

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* 35 RELIGIOUS ORGANIZATIONS
IN SUPPORT OF APPELLANT**

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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. American Association of Jewish Lawyers and Jurists (AAJLJ)
2. American Jewish Committee (AJC)
3. Association of Muslim American Lawyers (AMAL)
4. Campus Ministry of Roman Catholic Archdiocese of New York at Hostos and Bronx Community College of City University of New York
5. Catholic Charities of Trenton, NJ
6. Council of American-Islamic Relations – Michigan Chapter (CAIR-MI)
7. Central Conference of American Rabbis (CCAR)
8. Church Council of Greater Seattle
9. Church of Our Saviour/La Iglesia de Nuestro Salvador
10. Congregation Shaarei Shamayim

11. East End Temple
12. El Paso Monthly Meeting of the Religious Society of Friends
13. Emgage Action
14. Episcopal Diocese of Long Island
15. Global Justice Institute
16. ICNA Council for Social Justice
17. Interfaith Center of New York (ICNY)
18. Jewish Center for Justice
19. Men of Reform Judaism
20. Muslim Advocates
21. Muslim Bar Association of New York
22. Muslim Public Affairs Council
23. Muslim Urban Professionals
24. National Association of Muslim Lawyers
25. New York State Council of Churches
26. New York Yearly Meeting, the Religious Society of Friends (Quaker)
27. Northern California Nevada Conference of the United Church of Christ
28. Presbyterian Church (U.S.A.)
29. Santa Fe Monthly Meeting of Friends (Quakers)
30. Social Action Committee of the First Unitarian Universalist Church of Austin (TX)
31. T'ruah: The Rabbinic Call for Human Rights

32. Union for Reform Judaism
33. Unitarian Universalist Mass Action Network
34. Unitarian Universalist Service Committee
35. 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: November 21, 2022

/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”). As such, *amici* 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 against religious minorities in state institutions have gone entirely unremedied. *Amici* have a clear interest in ensuring that robust enforcement mechanisms are in place to prevent RLUIPA from becoming an empty promise.

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 are identified here by name, with a fuller description of their identities and interests attached to this brief as Appendix A: American Association of Jewish Lawyers and Jurists (AAJLJ); American Jewish Committee (AJC); Association of Muslim American Lawyers (AMAL); Campus Ministry of Roman Catholic Archdiocese of New York at Hostos and Bronx Community College of City University of New York; Catholic Charities of Trenton, NJ; Council of American-Islamic Relations – Michigan Chapter (CAIR-MI); Central Conference of American Rabbis (CCAR); Church Council of Greater Seattle; Church of Our Saviour/La Iglesia de Nuestro Salvador; Congregation Shaarei Shamayim; East End Temple; El Paso Monthly Meeting of the Religious Society of Friends; Engage Action; Episcopal Diocese of Long Island; Global Justice Institute; ICNA Council for Social Justice; Interfaith Center of New York (ICNY); Jewish Center for Justice; Men of Reform Judaism; Muslim Advocates; Muslim Bar Association of New York; Muslim Public Affairs Council; Muslim Urban Professionals; National Association of Muslim Lawyers; New York State Council of Churches; New York Yearly Meeting, the Religious Society of Friends (Quaker); Northern California Nevada Conference of the United Church of Christ; Presbyterian Church

(U.S.A.); Santa Fe Monthly Meeting of Friends (Quakers); Social Action Committee of the First Unitarian Universalist Church of Austin (TX); T'ruah: The Rabbinic Call for Human Rights; Union for Reform Judaism; Unitarian Universalist Mass Action Network; Unitarian Universalist Service Committee; Women of Reform Judaism.

SUMMARY OF ARGUMENT

Amici, religious and religiously-affiliated organizations of numerous faiths and denominations, have a unique appreciation of the potential dangers posed to disfavored religious groups by state officials. This danger has been ever-present throughout American history, even as the identities of the disfavored religious groups have changed over time.

