

## ***Sasnett vs Sullivan and the Ethos of the American Prison System***

By: Michael Krensavage

Modern discourse around the reform or abolition of the American prison system has forced the informed citizen to reexamine the purpose of prison itself. What benefit does imprisoning those who violate our rules yield for society? On a theoretical level, the exact values behind the various prison systems of the world can't be pinned down, but I can identify four values that hold near universal value: retribution, imbuing the victim(s) of a crime with a sense of justice and contentment; incapacitation, preventing individuals who are known to be both capable and willing to break the law from doing it again; deterrence, persuading citizens to not commit crimes in order to avoid punishment; and rehabilitation, providing incarcerated individuals with the resources to improve as people so that they don't commit these same crimes again. Prison abolitionists often cite the United States' prison system's failure to fulfill this final responsibility, rehabilitation, as an argument to completely discard the current system. Prisons do not exist to pursue these philosophical values alone (nor does anything), – the hidden factor of profit undoubtedly motivates the prison industrial complex which generates over 4 billion dollars annually<sup>1</sup> – but the values that the collective consciousness of a society imbue onto its prison systems do inform how the system operates. Being that United States law and policy attempts to shape its systems based on the society's cultural consciousness, we can assess the most prioritized values of the American prison system through an assessment of the laws that govern it.

*Sasnett vs Sullivan* (1996) is a case surrounding religious expression and prisoners' rights that was ruled upon by judge Barbara Crabb of the United States District Court for the Western District of Wisconsin. The plaintiffs, represented by Sasnett, argue against the legality of regulations established by a prison that banned its prisoners from wearing necklaces with crosses and limited their property ownership to 25 books, which pushed some prisoners to give up religious texts. Their primary contention is the following: "The enforcement of these procedures violates their rights 1) to free exercise of religion under the First Amendment, by substantially burdening their exercise of religion using a means not rationally related to a legitimate

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<sup>1</sup> Haberman, Clyde. "For Private Prisons, Detaining Immigrants Is Big Business." *New York Times*. Last modified October 1, 2018. Accessed March 1, 2024. <https://www.nytimes.com/2018/10/01/us/prisons-immigration-detention.html>.

governmental purpose; 2) to free exercise of religion under the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb, by imposing a substantial burden on their practice of religion, in the absence of a compelling governmental interest and without using the least restrictive means of furthering a governmental interest; and 3) to due process under the Fourteenth Amendment by restricting their liberty interest in religious materials and items without affording plaintiffs the process due such deprivation.”<sup>2</sup> The half of the case dealing with book ownership is relatively simple. The prison claims a compelling interest in limiting the property ownership of prisoners in order to reduce fire hazards, and owning 25 books at a time is not particularly limiting for those primarily interested in religious texts. Even if the limit of 25 was not enough, prisoners were offered the possibility of donating their books to the prison’s library system and then renting them out. In short, the 25 book rule did not significantly infringe on the rights to religious freedom afforded by American law.<sup>3</sup>

The case in regards to the prisoners wearing their chains is much more contentious. The defendants state that the ‘compelling governmental interest’ (as cited in the Religious Freedom Restoration Act, or RFRA) required to justify this law originates from the desire to restrict violence and gang affiliation, as necklaces can be used to signal gang affiliation to other prisoners and even presents danger of strangling.<sup>4</sup> The plaintiffs’ main argument also falls primarily under interpretation of RFRA. While the rules and sacred texts of Christianity do not literally obligate wearing a cross around one’s neck, it does fall under the category of an action ‘motivated by sincere religious belief,’ which is protected by RFRA. The next step in the case is thus to determine whether the regulation preventing prisoners from wearing crosses is a ‘substantial burden’ to their religious practice. Crabb decides that it is, citing how several of the plaintiffs represented by Sasnett were significantly empowered to exercise their religion thanks to their crucifixes: “Plaintiffs wore their crosses at all times (except for plaintiff Miller who took her cross off when she bathed) because of sincere, religious beliefs that the crosses helped them to advance their faiths. Sasnett is a chapel employee who wants to become a minister; he wore his cross as a continuous reminder of his faith. Smith is a participant in prison bible study and a chapel band, who believes that the cross helps him to get to know God and deal with other people better. Miller feels closer to God when she wears her cross.”<sup>5</sup> With this substantial burden established, the case becomes a judgment call. Is the defendants’ ‘compelling governmental

