

22-30686

IN THE
United States Court of Appeals
FOR THE FIFTH CIRCUIT

DAMON LANDOR,

Plaintiff-Appellant,

—v.—

LOUISIANA DEPARTMENT OF CORRECTIONS AND PUBLIC SAFETY;
JAMES M. LEBLANC, IN HIS OFFICIAL CAPACITY AS SECRETARY
THEREOF, AND INDIVIDUALLY; RAYMOND LABORDE CORRECTIONAL
CENTER; MARCUS MYERS, IN HIS OFFICIAL CAPACITY AS WARDEN
THEREOF, AND INDIVIDUALLY; JOHN DOES 1-10; ABC ENTITIES 1-10,

Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

**BRIEF OF *AMICI CURIAE* 19 RELIGIOUS ORGANIZATIONS
IN SUPPORT OF APPELLANT'S PETITION
FOR REHEARING *EN BANC***

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SUPPLEMENTAL CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record for *amici curiae* certifies that, in addition to those listed in Appellant's Certificate of Interested Persons, the following listed persons and entities as described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

Amici:

1. Campus Ministry of Roman Catholic Archdiocese of New York at Hostos and Bronx Community College of City University of New York
2. Council of American-Islamic Relations – Michigan Chapter (CAIR-MI)
3. Central Conference of American Rabbis (CCAR)
4. Congregation Shaarei Shamayim
5. East End Temple
6. El Paso Monthly Meeting of the Religious Society of Friends
7. Interfaith Center of New York (ICNY)
8. Men of Reform Judaism
9. Muslim Advocates
10. Muslim Bar Association of New York
11. Muslim Public Affairs Council

12. Muslim Urban Professionals
13. Peace and Social Justice Committee of the Santa Fe Monthly Meeting of Friends (Quakers)
14. Social Action Committee of the First Unitarian Universalist Church of Austin (TX)
15. T'ruah: The Rabbinic Call for Human Rights
16. Union for Reform Judaism
17. Unitarian Universalist Mass Action Network
18. Unitarian Universalist Service Committee
19. Women of Reform Judaism

None of *amici* have any parent corporations and no publicly held company owns 10% or greater ownership in any of *amici*.

Counsel for Amici: Adeel A. Mangi and Jacob I. Chefitz, both of Patterson Belknap Webb & Tyler LLP.

Date: October 19, 2023

/s/ Adeel A. Mangi
ADEEL A. MANGI

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INTEREST OF *AMICI CURIAE*¹

Amici are American religious or religiously affiliated organizations representing a wide array of faiths and denominations. Led by the Muslim Bar Association of New York, *amici* include congregations and houses of worship, as well as professional groups that work with or represent faith communities (“Religious Organizations”). A full list of *amici*, including a description of their identities and interests, is attached as Appendix A.

Amici have a unique appreciation of the potential dangers posed to disfavored religious groups by state officials. They therefore have an interest in ensuring that the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) is properly interpreted to allow anyone whose religious freedom has been unlawfully burdened to seek the full panoply of remedies authorized by the statute, including money damages against individual officers. As explained further, absent such damages, RLUIPA violations in state institutions have gone entirely unremedied.

¹ Consistent with Federal Rule of Appellate Procedure 29(a)(4)(E), *amici* state that no counsel for a party authored this brief in whole or in part, and no person or entity, other than *amici* and their counsel, has contributed money that was intended to fund preparing or submitting this brief.

Amici have a clear interest in ensuring that robust enforcement mechanisms are in place to prevent RLUIPA from becoming an empty promise.

SUMMARY OF ARGUMENT

The availability of money damages against individual officers is crucial to vindicating the rights guaranteed to religious adherents under RLUIPA. Both RLUIPA and its “sister statute,” the Religious Freedom Restoration Act of 1993 (RFRA) were enacted to provide broad protection to the free exercise of religion, including by providing a cause of action to obtain “appropriate relief” for any violation of them. In *Tanzin v. Tanvir*, 141 S. Ct. 486, 492 (2020), the Supreme Court made clear that, for RFRA, such “appropriate relief” includes damages against federal officials in their individual capacities. That reasoning applies equally to damages against state officials in their individual capacities under RLUIPA.

