma, do not share the same ideas and standards as California. The Oklahoma County Jail handbook only says two statements regarding both religion and dietary needs: “Medical or religious diet information can be answered through a request to staff. Any inmate with religious concerns about the meals can address those questions through a request to staff to the chaplain. Medical concerns will be addressed to medical about meals.” Are we to assume that the Oklahoma County Jail is including vegetarianism itself as a religious belief, or are they leaving those with a different diet to fend for themselves? It then states, “Religious requests are based on the religious preference stated during the intake process.” Is the former statement contradicting the latter with implying that concerns about food can be addressed during their stay while the latter states they will only accommodate diet based on religion stated in the intake process? Additionally, just because someone is a Christian, Hinduist or Atheist (beliefs that don’t make vegetarianism mandatory) does not mean they can also eat vegetarian or vegan during their time in jail? Lastly, would a prisoner not be allowed to turn over a new leaf with a new diet; one that promotes the ethical treatment of animals, no less?

You may still be wondering how refusing someone an animal-friendly meal is a violation of the first amendment. Jailhouse.org states that most judges can agree that, “your beliefs don’t have to be associated with a traditional or even an established religion to be “religious.”” The reasoning behind this is saying that while your vegetarianism/veganism may not be typical of your religion- whether that be the 227.9 million Christians, 2.23 million Hindus or 3.45 million Muslims in the US- they are beliefs nonetheless. With evidence closer to home, the Oklahoma Correctional Facility Handbook tells, “Any inmate that desires to receive a Kosher or Halal diet but is not a part of a religious faith designated in Attachment E entitled “Religions Authorized to

Receive a Kosher/Halal Diet”(included below) to receive this accommodation may request an exception to Attachment E.” While it is a relief that some religions are able to apply for a meat-free meal, what about strictly vegan food and the religions not listed? It goes on to say, “The request should contain the justification for the exception including any sacred text or faith tradition that calls for the requested diet and an outside religious authority of the inmate’s faith to verify their practice.” Not only is it asking for a specific text that states it is necessary in your faith for you to be meat-free, but it is also asking for a prisoner to track down a religious authority figure to guarantee their faith is real. You should not have to completely change your religion and do all of this work simply to eat a vegetarian meal, which usually cost the same or less than a regular meal. Along with Attachment E, below is the form prisoners have to fill out to be considered for having a vegetarian or vegan meal (Attachment C).

Attachment C
OP-030112

**Oklahoma Department of Corrections
Kosher/Halal Diet Request Form**

Inmate's Name	DOC Number
Inmate's Religion	Facility

Special/Religious Diets Available

Check the Appropriate Box:

- ☐ Kosher Diet
- ☐ Halal Diet

BY SIGNING BELOW THE INMATE AGREES THAT:

1. They will not consume or possess any food that is not consistent with the diet requested, regardless of the source of the food, unless they request and receive a diet change.
2. They understand that it may take up to 60 days before they can receive their diet. In addition, should they make a subsequent request to change diets they must wait 60 days to request a different diet.
3. They will not barter prepackaged Kosher or Halal meals.
4. They acknowledge and understand that not following the above guidelines may result in the following consequences:
 - 1st Violation: 30 day suspension of religious diet
 - 2nd Violation: 120 day suspension of the religious diet.
 - 3rd and subsequent Violations: 1 year suspension of the religious diet.
5. If suspended, the inmate must reapply for a Kosher or Halal diet upon completion of the suspension.

PREVIOUS VIOLATIONS: Number of previous violations: _____
Date of most recent violation: _____

Inmate's Signature	Date
--------------------	------

Chaplain Review

The chaplain will verify the inmate's religious practice and that the inmate's religion mandates a Kosher/Halal diet. The chaplain will approve Kosher/Halal diet requests in accordance with OP-030112 entitled "Religious Services."

☐ Approved ☐ Denied

Chaplain's Signature	Date
----------------------	------

Copies of "Incident Reports" documenting violations must be kept with this form for future reference.

Distribution: Chaplain
Food Service Supervisor
Unit Staff

(R 1/17)

You may notice that a violation in this contract leads to your Kosher or Halal diet being suspended for a month with one violation and a year suspension with three violations. Also, refer to the information listed at number five on Attachment C. It states that after suspended, a new application must be submitted to receive a Kosher/Halal diet once again; which could take up to two months, as listed in number two! Bold of the chaplain to say people's religious beliefs could be forbidden for up to 14 months just because the jail is trying to meet its violation quotas. Mainly, this document is ludicrous because it clearly contradicts what is mentioned in *Food Preparation, Service, and Delivery*, which is attached to Oklahoma Department of Correction's website. The policy states, "Food will not be withheld, nor the master menus varied as a disciplinary sanction." This strongly implicates the jails into looking like they are discriminating against Kosher, Halal and vegetarian inmates. Next, let's take a look at other religions that could be given a special diet meal per request via Attachment E:

Attachment E
OP-030112

**Oklahoma Department of Corrections
Religious Services Unit
Religions Authorized to Receive a Kosher/Halal Diet**

The following Religions are authorized to receive a Kosher or Halal Diet

- **House of Yahweh**
- **Islam**
- **Jewish**
- **Messianic Jewish**
- **Nation of Islam**

(R 10/16)

Sadly, this lists includes only five other faiths among the thousands of religions there are in the world.

In conclusion, this forbidding of vegetarian meals to those with religious beliefs outside of the aforementioned religions is a violation of their First Amendment right. The character of the United States would not be the same without the freedoms granted to U.S. citizens in the 29 amendments. This broken promise of the freedom of religion makes Oklahoma look poorly in others' eyes and takes "You're doing fine, Oklahoma" to a literal level. Oklahoma's infrastructure has increased with the MAPS project and other organizations that have made Oklahoma a place people want to visit. We want to continue this legacy by making others know how open-minded and accepting Oklahoma is, even to its prisoners. By making sure a vegan and vegetarian option is available to all prisoners whether the chaplain agrees with their religious beliefs or not, is just another step our government should take to putting Oklahoma on the right side of history.

Works Cited

- Cullinane, Susannah. "California Limits Pet Store Sales of Cats, Dogs and Rabbits to Rescue or Shelter Animals Only." *CNN*, Cable News Network, 30 Dec. 2018,
- "Freedom of Petition." *Bill of Rights Institute*, billofrightsinstitute.org/educate/educator-resources/landmark-cases/freedom-of-petition/.
- "Religion in America: U.S. Religious Data, Demographics and Statistics." *Pew Research Center's Religion & Public Life Project*, Pew Research Center's Religion & Public Life Project, 11 May 2015, www.pewforum.org/religious-landscape-study/.
- Steimle, Susie. "California To Offer Vegan Meal Option In Prisons." *CBS San Francisco*, CBS San Francisco, 27 Sept. 2018, sanfrancisco.cbslocal.com/2018/09/27/california-vegan-meal-option-prisons/.
- "Your Right to Practice Your Religion." *Jailhouse Lawyer's Handbook*, Center For Constitutional Rights, jailouselaw.org/your-right-to-practice-your-religion/
- <http://doc.ok.gov/websites/doc/images/documents/policy/030112ac.pdf>
- <http://doc.ok.gov/websites/doc/images/documents/policy/030112ae.pdf>
- <http://doc.publishpath.com/Websites/doc/images/Documents/Policy/op070202.pdf>
- <https://sheriff.oklahomacounty.org/DocumentCenter/View/85/Inmate-Handbook-EnglishPDF>