Congress has recognized the vulnerability of religious adherents to government hostility, and enshrined broad protections of religious liberty in two related statutes: the Religious Freedom Restoration Act of 1993 (RFRA) and RLUIPA. RFRA, which was enacted in response to the Supreme Court's decision in *Employment Division, Department of Human Resources v. Smith*, 494 U.S. 872 (1990), prohibits the federal government from imposing any substantial burden on the free exercise of religion unless such burden furthers "a compelling governmental interest" and is "the least restrictive means" of doing so. RFRA further establishes a federal cause of action to obtain "appropriate relief" for any violation of the statute. Less than two years ago, the Supreme Court made clear that such "appropriate relief" includes damages against federal officials in their individual capacities.

RLUIPA, the statute at issue here, was enacted in 2000 after the Supreme Court invalidated RFRA in part, and provides the same protections to the religious exercise of institutionalized persons, as well as protecting individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws. For the same reasons that the Supreme Court recently found dispositive as to RFRA, RLUIPA should be interpreted to authorize suits for money damages against state officials in their individual capacities.

Providing a damages remedy pursuant to RLUIPA is essential to achieving the statute's explicit textual aims and protecting religious rights in the United States. Injunctive relief alone is not sufficient. Many inmates suing under RLUIPA 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 facing legal challenge and thereby evade judicial scrutiny by mooting the injunctive claim. These concerns are not idle fears. As detailed through caselaw recounted later in this brief, many inmates of a variety of faiths, including Rastafarians, Muslims, and Jews, have had their religious liberty egregiously 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 vindication of rights that have played a central role in the history of the United States.

For the reasons set forth herein and in Appellant’s and other *amici*’s briefs, *amici* urge the Court to vacate the judgment of the District Court and remand the case for further proceedings.

ARGUMENT

I. CONGRESS ENACTED RLUIPA TO PROVIDE EXPANSIVE PROTECTIONS FOR THE EXERCISE OF RELIGIOUS FREEDOMS.

RLUIPA, like “its sister statute,” RFRA, was enacted “to 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)). RLUIPA’s expansive protection of the free exercise of religion is deeply rooted in American history, which shows why money damages must be available to vindicate its promises. *See Tanzin v. Tanvir*, 141 S. Ct. 486, 492 (2020).

The right to freely practice one’s faith—and to generally be free of governmental burdens on that right—can be traced to well before the

founding of the country. In the “[c]enturies immediately before and contemporaneous with the colonization of America,” government-supported persecution of religious minorities was rampant: “Catholics had persecuted Protestants, Protestants had persecuted Catholics, Protestant sects had persecuted other Protestant sects, Catholics of one shade of belief had persecuted Catholics of another shade of belief, and all of these had from time to time persecuted Jews.” *Everson v. Bd. of Ed. of Ewing Twp.*, 330 U.S. 1, 8-9 (1947). Even in the new world, “many of the old world practices and persecutions” remained. *Id.* at 10. Practitioners of minority faiths “were persecuted because they steadfastly persisted in worshipping God only as their own consciences dictated.” *Id.* Indeed, Rhode Island’s founder, the Protestant dissenter Roger Williams, had been banished from the Massachusetts Bay Colony for his religious views. See Michael W. McConnell, *The Origins and Historical Understanding of Free Exercise of Religion*, 103 Harv. L. Rev. 1409, 1424-25 (1990).

But eventually, by 1791, “[f]reedom of religion was universally said to be an unalienable right” among the states. See McConnell, *supra*, at 1456. With the ratification of the First Amendment’s Free Exercise

Clause, the government committed “itself to religious tolerance,” such that “upon even slight suspicion that proposals for state intervention stem[med] from animosity to religion or distrust of its practices, all officials [would] pause to remember their own high duty to the Constitution and to the rights it secures.” *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 547 (1993). For many years, the Supreme Court enforced the Free Exercise Clause through the “compelling interest” test—*i.e.* that government may not substantially burden the exercise of unless “necessary to further a compelling state interest.” *Holt*, 574 U.S. at 357.