Money damages are essential to vindicating rights under statutes like RLUIPA. Money damages compensate the plaintiff for the injury incurred; they deter future wrongdoers; and they vindicate the legal rights of the plaintiff. That is why damages have long been considered appropriate relief against state officials who violate individuals’ rights, and RLUIPA is no different.

Money damages are also essential because, in many cases, injunctive relief is unavailable, leaving egregious violations of RLUIPA

unremedied. Inmates suing under RLUIPA often are released or transferred by the time their claims are adjudicated and therefore have no injunctive claims. Or the government may stop its challenged conduct when faced with legal challenge and thereby evade judicial scrutiny by mooting the injunctive claim. These concerns are not idle fears. As demonstrated in this case and many others, inmates of a variety of faiths, including Rastafarians, Muslims, and Jews, have had their religious liberty violated in state institutions but, without money damages available, have received no “appropriate relief.” Money damages are necessary to ensure compensation for the deprivation of legally guaranteed rights, deterrence of officials from engaging in unconstitutional behavior, and the vindication of rights that have played a central role in the history of the United States.

ARGUMENT

I. MONEY DAMAGES ARE ESSENTIAL TO VINDICATING THE RIGHTS GUARANTEED BY RLUIPA

RLUIPA and RFRA are crucial safeguards of the right to freely practice one’s religion, whether in a house of worship or in a state prison. As the Supreme Court has repeatedly stressed, both statutes “provide very broad protection for religious liberty.” *Holt v. Hobbs*, [574 U.S. 352](#),

356 (2015) (quoting *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 693 (2014)). And to give teeth to that protection, both statutes expressly create a private right of action to “obtain appropriate relief against a government” that violates a person’s rights under either statute. See 42 U.S.C. § 2000bb-1(c) (RFRA); *id.* § 2000cc-2(a) (RLUIPA). As a unanimous Supreme Court made clear in *Tanzin*, such “appropriate relief” must include money damages against officers in their individual capacities. See 141 S. Ct. at 493.

That holding should be unsurprising. Money damages are “commonly available against state and local government officials,” *id.* at 491, and they are essential to vindicating the rights guaranteed by RLUIPA for at least three reasons.

First, “damages [are] an instrument of corrective justice, an effort to put plaintiff in his or her rightful position.” Dan B. Dobbs & Caprice L. Roberts, *Law of Remedies: Damages—Equity—Restitution* § 3.1 at 215 (3d. ed. 2017) (hereinafter, *Law of Remedies*). Where a person violates the legal rights of another and causes injury, a factfinder awards damages to right the wrong done to the plaintiff by the defendant. See Dan B. Dobbs, Paul T. Hayden & Ellen M. Bublick, *The Law of Torts* § 11

at 19-20 (2d ed. 2011); *see also* 4 Fowler Harper, Fleming James, Jr., & Oscar S. Gray, *Harper, James and Gray on Torts* § 25.1 at 1299 (2007) (“The cardinal principle of damages in Anglo-American law is that of *compensation* for the injury caused to the plaintiff by defendant’s breach of duty.” (emphasis in original)).

Second, damages deter future violations. *See Law of Remedies* § 3.1 at 216 (a “damages judgment can provide an appropriate incentive to meet the appropriate standard of behavior”). Damages, a cost to the liable defendant, raise the price of unlawful conduct and make it less attractive to potential wrongdoers. *See Owen v. City of Indep., Mo.*, 445 U.S. 622, 651-52 (1980) (“The knowledge that a municipality will be liable for all of its injurious conduct [in a Section 1983 suit], whether committed in good faith or not, should create an incentive for officials who may harbor doubts about the lawfulness of their intended actions to err on the side of protecting citizens’ constitutional rights.”).

Third, damages vindicate the legal rights of the plaintiff. This rationale has a deep historical basis; many writs “[i]n the early Republic” enabled “individuals to test the legality of government conduct” through suits against officers for money damages. *Tanzin*, 141 S. Ct. at 491

(quoting James E. Pfander & Jonathan L. Hunt, *Public Wrongs and Private Bills: Indemnification and Gov't Accountability in the Early Republic*, 85 N.Y.U. L. Rev. 1862, 1871-75 (2010)). In this way, damages are a “vital component of any scheme for vindicating cherished constitutional guarantees.” *Owen*, 445 U.S. at 651.