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<sup>2</sup> Sasnett v. Sullivan, 908 W.D. (US District Court for the Western District of Wisconsin Jan. 9, 1996). Accessed March 1, 2024. <https://law.justia.com/cases/federal/district-courts/FSupp/908/1429/1457544/>.

<sup>3</sup> Sasnett v. Sullivan, 908 W.D. (US District Court for the Western District of Wisconsin Jan. 9, 1996). Accessed March 1, 2024. <https://law.justia.com/cases/federal/district-courts/FSupp/908/1429/1457544/>.

<sup>4</sup> Sasnett v. Sullivan, 908 W.D. (US District Court for the Western District of Wisconsin Jan. 9, 1996). Accessed March 1, 2024. <https://law.justia.com/cases/federal/district-courts/FSupp/908/1429/1457544/>.

<sup>5</sup> Sasnett v. Sullivan, 908 W.D. (US District Court for the Western District of Wisconsin Jan. 9, 1996). Accessed March 1, 2024. <https://law.justia.com/cases/federal/district-courts/FSupp/908/1429/1457544/>.

interest' in reducing prison violence strong enough to justify the burden placed on the prisoners and their ability to practice their religion?

This gray area is where the theoretical purpose of prisons enters the conversation. One operating from a perspective focused on deterrence and retribution might argue that enduring a burden on one's ability to express themselves religiously is a necessary punishment of the system. In order for prison to sufficiently deter people from committing crimes and make victims feel as if justice has been served, it must be a negative experience. This includes reduced access to one's rights, which is already an established and accepted consequence of incarceration.<sup>6</sup> One approaching prison with the aim of rehabilitation, however, would view this case entirely differently. In my opinion, the most interesting quote from the above description of the ways in which the plaintiffs felt their crucifixes enabled their connections with God is in reference to Lonnie Smith, who asserts that his cross not only enabled him to connect with God

but also to interact more positively with other people. Smith's faith is clearly a crucial aid to his rehabilitation. Any prison system interested in allowing the incarcerated to develop as people so that they can live fulfilling, socially productive lives on the other side must value this quote to a high degree.

Crabb ultimately sides with the plaintiffs, citing the fact that the ban on crosses was not the least invasive means of restriction, which is required of any regulation that substantially burdens one's ability to express themselves religiously. While Crabb does not make any explicit suggestions for a less restrictive regulation, she does reference a compromise proposed by the plaintiffs in which prisoners would be enabled to wear their crosses under their shirts but not over.<sup>7</sup> Crabb also makes no explicit mention of the rehabilitative or punitive purposes of prison, but her decision sets a judicial precedent in its respect for the rights of prisoners. Each precedent informs the purpose of the American prison system, and Crabb's decision to reinforce the rights of prisoners to religious expression supports an optimistic narrative about the purpose of prison: by passing and ruling upon legislation that emphasizes the humanity and agency of prisoners, the American prison system can mend itself by becoming more conducive to rehabilitation.

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<sup>6</sup> Find Law. Last modified July 19, 2022. Accessed March 1, 2024.

<https://constitution.findlaw.com/amendment1/free-speech-rights-of-prisoners.html#:~:text=Inmates%20lose%20their%20right%20to,of%20their%20First%20Amendment%20rights>.

<sup>7</sup> *Sasnett v. Sullivan*, 908 W.D. (US District Court for the Western District of Wisconsin Jan. 9, 1996). Accessed March 1, 2024. <https://law.justia.com/cases/federal/district-courts/FSupp/908/1429/1457544/>.