However, in *Employment Division, Department of Human Resources v. Smith*, 494 U.S. 872 (1990), the Supreme Court drastically limited the scope of the First Amendment’s Free Exercise Clause. Overturning longstanding precedent, the Supreme Court held that, under the First Amendment, “neutral, generally applicable laws may be applied to religious practices even when not supported by a compelling governmental interest.” *See City of Boerne v. Flores*, 521 U.S. 507, 514 (1997) (citing *Smith*, 494 U.S. at 885).

In response, “Congress enacted RFRA in order to provide greater protection for religious exercise than is available under the First Amendment.” *Holt*, 574 U.S. at 357. In doing so, Congress rejected *Smith* as incompatible with the nation’s long history of safeguarding religious freedom. Congress restored, by statute, the longstanding “compelling interest test” that *Smith* largely overturned—*i.e.* that “[g]overnment shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability,” unless the burden furthers “a compelling governmental interest” and “is the least restrictive means of” doing so. 42 U.S.C. § 2000bb-1(a),(b). To fully protect a person’s right to free exercise of religion, RFRA provided a right of action for any “person whose religious exercise has been burdened” to “obtain appropriate relief against a government.” *Id.* § 2000bb-1(c). As the Supreme Court made clear in *Tanzin*, such relief includes money damages against officers in their individual capacities. *See* 141 S. Ct. at 493.

RFRA was subject to legal challenges and the Supreme Court ultimately held that RFRA is unconstitutional as applied to the States and its subdivisions, though it remained in force as to the federal

government. *City of Boerne*, 521 U.S. at 532-36. Congress responded by enacting RLUIPA under the Spending and Commerce Clauses to restore and expand the pre-*Smith* protections for religious freedoms in two areas: (i) land-use regulation and (ii) the religious exercise of institutionalized persons. *See Holt*, 574 U.S. at 357; *see also* 42 U.S.C. §§ 2000cc, 2000cc-1. RLUIPA, like RFRA, provides “expansive protection for religious liberty,” and, for institutionalized persons, it “mirrors RFRA” by prohibiting the government from imposing a substantial burden on a prisoner’s religious exercise unless the burden furthers “a compelling governmental interest” and “is the least restrictive means of” doing so. *Holt*, 574 U.S. at 357-58; 42 U.S.C. § 2000cc-1(a). And like RFRA, RLUIPA expressly creates a federal cause of action that allows “[a] person [t]o assert a violation of [RLUIPA] as a claim or defense in a judicial proceeding and obtain appropriate relief against a government.” *Id.* § 2000cc-2(a).

Thus, like RFRA, RLUIPA “made clear that it was reinstating both the pre-*Smith* substantive protections of the First Amendment *and* the right to vindicate those protections by a claim.” *Tanzin*, 141 S. Ct. at 492. Accordingly, claims under RLUIPA “must have at least the same avenues

for relief against officials that they would have had before *Smith*,” and “one [such] avenue for relief” includes “a right to seek damage against Government employees.” *Id.*

II. MONEY DAMAGES UNDER RLUIPA ARE VITAL TO PROTECTING DISFAVORED RELIGIOUS GROUPS FROM DISCRIMINATION

It is not by accident that money damages are available under RLUIPA—such remedies are essential to vindicating rights, particularly when injunctive relief is unavailable.

A. Money Damages Are An Essential Mechanism of Vindicating Critical Rights

Money damages are “the traditional form of relief offered in the courts of law.” *Curtis v. Loether*, 415 U.S. 189, 196 (1974). They are “commonly available against state and local government officials,” *Tanzin*, 141 S. Ct. at 491, and they serve at least three central purposes. 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 in order 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.”); see also Guido Calabresi, *The Costs of Accidents: A Legal and Economic Analysis* at 26 (1970).

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, as the Supreme Court made clear in *Tanzin*, provides “at least the same avenues for relief against officials” as available pre-*Smith* under § 1983. *See id.* at 492. As *Tanzin* further explained, RFRA “uses the same terminology as § 1983 in the very same field of civil rights law,” and it thus followed that RFRA authorizes the same remedies, including suits against individual officers for money damages. *See* 141 S. Ct. at

490, 492. Because RLUIPA—RFRA’s “sister statute,” *Holt*, 574 U.S. at 356—was enacted to “allow prisoners to seek religious accommodations pursuant to the same standard as set forth in RFRA,” it should be interpreted no differently. *Holt*, 574 U.S. at 358 (quoting *Gonzales v. O Centro Espírita Beneficente União do Vegetal*, 546 U.S. 418, 436 (2006)).