For these reasons, particularly “[i]n the context of suits against Government officials, damages have long been awarded as appropriate relief.” *Tanzin*, 141 S. Ct. at 491. This is true of claims under § 1983, as well as its precursor. *See id.* at 491-92 (citing cases). It is also true of RFRA, which provides “at least the same avenues for relief against officials” as previously available under § 1983, and even “uses the same terminology as § 1983 in the very same field of civil rights law.” *Id.* at 490, 492. RLUIPA—RFRA’s “sister statute”—should be interpreted no differently, as it was enacted to “allow prisoners to seek religious accommodations pursuant to the same standard as set forth in RFRA.” *Holt*, 574 U.S. at 356, 358 (quoting *Gonzales v. O Centro Espírita Beneficente União do Vegetal*, 546 U.S. 418, 436 (2006)). The panel’s contrary decision cannot stand.

II. INJUNCTIVE RELIEF ALONE IS INSUFFICIENT TO VINDICATE THE RIGHTS OF RELIGIOUS MINORITIES UNDER RLUIPA

As with RFRA, damages are sometimes “the *only* form of relief that can remedy” RLUIPA violations, because “[f]or certain injuries . . . effective relief consists of damages, not an injunction.” *Tanzin*, 141 S. Ct. at 492 (emphasis in original). This has been true in many cases where religious inmates have had their RLUIPA rights egregiously violated.

Often, inmates are transferred or released before their RLUIPA claims are adjudicated, mooted any injunctive relief. Consider the facts here. Mr. Landor informed a guard and the warden of Raymond Laborde Correctional Center that he is a practicing Rastafarian and, as such, “maintained long hair in accordance with his religious beliefs.” ROA.55. Mr. Landor alleged that he even presented a RLCC guard with a copy of *Ware v. Louisiana Department of Corrections*, 866 F.3d 263 (2017), in which this Court held that the Louisiana Department of Correction’s policy of prohibiting dreadlocks, as applied to a Rastafarian like Mr. Landor, violates RLUIPA. *Id.* at 274; ROA.21. The guard simply threw it away. ROA.21. Then, at the warden’s direction, officers forced Mr. Landor into a room, handcuffed him, and forcibly shaved him completely

bald. ROA.55. The warden and officers had no compelling reason to cut Mr. Landor's hair; indeed, Mr. Landor alleged that a different facility had found a way to accommodate his Rastafarian beliefs and had never forcibly cut his hair. ROA.20-21.

Mr. Landor thus alleged a clear and egregious violation of his religious liberty by the RLCC warden and officers. But because Mr. Landor has been released from confinement, he can no longer seek injunctive relief. Money damages against the officers therefore are the only "effective relief" for the violation of his religious freedom. *See Tanzin*, 141 S. Ct. at 492.

Mr. Landor's plight has in fact been shared by many other members of minority faiths throughout the country. In *Banks v. Dougherty*, Larry Banks and Walter Carlos, two practicing Muslims who had been involuntarily committed at Chicagoland's Elgin Mental Health Center, were denied "the right to attend Jumu'ah services," and Banks, in particular, was denied "a halal diet and sufficient food to fast during Ramadan." *See* 2010 WL 747870, at *1-2 (N.D. Ill. Feb. 26, 2010). Because they were no longer committed at Elgin, only money damages could have vindicated their rights under RLUIPA. Yet the court

dismissed their claims for money damages, leaving them with no “appropriate relief” despite RLUIPA’s provision to the contrary. *Id.* at *5; *see also Banks v. Sec’y Pennsylvania Dep’t of Corr.*, 601 F. App’x 101, 103 (3d Cir. 2015) (holding that Muslim inmate who had been transferred to a new facility within the Pennsylvania prison system could not assert a RLUIPA claim against prior-facility’s officials who had restricted his use of prayer oils during services and his participation in the feasts of Eid al-Fitr and Eid al-Adha); *Al Saud v. Lamb*, 2020 WL 1904619, at *5 & n.6 (D. Ariz. Apr. 17, 2020) (dismissing claims under RLUIPA brought by a practicing Muslim who was not provided a halal diet in prison and whose claim for injunctive relief was mooted by his transfer from the facility).

