

Case 9.

Early in the spring of 2006, self-professed Earth Liberation Front activist Eric Taylor McDavid was arrested and charged with conspiracy to blow up the Nimbus Dam and the nearby fish hatchery in Rancho Cordova, California, as well as a U.S. Forest Service genetics lab in Placerville, California. While awaiting trial, McDavid was held in the Sacramento County prison.

For the three years prior to his arrest, McDavid maintained a vegan diet. Early in March, McDavid embarked on a hunger strike and his attorney filed a federal lawsuit charging that the prison's refusal to provide McDavid with vegan meals constituted a violation of his civil rights. According to the lawsuit, "His (McDavid's) vegan diet is based upon his strongly, sincerely and firmly held beliefs, which are the same as a religious belief."

According to the Sacramento County Sheriff's department, a vegan diet is considered to be a lifestyle choice rather than a matter of religious belief or conscience. Even if these were on a par, the department makes dietary accommodations only for medical reasons, not for religious reasons, and makes additional food items available in the prison commissary for inmates to purchase to supplement their meals. Some of the trouble lies in determining what constitutes a religious belief for legal purposes. A Buddhist inmate seeking the provision of soy milk to supplement his meatless diet on the grounds that vegetarian meals are necessary to Buddhist religious practice won his case despite the fact that his beliefs were not shared nor considered essential by others in the Buddhist religion.

Even if it could be determined what constitutes a religious belief under federal law, there is disagreement over whether the prison system has responsibility for providing special meals at all. While denying three New York inmates their appeal for vegan meals on the grounds that vegan meals are central to their orthodox Jewish beliefs, the presiding judge said she did not question the sincerity of the inmates' religious beliefs, but agreed with the city's claim that a blanket policy of not providing vegan or vegetarian meals to any inmates was important to an efficient, cost-effective food program. The judge also noted that the inmates were managing on their current food availability, saying, "I am not saying it's been pleasant. I'm not saying it's been easy. I'm not saying it's been without effect, but they have tolerated it."

Similarly, Sacramento sheriff's officials said McDavid is free to discard what he finds inedible, and still get a diet that meets nutritional standards. Lt. Scott Jones said a dietitian has met with McDavid and determined that even if McDavid discards animal products from his daily meals, his diet meets his nutritional needs.

Mark Reichel, McDavid's attorney said, "This really is beneath the dignity of a society that calls itself civilized."

After over 100 days of incarceration Eric McDavid finally received his first vegan meal, which consisted of two peanut butter sandwiches, cooked vegetables, plain rice, fruit, carrot sticks, and salad.