B. 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 than 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).

Consider the facts of this very case. As the District Court recounted, 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.

Congress enacted RLUIPA to vindicate precisely the rights of observant individuals like Mr. Landor. *See Cutter v. Wilkinson*, 544 U.S. 709, 716-17 (2005) (“To secure redress for inmates who encountered undue barriers to their religious observances, Congress carried over from RFRA the ‘compelling governmental interest’/‘least restrictive means’ standard.”). 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.

This is not a one-off problem—not even as to Rastafarians. Consider, in particular, 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, also 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 Voochries on the side of the head, then Voochries 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. And 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.*

Despite this extraordinary record, 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” to those whose religious liberty has been violated. The same injustice should not also befall Mr. Landor—or anyone else whose rights under RLUIPA can only be vindicated through money damages.

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 in Illinois, 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 (D. Ariz. Apr. 17, 2020) (dismissing claims under RLUIPA brought by a practicing Muslim who was not provided a halal diet in prison).

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); *Harris v. Schriro*, 652 F. Supp. 2d 1024, 1029 (D. Ariz. 2009) (same).

Without the availability of money damages, state institutions and their officers have also escaped accountability by simply changing their practices and thereby mooting any requested injunctive relief. That was the case in *Porter*, described above. And this problem has also occurred in other jurisdictions. For instance, 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). That is why the Supreme Court in *Tanzin* held "that

RFRA’s express remedies provision permits litigants, when appropriate, to obtain money damages against federal officials in their individual capacities.” 141 S. Ct. at 493. Pointing to “RFRA’s origins” and the statute’s “reinstate[ment] [of] pre-*Smith* protections and rights,” *Tanzin* recognized that “it would be odd to construe RFRA in a manner that prevents courts from awarding [effective] relief” when such relief “consists of damages, not an injunction.” *Id.* at 492. RLUIPA—which “mirrors RFRA,” and contains the same, broad remedial language, *compare* 42 U.S.C § 2000bb-1(c) (RFRA), *with id.* § 2000cc-2(a) (RLUIPA)—should be interpreted likewise. *See also id.* § 2000cc-3(g) (RLUIPA “shall be construed in favor of a broad protection of religious exercise”). This Court should overrule its pre-*Tanzin* precedent to the contrary.

CONCLUSION

For these reasons, *amici* urge the Court to vacate the District Court’s decision and remand for further proceedings.

Date: November 21, 2022

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limit of Circuit Rule 29 because it contains 3,965 words. This brief also complies with the typeface and type-style requirements of Circuit Rule 32(b) 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 November 21, 2022, I electronically filed the foregoing Brief of *Amici Curiae* of 35 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 15 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
Attorney for *Amici Curiae*

APPENDIX A

IDENTITY AND INTERESTS OF *AMICI*

1. **American Association of Jewish Lawyers and Jurists (AAJLJ)**

The American Association of Jewish Lawyers and Jurists (AAJLJ) is an association of lawyers and jurists open to all members of the professions regardless of religion. It is an affiliate of the International Association of Jewish Lawyers and Jurists. The AAJLJ's mission includes advocating the human rights interests of the American Jewish community in regard to legal issues and controversies that implicate the interests of that community, such as the issues of religious freedom and access to justice presented by this case. As a result, the AAJLJ has previously filed briefs on issues ranging from Holocaust survivors' right to pursue justice in American courts to the prohibition on unnecessarily cruel methods of execution in Jewish law.

2. **American Jewish Committee (AJC)**

The American Jewish Committee (AJC) is a leading global Jewish advocacy organization. From city halls to Capitol Hill, at the UN and in world capitals, AJC works to impact policy and opinion on some of the most important issues facing the Jewish people. The AJC has supported RLUIPA from the beginning, and some of its members were closely involved in its drafting. We support greater legal safeguards under RLUIPA to ensure that incarcerated persons can freely exercise their religious beliefs.