The same result befell Scott Rendelman, an Orthodox Jew who, while incarcerated in a Maryland prison, lost 30 pounds after prison officials categorically refused to accommodate his request for a kosher diet. *See Rendelman v. Rouse*, 569 F.3d 182, 184-85 (4th Cir. 2009). Mr. Rendelman, too, was left with “no appropriate relief,” because he had been transferred from the Maryland prison system to federal custody—mooting injunctive relief—and the court interpreted RLUIPA as not

permitting claims for money damages. *See id.* at 187-88; *see also Mitchell v. Denton Cnty. Sheriff's Off.*, [2021 WL 4025800](#), at *8 (E.D. Tex. Aug. 6, 2021), *report and recommendation adopted*, [2021 WL 3931116](#) (E.D. Tex. Sept. 1, 2021) (denying monetary relief under RLUIPA to Jewish inmate deprived of kosher food and no longer in the facility); *Harris v. Schriro*, [652 F. Supp. 2d 1024, 1029](#) (D. Ariz. 2009) (same).

Prison officials have also mooted injunctive relief by simply changing their practices and thereby mooting any requested injunctive relief. Consider the case of Alphonse Porter, who was previously confined at the Louisiana State Penitentiary. *See Porter v. Manchester*, [2021 WL 389090](#), at *1 (M.D. La. Jan. 4, 2021), *report and recommendation adopted*, [2021 WL 388831](#) (M.D. La. Feb. 3, 2021). Mr. Porter, a Rastafarian, alleged in his verified complaint that prison leadership ordered officers “to use a chemical agent and other malicious and sadistic tactics if [Mr. Porter] did not renounce his religious beliefs.” *Id.* at *2. Mr. Porter further alleged that the officers escorted him to a lobby and “threatened to harm [him] if he did not cut his hair and shave his beard and surrounded [him] in a threatening manner.” *Id.* After Mr. Porter kneeled and began praying, an officer (Major Voorhies) “hit [Mr. Porter]

in his side twice with a chair[,] . . . stood over [Mr. Porter], threatened to kill him, jerked [Mr. Porter] up from the floor, grabbed [Mr. Porter] by the throat and slammed him against a concrete wall.” *Id.* A second officer (Damon Turner) “then grabbed [Mr. Porter] and slammed him to the floor causing [Mr. Porter] to hit his head and become dizzy.” *Id.* Major Voorhies, straddling Mr. Porter, then struck Mr. Porter in the mouth with clippers, “causing [Mr. Porter’s] mouth to bleed and resulted in two chipped and loose teeth.” *Id.* And it only got worse:

Voorhies then pushed the blades of the clippers into [Mr. Porter’s] face causing him to bleed while Voorhies shaved one patch of facial hair on each side of [Mr. Porter’s] face. [Mr. Porter] was again hit with the clippers by Voorhies on the side of the head, then Voorhies forcefully cut a large patch of hair on both sides of [Mr. Porter’s] head.

While [Mr. Porter’s] hair and beard were being shaved, defendant Turner stood on [Mr. Porter’s] wrist and waist chain cuffs causing [Mr. Porter] to scream out in pain. Defendant [Captain Juan] Manchester stood by watching and laughing. Defendant [Col. Trent] Barton looked in from the disciplinary court room and stated, “There is a lot more of that to come” if [Mr. Porter] “didn’t believe in the defendants as Gods.”

Id. Ten days later, after “notic[ing] that [Mr. Porter] still had patches shaven out of his hair and beard,” the defendants “sprayed [Mr. Porter]

with an excessive amount of chemical agent and was not allowed to decontaminate.” *Id.*

Nevertheless, Mr. Porter was denied all recourse under RLUIPA. The district court found that injunctive relief was moot because Louisiana had subsequently changed its policy to allow religious exemptions to prison grooming standards. *Id.* at *5. As for money damages, the district court held that RLUIPA does not authorize such damages against officers in either their official or individual capacities. *Id.* at *4. That is a perversion of RLUIPA’s guarantee of all “appropriate relief.”

