

THE OKLAHOMAN

RELIGION

Is it kosher? How one Jewish inmate's lawsuit led to changes in state prison meal program



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Published 7:00 a.m. CT June 30, 2022

The same law firm behind a high school football coach's high profile U.S. Supreme Court case represented a Messianic Jewish inmate who sued the Oklahoma Department of Corrections.

The First Liberty Institute, a Christian legal group that focuses on religious liberty cases, represented inmate Travis LeMarr Greer in a lawsuit regarding the corrections department's religious meal program.

First Liberty Institute and former Bremerton, Washington, high school football coach Joe Kennedy made headlines on Monday when the nation's top court ruled that Kennedy had a constitutional right to pray on the 50-yard line after football games.

Though Greer's case wasn't as well known as Kennedy's, Hiram Sasser, First Liberty Institute's executive general counsel, said the negotiated settlement earlier this year of the inmate's case makes it notable.

For one, the state agreed to pay Greer \$28,000 and his attorney \$10,000 as part of the settlement terms.

Sasser said just as significant were the reforms that resulted from the settlement. He said those policy changes beefed up the Oklahoma Department of Corrections' religious meals program to one of the best of these kinds of programs in the country.

Josh Ward, communications director for the department of corrections, said the department's kosher/halal program is for inmates who have special dietary restrictions due to their religious/spiritual beliefs. Some Jewish inmates follow a kosher meal diet, while

some Muslim inmates follow a halal diet. He said the prison system is required by law to offer the program.

Greer was an inmate at James Crabtree Correctional Center when he filed suit against the corrections department, complaining that he was unfairly removed from the kosher meal program and he wasn't given an opportunity to get back into the program. Sasser said prison officials removed Greer from the meal program when he consumed an iced tea and a cracker, food items they mistakenly considered a violation of the kosher meal program. The inmate said he was forced to consume non-kosher food, violating his faith, for 120 days because of prison officials' error.

Ward confirmed that Greer did file a complaint, but he declined to comment on the specifics of the case.

Sasser said Greer initially filed suit on his own behalf and attorney Brett Lilly joined the case when it reached the 10th Circuit Court of Appeals. Once the case was returned to the lower courts, Lilly joined the First Liberty Institute in pursuing the case. Sasser said Harvard Law School's Religious Freedom Clinic and the Oklahoma City law firm Spencer Fane joined the case.

Settlements and revising policies

According to the terms of the settlement, Greer was awarded \$28,000, while his attorney Lilly was awarded \$10,000. Sasser said the settlement, reached earlier this year, led to significant changes.

"They've revamped their entire policy structure on how they supervise the kosher meal plan, and really turned Oklahoma into one of the leading prisons systems in the country, when it comes to administering both the kosher and halal meal programs, even though the halal meal program wasn't part of the case," he said.

Ward said the corrections department now has specific policies in place regarding the kosher/halal meal program. He said in instances where an inmate is suspected to be in violation of the diet, a first offense results in being counseled by the facility chaplain. A second offense within a year results in a six-month probation period in which the inmate still receives religious meals.

Ward said if another violation occurs during the six-month probation period, the inmate can be removed from the religious meals program for nine months, after which they can apply to be reinstated. Ward said at every step in this process, inmates are allowed to file a formal grievance if they disagree that a violation has occurred.

Sasser said the policy reformation with clearer rules means Oklahoma's program went from being "one of the worst in terms of their policy and implementation to one of the best."

"It's really a great thing," he said.

The attorney said Greer's legal counsel expected to become embroiled in lengthy major litigation so they were pleased when Oklahoma Department of Corrections Director Scott Crowe helped settle the matter without further court battles and it became a "collaborative effort." Corrections department spokesman Ward said the department opted to settle the case to avoid protracted litigation.

"We got the sense that he wanted to find the right solution that complied with the Constitution and complied with Oklahoma state law because Oklahoma has a special provision called the Oklahoma Religious Freedom Restoration Act that provides religious liberty protections for all citizens,"

Faith in prison

According to the Messianic Jewish Alliance of America, Messianic Judaism is a Biblically based movement of people who, as committed Jews, believe in Jesus as the Jewish Messiah of Israel of whom the Jewish law and prophets spoke.

Sasser, a native Oklahoman, said he works out of First Liberty Institute's Plano, Texas, office. He said he's been working on religious law cases for 20 years and Greer's case was the first regarding an incarcerated individual. He said some people may not be sympathetic about an inmate's meals, but Greer, as a Messianic Jew following a kosher diet, deserved to have his religious liberty upheld.

"Taking care of people of faith and encouraging them to practice their faith tradition actually helps make them better citizens, in my opinion," he said. "Being as faith-friendly as possible in the prisons, and giving people opportunities to practice their faith in prisons, makes it is their best shot at rehabilitation, in my opinion."

A corrections department spokesman said a recent day's menu for kosher/halal meals included the following: Oatmeal, grapefruit or orange, milk, toast and margarine for breakfast. He said kosher bylaws state meat and milk cannot be served within the same meal. Lunch included tuna, mayonnaise, bread, tortilla chips, raisins and fortified fruit drink, while dinner was lasagna, mixed vegetables, salad, bread, margarine and fortified fruit drink.

Ward, upon learning about Sasser's positive remarks about the policy changes resulting from the settlement, said the corrections department believes in the rehabilitative aspects of inmates pursuing faith during a period of incarceration.

"This is why the agency goes to great lengths to meet the religious needs of those in its custody even though religious meals cost more than twice as much per inmate, per day, as standard meals," he said.

"Because of the added cost involved, there are rules to help deter any who may be insincere in their request for a religious diet. The agency has not surveyed the religious meal policies of every state, so it has no basis to state whether or not its religious meal program is one of the best in the country. However, the agency is more than confident the program is fair and meets all current legal standards."