3. **Association of Muslim American Lawyers (AMAL)**

The Association of Muslim American Lawyers (AMAL) seeks to assist the Muslim-American community's exercise of legal rights through education; encourage entry into the legal profession; assist members in their professional development; promote the administration of justice; benefit the community with legal resources and services; identify and explore themes common to American and Islamic jurisprudence; and

promote the highest standards of professionalism, integrity and honor amongst AMAL members. 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.

4. 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.

5. Catholic Charities of Trenton, NJ

Since 1913, Catholic Charities, Diocese of Trenton, has been saving lives, restoring dignity and helping individuals and families achieve self-sufficiency. Central New Jersey residents, regardless of faith background, have always found Catholic Charities programs to be welcoming and compassionate. A private nonprofit, we offer mental health, social and crisis services to individuals and families, particularly those impacted by trauma and adversity. Any type of discrimination on the basis of religion hinders our ability to change our society in a positive manner. We join this coalition of religious groups because we wish to underscore the importance of recognizing money damages against officials in their individual capacity under RLUIPA.

6. 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.

7. Central Conference of American Rabbis (CCAR),

The Central Conference of American Rabbis (CCAR), whose membership includes more than 2000 Reform rabbis, comes to this issue out of a commitment to religious freedom. The Religious Land Use and Institutionalized Persons Act (RLUIPA) affirms our nation's founding promise to protect the rights of religious expression from undue state interference. Americans of all faith must be free to follow the dictates of their conscience.

8. Church Council of Greater Seattle

The Church Council of Greater Seattle is a membership organization of 320 congregations from 16 Christian denominations in

Martin Luther King Jr. County and South Snohomish County in the State of Washington. Founded in 1919, we have worked for over a century to forge ecumenical and interreligious relationships and to serve vulnerable and marginalized populations in our midst. We are proud, for instance, to have opposed the internment of Japanese-Americans during World War II and to have continued to minister to them during and after the war. We believe in the inherent dignity and worth of every human being as a child of God. We believe that God's love has no exclusions.

9. Church of Our Saviour/La Iglesia de Nuestro Salvador

The Church of Our Saviour/La Iglesia de Nuestro Salvador is an Episcopal parish in Cincinnati Ohio, with a far-reaching ministry beyond its central urban location. We are multicultural and bilingual as a community. We are committed to social justice in our mission. Standing up for our incarcerated siblings is an integral part of our organization's mission, and we have advocated for protecting their religious freedom by signing *amicus* briefs filed in courts all over this country. We believe it is essential that prisoners and other incarcerated persons be treated with respect and dignity, and be allowed to exercise their sincerely held religious beliefs. We have consistently taken the position that money damages are essential to protecting these precious freedoms, and recently joined an amicus brief in *Tanzin v. Tanvir* urging the U.S. Supreme Court to recognize damages awards against federal officers in their individual capacity under RFRA.

10. 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.

11. 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.

12. 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.

13. Emgage

Emgage Foundation is one of the nation's largest civic education and mobilization organizations for Muslim American voters. We provide

learning opportunities and events, including direct engagement with lawmakers, to increase the civic engagement of Muslim Americans and advance values that are important to us as Americans and as Muslims. One of our core programs is Get Out The Vote. Our issue advocacy focuses on combating Islamophobia and hate crimes, social justice reform, improving our healthcare system, protecting immigrant and refugee communities, and advancing human rights globally.

14. The Episcopal Diocese of Long Island

The Episcopal Diocese of Long Island consists of 140 parish churches from the Brooklyn Bridge to the end of Suffolk County. We have joined numerous *amicus* briefs across the country advocating greater protections for religious freedom. We believe that having a damages remedy against officials in their individual capacity under RLUIPA would better protect the rights of prisoners and incarcerated persons.