Mr. Porter’s case is not a one-off. In *Haight v. Thompson*, a Kentucky prison denied Randy Haight and Gregory Wilson access to visiting clergy members. [763 F.3d 554, 560](#) (6th Cir. 2014). But, because the court held that money damages were unavailable under RLUIPA, the prison successfully evaded Mr. Haight’s and Mr. Wilson’s RLUIPA claim just “by altering its policy” with respect to clergy visits. *Id.* at 568; *see also Pilgrim v. New York State Dep’t of Corr. Servs.*, [2011 WL 6031929](#), at *4 (N.D.N.Y. Sept. 1, 2011), *report and recommendation adopted*, [2011 WL 6030121](#) (N.D.N.Y. Dec. 5, 2011) (RLUIPA claim by Rastafarian who

was disciplined for his dreadlocks dismissed as moot because of prison system's later change in policy regarding dreadlocks).

Such cases are all too common and fly in the face of RLUIPA's "very broad protection for religious liberty," *Holt*, 574 U.S. at 356, and its express provision of "appropriate relief" for *any* violation of it, 42 U.S.C. § 2000cc-2(a). Such appropriate relief must include money damages, and without such a remedy, prison officials will only continue to evade accountability for violations of inmates' religious liberty. The panel's contrary decision warrants rehearing *en banc*.

CONCLUSION

For these reasons, *amici* urge the Court to grant Landor's petition for rehearing *en banc*.

Date: October 19, 2023

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limit of Federal Rule of Appellate Procedure 29(b)(4) because it contains 2,587 words, excluding the portions exempted by Federal Rule of Appellate Procedure 32(f).

This brief also complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5) because it was prepared using Microsoft Word in Century Schoolbook 14-point font, a proportionally spaced serif typeface.

/s/ Adeel A. Mangi
Attorney for *Amici Curiae*

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2023, I electronically filed the foregoing Brief of *Amici Curiae* of 19 Religious Organizations using the CM/ECF system, which will send notification of such filing to all parties of record. I further certify that I will cause paper copies of this brief to be received by the Clerk within seven days of the Notice of Docket Activity generated upon acceptance of the brief, in compliance with Circuit Rule 31.

/s/ Adeel A. Mangi
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APPENDIX A

IDENTITY AND INTERESTS OF *AMICI*

1. Campus Ministry of Roman Catholic Archdiocese of New York at Hostos and Bronx Community College of City University of New York

The Catholic Campus Ministry and Interfaith Department has been funded by the Roman Catholic Archdiocese of New York since the 1970's. We strongly believe that prisoners and other incarcerated persons should be free to exercise their religious freedoms according to their beliefs. It would cause great harm if prisoners were left with no recourse for egregious violations of their religious freedoms.

2. Council on American-Islamic Relations – Michigan Chapter (CAIR-MI)

The Council on American-Islamic Relations Michigan Chapter (CAIR-MI) is a nonprofit 501(c)(3) grassroots civil rights and advocacy group. The organization is affiliated with America's largest Islamic civil liberties group, CAIR, whose headquarters is located in Washington D.C. CAIR-MI's mission is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims and build coalitions that promote justice and mutual understanding through education, mediation, media and the law. CAIR-MI has been serving the entire state of Michigan since 2000 with an emphasis on Metro Detroit, Flint/Saginaw, Ann Arbor/Jackson, Lansing, Kalamazoo/Battle Creek, and Grand Rapids/Muskegon. Through media and government relations, education and advocacy, CAIR-MI puts forth an Islamic perspective to ensure the Muslim voice is represented. In offering this perspective, CAIR seeks to empower the American Muslim community and encourage their participation in political and social activism. CAIR-MI serves as a credible voice for Michigan Muslims, and has been present in most, if not all, forms of local media and multiple international media outlets. CAIR-MI provides a more accurate image of Islam and Muslims and well-informed dissemination of American Muslim views to public audiences.

