Food as punishment: Vermont inmates sue over 'nutraloaf'

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MONTPELIER, Vt. - When shooting suspect Christopher Williams acted up in prison, he was given nutraloaf - a mixture of cubed whole wheat bread, nondairy cheese, raw carrots, spinach, seedless raisins, beans, vegetable oil, tomato paste, powdered milk and dehydrated potato flakes. Prison officials call it a complete meal. Inmates say it's so awful they'd rather go hungry.

On Monday, the Vermont Supreme Court will hear arguments in a class action suit brought by inmates who say it's not food but punishment and that anyone subjected to it should get a formal disciplinary process first.

Prison officials see nutraloaf as a tool for behavior modification. "It's commonplace in other states as a way of providing nutrition in a mechanism that dissuades inmates from throwing feces, urine, trays and silverware," said Vermont Corrections Commissioner Rob Hofmann. "It tends to have the desired outcome," Hofmann said. "Once the offender relents, we stop with the nutraloaf. That's our goal, to protect our staff and not have them subjected to behavior that the average Vermonter would find incomprehensible."

Seth Lipschutz, an attorney with Vermont's Prisoner's Rights office, says the state has a legitimate interest in changing the behavior of inmates who misbehave. But he says a diet of nutraloaf is punishment, plain and simple. To call it anything else is "playing with words to get what they want. It's wrong and it's sad," Lipschutz said. "If it's punishment, you've got to follow the rules," Lipschutz said. "Even in prison you get a little bit of due process."

Even Hofmann doesn't care for the taste of the stuff. "It reminded me of eating my vegetables and I'm not necessarily a big fan of vegetables," he said.

Nutraloaf and its equivalents have been used for decades in prisons across the country. In 1978, the U.S. Supreme Court ruled that a concoction used in Arkansas known as "grue" might be tolerable for a few days and intolerably cruel for weeks or months." A federal judge ruled in 1988 that the use of nutraloaf by the Michigan Department of Corrections was punishment.

Now, Michigan inmates are only given nutraloaf after going through the disciplinary process that lands them in segregation, department spokesman Russ Marlan said.

"It's done very infrequently, but it seems to accomplish its goal of preventing prisoners from using or abusing food or their containers in a way that could adversely affect our staff," Marlan said.

The National Prison Project of the American Civil Liberties Union gets occasional inmate complaints about nutraloaf, but the issue hasn't been involved in the group's litigation in years. "Our position is that it shouldn't be used unless a violation has to do with food. It shouldn't be used as punishment," said the Prison Project's Public Policy Coordinator Jody Kent. "And even in those circumstances, they have to make sure it won't put at risk their health."

Vermont Assistant Attorney General Kurt Kuehl, who will argue the case for the Department of Corrections, said the use of nutraloaf isn't punishment. Instead, Kuehl said, it's as if a correctional officer were to find an inmate with a knife. He wouldn't have to hold a hearing to take the knife away. "It's taking an administrative action to protect the facility," said Kuehl. Afterward, the inmate can be subject to a separate disciplinary hearing for the conduct that led to being fed nutraloaf.

Most Vermont inmates given nutraloaf have used their eating utensils to throw body waste. Nutraloaf, however, is served on a simple piece of paper, removing from the inmate's reach the utensils that can be used to store the waste before it is thrown.

Hofmann said Vermont prisons average about one nutraloaf episode a month.

Christopher Williams, 29, who is charged in a 2006 school shooting that killed two people in Essex, was given nutraloaf after he'd assaulted guards and smeared excrement in his cell. Since then, his name hasn't appeared on the list of inmates given nutraloaf. "His name was nowhere to be found," Hofmann said. "I presume it was effective."