15. Global Justice Institute

The Global Justice Institute serves as the social justice arm of Metropolitan Community Churches and works with LGBTQI activists and allies around the world to support projects for social change. We believe that every human being is created to reflect the image of God and is worthy of dignity and respect and that no one should face inhumane confinement. We are strongly committed to reforming our criminal justice system and ending mass incarceration. We support the rights of incarcerated persons, including the advancement of greater legal safeguards to enable such persons to worship freely according to their religious convictions. We have signed *amicus* briefs submitted before various courts across this country advocating greater protections for religious liberties, including urging the U.S. Supreme Court to recognize the availability of money damages against officials in their individual capacity under RFRA.

16. ICNA Council for Social Justice

Established on September 1st, 1968, the Islamic Circle of North America (ICNA) was a response to the growing need for a supportive

Muslim community in North America. In the past decade, ICNA has expanded its reach across the U.S. while maintaining an active presence in local communities. The ICNA Council for Social Justice, a branch of ICNA dedicated to representing the Muslim voice on matters of social justice was formed in 2009. We have intervened by filing *amicus* briefs before courts throughout this country in support of the religious freedoms of persecuted minorities. In keeping with our goal of representing the Muslim voice on matters of social justice, we support the rights of incarcerated persons to practice their religious beliefs freely. Recently, we joined a coalition of religious organizations on an *amicus* brief urging the U.S. Supreme Court to recognize the availability of money damages against officials in their individual capacity under RFRA.

17. 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.

18. Jewish Center for Justice

The Jewish Center for Justice was founded in 2017 as a platform for social justice, education, and leadership development. Our mission is to empower current and future leaders to build a more compassionate and just society. Our advocacy program is wide-ranging dealing with issues from racial and economic justice, LGBTQI rights, gun violence prevention, immigration, gender equity, and criminal justice reform. Our organization seeks to mobilize Jewish communities and pro-democracy people of faith in support of criminal justice reform, and rebuilding an American justice system that is more fair, just, and compassionate. We support efforts to build an American justice system that honors rehabilitation and creates pathways for acceptance and reintegration back into society. We support legislation to address the legacies of slavery and inequality, eliminate mandatory minimums, reduce the U.S. prison population, and establish common-sense restorative justice programs across America. We are engaged with our coalition partners in the fight for abolishing life without parole for children nationwide, prohibiting courts from increasing a defendant's sentence based on acquitted conduct, and eliminating the longstanding sentencing disparity between crack and powder cocaine. In 2020, we joined an *amicus* brief in *Tanzin v. Tanvir* urging the U.S. Supreme Court to recognize money damages against federal officials in their individual capacity under RFRA.

19. Men of Reform Judaism

The Men of Reform Judaism comes to this issue out of a commitment to religious freedom. The Religious Land Use and Institutionalized Persons Act (RLUIPA) affirms our nation's founding promise to protect the rights of religious expression from undue state interference. Americans of all faith must be free to follow the dictates of their conscience.

20. 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.

21. 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. 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.*

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

Tanvir. We urge this Court to do the same for RLUIPA and vindicate Mr. Landor's right to religious freedom.

22. 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, Muslim 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.

23. 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.

24. National Association of Muslim Lawyers (“NAML”)

The National Association of Muslim Lawyers (NAML) is an association of Muslim lawyers, Muslim Law students, and legal professionals in the United States. NAML provides networking and mentorship services, organizes educational programs on current legal topics of interest, supports regional Muslim bar associations, and serves the law-related needs of the general public through community service efforts. NAML has an interest in issues that affect the Muslim American community, and it seeks to ensure that the law fully and adequately protects the rights of religious minorities.

25. New York State Council of Churches

The New York State Council of Churches, which has been in existence since the late 19th Century, is comprised of nine denominations (American Baptist, Episcopal Church, Empire Baptist Missionary Convention of New York, Evangelical Lutheran Church of America, New York Yearly Meeting of the Religious Society of Friends (Quaker), Lutheran Church of America, Presbyterian, U.S.A., United Church of Christ, United Methodist Church) and approximately 7,000 congregations from those denominations throughout New York. The Council embraces a long history of jurisprudence to vindicate the First Amendment rights of the incarcerated to fully practice their religion.