We add our voice to those asking the court to recognize money damages for violations of the religious freedoms of prisoners and other incarcerated persons.

3. Central Conference of American Rabbis (CCAR),

The Central Conference of American Rabbis (CCAR), whose membership includes more than 2,000 Reform rabbis, comes to this issue out of a commitment to religious freedom. The Court must affirm our nation's founding promise to protect the rights of religious expression from undue state interference. Americans of all faiths must be free to follow the dictates of their conscience.

4. Congregation Shaarei Shamayim

Congregation Shaarei Shamayim is a growing, open, pluralistic congregation of 190 households located in Madison, Wisconsin. We believe that Judaism is a means for bringing justice, holiness, and joy to our world. We are building Jewish community rooted in creativity and authenticity, and we are reimagining the possibilities for Jewish life, identity, and community. Working for social justice is one of our core values. We are inspired by Jewish tradition to fight for a sustainable world, care for the vulnerable, and create racial and economic justice. We engage in programs to keep up on current issues, partner with community organizations to amplify our voices, and get involved in efforts to make our city, region, and world a better place for everyone. We believe in religious pluralism, and therefore support the rights of everyone to worship according to their own beliefs. We have a long history of supporting prisoners, and reintegrating those released from prison into society through the participation of our members in Circles of Support. We have filed *amicus* briefs before various courts across this nation in support of the religious freedoms of persecuted minorities. Recently, we were part of a coalition of religious organizations that filed an *amicus* brief urging the U.S. Supreme Court to recognize the availability of money damages against officials in their individual capacity under RFRA.

5. El Paso Monthly Meeting of the Religious Society of Friends

The El Paso (Texas) Monthly Meeting of the Religious Society of Friends is a Quaker religious group. Early members of our denomination were subject to legal punishment in Britain and New England, including imprisonment, harsh physical punishments, and even state sanctioned death. Out of these early experiences, we have developed an abiding interest in just and humane treatment of those imprisoned and in freedom of religion.

6. East End Temple

The East End Temple is a Reform Jewish congregation located in lower Manhattan in New York City that is dedicated to protecting the most vulnerable in our society. The congregation is committed to ensuring that the rights all individuals—including and especially the right to freely practice their faiths—is adequately protected.

7. The Interfaith Center of New York (ICNY)

The Interfaith Center of New York (ICNY) is a secular non-profit organization with a mission to “overcome prejudice, violence, and misunderstanding by activating the power of the city’s grassroots religious and civic leaders and their communities.” Over the course of 25 years, ICNY has built the most religiously-diverse and civically-engaged network of grassroots and immigrant religious leaders across the five boroughs of Manhattan, Queens, Brooklyn, Staten Island and The Bronx. These include Muslim, Sikh, Hindu, Buddhist, Christian, Jewish, Afro Caribbean, and Native American New Yorkers who have either attended one or more of our social justice retreats, participated in our religious diversity education programs for social workers, teachers, lawyers, and NYPD officers, or joined multi-faith advocacy work on immigration and religious freedom. Through our advocacy work, ICNY helps New Yorkers and others build relationships of mutual respect and understanding across faith lines. We give people the tools they need to participate in the civic life of our multicultural democracy. Our organization stands with

efforts to ensure that federal laws protecting religious freedom, such as RLUIPA, are properly interpreted to allow for the maximum range of legal remedies.

8. Men of Reform Judaism

The Men of Reform Judaism comes to this issue out of a commitment to religious freedom. The Court must affirm our nation's founding promise to protect the rights of religious expression from undue state interference. Americans of all faiths must be free to follow the dictates of their conscience.

9. Muslim Advocates

Muslim Advocates, a national legal advocacy and educational organization, works on the frontlines of civil rights to guarantee freedom and justice for Americans of all faiths. In 2019, Muslim Advocates published a report on religious accommodations available to incarcerated Muslims. *See* Muslim Advocates, Fulfilling the Promise of Free Exercise for All: Muslim Prisoner Accommodation in State Prisons 47–48 (July 2019).² Muslim Advocates is currently working on creating a resource to assist incarcerated persons and their advocates with challenging policies that fail to accommodate religious practices. The issues at stake in this case directly relate to Muslim Advocates' work fighting institutional and religious discrimination against incarcerated Muslims and other marginalized communities.

10. Muslim Bar Association of New York (“MuBANY”)

MuBANY is one of the nation's largest and most active professional associations for Muslim lawyers. MuBANY provides a range of services for the legal and larger Muslim community. One of MuBANY's missions is to improve the position of the Muslim community in American society.

² https://muslimadvocates.org/wp-content/uploads/2019/07/FULFILLING-THE-PROMISE-OF-FREE-EXERCISE-FOR-ALL-Muslim-Prisoner-Accommodation-In-State-Prisons-for-distribution-7_23-1.pdf

MuBANY seeks to support the Muslim community by educating the community, advancing and protecting the rights of Muslims in America, and creating an environment that helps guarantee the full, fair and equal representation of Muslims in American society. We believe that prisoners and other incarcerated persons should be able to exercise their religious beliefs freely. Prisoners from all faiths and communities have unfortunately had their religious freedoms violated egregiously by state prison personnel who have refused, for no compelling reason, to accommodate their religiously prescribed diets, clothes, and other important aspects of their faith. Too often, prison officials are able to escape any liability by transferring the affected prisoners or by changing their practices at the last minute. In the past, we urged courts to recognize a damages remedy against officials in their individual capacity under RFRA, including before the U.S. Supreme Court in *Tanzin v. Tanvir*. We urge this Court to do the same for RLUIPA and vindicate Mr. Landor's right to religious freedom.

11. Muslim Public Affairs Council (“MPAC”)

The MPAC is a national public affairs nonprofit organization working to promote and strengthen American pluralism by increasing understanding and improving policies that impact American Muslims. Over the past 30 years, MPAC has built a reputation for being a dynamic and trusted American Muslim voice for policymakers, opinion shapers, and community organizers across the country. We design and execute innovative and effective legislative, strategic messaging, and issue advocacy campaigns. MPAC leverages relationships with legislators, government agencies, executive departments, and thought leaders to improve policies on national security, civil liberties, immigration, public safety and religious freedom for all Americans. Over the past 15 years, we have participated as *amicus curiae* in cases concerning civil liberties (*Boumediene v. Bush & al-Odah v. U.S.*); immigration (*Department of Homeland Security v. Regents of the University of California*, *Donald Trump v. IRAP*, and *Arizona v. U.S.*); and religious liberties (*Tanzin v. Tanvir*, *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, and *Holt v. Arkansas Dept. of Correction*). We strongly support the rights of

prisoners and other incarcerated persons to exercise their sincerely-held religious beliefs freely. In far too many instances, Muslims prisoners are denied access to their religiously mandated diet; Muslim women are required to remove their hijabs; and Muslim men are forced to shave their beards. State officials frequently evade any legal responsibility for their actions by transferring impacted prisoners to other correctional facilities. Since this is a pervasive problem, which affects members of all faiths and communities, we believe that the remedy of money damages against officials in their individual capacity under RLUIPA is essential for protecting the religious freedoms of all inmates and detainees.

12. Muslim Urban Professionals (“Muppies”)

Muppies is a nonprofit, charitable organization dedicated to empowering and advancing Muslim business professionals to be leaders in their careers and communities. Muppies consists of over 3,300 members in 33 countries and 11 active local city committees across the globe. Our desire is to live in a society that understands, respects, and includes Muslims in mainstream culture by aiding in efforts that improve the representation and inclusion of Muslims. Our mission is to create a global community of diverse individuals who will support, challenge, and inspire one another by providing a platform for networking, mentorship, and career development. We have advocated for the rights of immigrants, DACA recipients, and the LGBTQI community by joining amicus briefs filed in various courts across the country. We support protecting the religious freedoms of prisoners and other incarcerated persons.

13. Peace and Social Justice Committee of the Santa Fe Monthly Meeting of Friends (Quakers)

Our historic testimonies of Equality, Integrity, Community, and Peace each prompt us to this witness: All are equal in the countenance of the Divine; All of us owe a consistency between what we profess and how we behave; All of us are interdependent through our common humanity; All of us seek a world free from struggle with outward weapons and with a dedication to our common wellbeing. We support strong legal

protections for prisoners and incarcerated persons to exercise their religious beliefs freely.