This jurisprudence complements its mission to offer the Gospel in word and deed in a broken world. Its denominations have well-developed theological positions to advocate for the incarcerated, who have historically been subjected to discrimination and marginalization. The Council has advocated for governmental intervention to prevent this unfairness and promote human flourishing.

26. New York Yearly Meeting, the Religious Society of Friends (Quaker)

Faith and Practice, the Book of Discipline of the New York Yearly Meeting of the Religious Society of Friends (Quaker), the umbrella organization for 68 Friends Meetings and Worship Groups in New York, New Jersey and Connecticut, expresses our commitment to speaking out in support of “those the world neglects, exploits, or condemns.” In Faith and Practice, we declare: “We can draw no clear line between religious and secular affairs. We find ways to serve God in the world. We expect each Friend to live each day in holy obedience, secure in the faith that the Light illumines all relationships. Accordingly, Friends are enjoined to have a deep concern for the welfare of the community. This involves intelligent care for the dignity and welfare of all; love for adversaries, not merely for those who love us; and special care for those whom the world neglects, exploits, or condemns.” We are committed to caring for our neighbors and to speaking out on their behalf. We stand with all those incarcerated persons who are being persecuted for their religious beliefs.

27. Northern California Nevada Conference of the United Church of Christ (“NCNCUCC”)

The NCNCUCC includes 112 churches consisting of more than 13,000 members and 360 ministers across Northern California and Northern Nevada. NCNC prides itself on its work and role as a participant in issues of justice. We are diverse in our congregation sizes, geographical locations, the faith/religious backgrounds of our members, theologies, and the kinds of communities in which we are located. Our mission is to unite ourselves as a covenant community and support and nurture each other as together we seek to make God’s gracious love

known and real in our lives and in the world. We are strongly committed to greater protections for religious freedoms of persons from all faiths, and, as part of our advocacy work, we have signed numerous amicus briefs filed in courts throughout this country. Recently, we joined a coalition of religious organizations urging the U.S. Supreme Court to recognize the remedy of money damages under RFRA against officials in their individual capacity. We have also consistently advocated for the rights of prisoners and incarcerated persons, including by raising bail funds and training volunteers to bail out undocumented immigrants who have been detained by the Immigrations and Customs Enforcement (ICE).

28. Presbyterian Church (U.S.A.) (PCUSA)

Rev. Dr. J. Herbert Nelson, II, Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) (“PCUSA”) joins this brief on behalf of the General Assembly as the senior ecclesiastical officer of the PCUSA. The PCUSA is a national Christian denomination with nearly 1.6 million members in over 9500 congregations, organized into 170 presbyteries under the jurisdiction of 16 synods. Through its antecedent religious bodies, it has existed as an organized religious denomination within the current boundaries of the United States since 1706. The General Assembly does not claim to speak for all Presbyterians, nor are its policies binding on the membership of the Presbyterian Church. However, the General Assembly is the highest legislative and interpretive body for the denomination, and it is the final point of decision in all disputes. As such, its statements are considered worthy of the respect and prayerful consideration of all the denomination’s members. As an organization that promotes social justice, we support strong legal protections for prisoners and incarcerated persons to exercise their religious beliefs freely.

29. 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.

30. 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.

31. 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.

32. Union for Reform Judaism

The Union for Reform Judaism, whose 900 congregations across North America includes 1.3 million Reform Jews, comes to this issue out of a commitment to religious freedom. The Religious Land Use and Institutionalized Persons Act (RLUIPA) affirms our nation's founding promise to protect the rights of religious expression from undue state interference. Americans of all faith must be free to follow the dictates of their conscience.

33. 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.

34. 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.

35. Women of Reform Judaism

The Women of Reform Judaism, which represents more than 65,000 women in nearly 500 women's groups in North America and around the world, come to this issue out of a commitment to religious freedom. The Religious Land Use and Institutionalized Persons Act (RLUIPA) affirms our nation's founding promise to protect the rights of religious expression from undue state interference. Americans of all faith must be free to follow the dictates of their conscience.