14. Social Action Committee of the First Unitarian Universalist Church of Austin

The Social Action Committee of the First Unitarian Universalist Church of Austin is dedicated to social action at the local, state, national, and global levels. Our members have a strong calling toward anti-oppression, interfaith and social justice work and are especially involved in immigrant rights and racial justice. Through service and outreach, we live our church mission to nourish souls, transform lives, and do justice. Our members support projects in the areas of hunger, homelessness, affordable housing, public health, eldercare, immigration reform, reproductive rights, prisoner rights, economic justice, LGBTQ rights, and environmental stewardship. We address social justice issues through education, service, community organizing, and advocacy. We are strongly committed to protecting the civil rights of all detained and incarcerated persons, and we collaborate closely with the Inside Books Project to provide free books and educational materials to over 120,000 prisoners across Texas. Protecting the religious freedoms of incarcerated persons is vital; and money damages are a crucial mechanism for ensuring that the promise of religious freedom under RFRA and RLUIPA is not illusory. For this reason, we recently joined an amicus brief in *Tanzin v. Tanvir* urging the U.S. Supreme Court to recognize the availability of money damages against officials in their individual capacity under RFRA.

15. T'ruah: The Rabbinic Call for Human Rights

T'ruah: The Rabbinic Call for Human Rights brings the Torah's ideals of human dignity, equality, and justice to life by empowering our network of 2,300 rabbis and cantors to be moral voices and to lead Jewish communities in advancing democracy and human rights for all people in the United States, Canada, Israel, and the occupied Palestinian territories. We support strong protections for the religious freedoms of prisoners and other incarcerated persons, and we believe that

recognizing money damages under RLUIPA is essential to ensuring that prisoners from religious minorities are treated with respect and dignity.

16. Union for Reform Judaism

The Union for Reform Judaism, whose nearly 850 congregations across North America includes 1.3 million Reform Jews, comes to this issue out of a commitment to religious freedom. The Court must affirm our nation's founding promise to protect the rights of religious expression from undue state interference. Americans of all faiths must be free to follow the dictates of their conscience.

17. Unitarian Universalist Mass Action Network

The Unitarian Universalist Mass Action Network is a state action network that works in coalition with frontline partners and organizations led by those who are directly affected by injustice. Our mission is to organize and mobilize Unitarian Universalists to confront oppression. It is through our social justice work that we live our values and principles that define our faith. We believe that those within the criminal law system must be afforded basic rights and that those who violated those rights must be held accountable.

18. Unitarian Universalist Service Committee (“UUSC”)

The UUSC is a non-sectarian human-rights organization powered by grassroots collaboration. Currently based in Cambridge, Mass., UUSC began its work in 1939 when Rev. Waitstill and Martha Sharp took the extraordinary risk of traveling to Europe to help refugees escape Nazi persecution. We focus our work on intersecting roots of injustice to defend rights at risk due to criminalization and systemic oppression of people based on their identity. We collaborate closely with grassroots organizations and movements that are advancing our shared human rights goals on the ground. One of UUSC's primary human rights objectives is to end criminalization on the basis of identity. We fund organizations around the United States working to end federal immigration detention, and to document and eliminate discriminatory abuse and maltreatment in federal immigration custody. UUSC has also

advocated for the humanitarian release of people held in federal prisons during the COVID-19 pandemic, and for the elimination of private prison contracts in the federal prison and immigration detention systems. We have also lobbied at the national level for a reduction in funding for federal detention facilities. UUSC strongly believes that prison officials who violate incarcerated people's rights must be held accountable.

19. Women of Reform Judaism

The Women of Reform Judaism, which represents tens of thousands women in hundreds of Women of Reform Judaism-affiliated women's groups and many individual members, come to this issue out of a commitment to religious freedom. The Court must affirm our nation's founding promise to protect the rights of religious expression from undue state interference. Americans of all faiths must be free to follow the dictates of their conscience.