

22-2342

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IN THE  
**United States Court of Appeals**  
FOR THE SEVENTH CIRCUIT

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THOMAS WALKER,

*Plaintiff-Appellant,*

—v.—

JOHN BALDWIN, *et al.*,

*Defendants-Appellees.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION  
NO. 3:19-CV-50233  
HONORABLE IAIN D. JOHNSTON

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**BRIEF OF *AMICI CURIAE* 27 RELIGIOUS ORGANIZATIONS  
IN SUPPORT OF APPELLANT**

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Appellate Court No: 22-2342

Short Caption: Walker v. Baldwin

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party, amicus curiae, intervenor or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

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See Appendix A to proposed brief.
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Attorney's Signature: /s/ Adeel A. Mangi Date: 10/26/2022

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n/a

Attorney's Signature: /s/ Jacob I. Chefitz Date: 10/26/2022

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### INTEREST OF *AMICI CURIAE*<sup>1</sup>

*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.

*Amici* are identified here by name, with a fuller description of their identities and interests attached to this brief as Appendix A: Campus Ministry of Roman Catholic Archdiocese of New York at Hostos and Bronx Community College of City University of New York; Capital Area Muslim Bar Association (“CAMBA”); Church

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<sup>1</sup> 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.



Council of Greater Seattle; Church of Our Saviour/La Iglesia de Nuestro Salvador; Congregation Shaarei Shamayim; Council on American-Islamic Relations (“CAIR”); Dominican Development Center; El Paso Monthly Meeting of the Religious Society of Friends; East End Temple; Faith in New Jersey; Global Justice Institute; Hyattsville Mennonite Church; ICNA Council for Social Justice; Jewish Center for Justice; Muslim Bar Association of New York (“MUBANY”); Muslims for Progressive Values; Muslim Public Affairs Council (“MPAC”); Muslim Urban Professionals (“Muppies”); National Association of Muslim Lawyers (“NAML”); Northern California Nevada Conference of the United Church of Christ (“NCNCUCC”); National Advocacy Center of the Sisters of the Good Shepherd; National Disaster Interfaiths Network; New Jersey Muslim Lawyers Association (“NJMLA”); New York Disaster Interfaith Services (“NYDIS”); Social Action Committee of the First Unitarian Universalist Church of Austin; Unitarian Universalist Mass Action Network; Unitarian Universalist Service Committee (“UUSC”).

## 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 mooted 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 or reverse 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. Corrections officers at Dixon Correctional Center (“Dixon”) forced Thomas Walker to cut his dreadlocks in violation of his Rastafarian beliefs. Appellant’s Br. App’x A-9. This was a clear and egregious violation of Mr. Walker’s religious liberty, and as even the District Court recognized, the officers’ “purported justification” was “troubl[ing],” *id.* at A-12—certainly not “compelling.” Congress enacted RLUIPA to vindicate precisely the rights of observant individuals like Mr. Walker. *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. Walker is no longer in custody at Dixon or another facility within the purview of the Illinois Department of Corrections, 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. *See Stewart v. Beach*, 701 F.3d 1322, 1335 (10th Cir. 2012) (denying any relief under RLUIPA to a Rastafarian whose transfer to a facility closer to his seriously ill mother was conditioned on cutting his dreadlocks). Mr. Walker’s plight has been shared by many other members of minority faiths within the Seventh Circuit and throughout the country. Consider the case of Larry Banks and Walter Carlos, two practicing Muslims who had been involuntarily committed at Chicagoland’s Elgin Mental Health Center in Illinois. *See Banks v. Dougherty*, 2010 WL 747870, at \*1 (N.D. Ill. Feb. 26, 2010). Elgin officers denied both of them “the right to attend Jumu’ah services,” and Banks, in particular, was denied “a halal diet and sufficient food to fast during Ramadan.” *Id.* at \*1-2. 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 Harris v. Schriro*, 652 F. Supp. 2d 1024, 1029 (D. Ariz. 2009) (denying any relief under RLUIPA to Jewish inmate who had been deprived of regular kosher meals and access to religious services when incarcerated); *Wilkins v. Walker*, 2012 WL 253442, at \*1, 5 (S.D. Ill. Jan. 26, 2012) (denying any relief under RLUIPA to a Hebrew Israelite who was not only denied unleavened bread on Passover but also served “religiously proscribed” food).

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. 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 or reverse the District Court's decision and remand for further proceedings.

Date: October 26, 2022

Respectfully submitted,

/s/ Adeel A. Mangi

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**CERTIFICATE OF COMPLIANCE**

This brief complies with the type-volume limit of Circuit Rule 29 because it contains 3,366 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 12-point font, a proportionally spaced serif typeface.

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

**CERTIFICATE OF SERVICE**

I hereby certify that on October 26, 2022, I electronically filed the foregoing Brief of *Amici Curiae* of 27 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. **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 1970s. 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. **Capital Area Muslim Bar Association (“CAMBA”)**

CAMBA is a voluntary bar association in the Washington, DC metro area with a diverse membership. CAMBA’s mission includes fostering a sense of fellowship amongst diverse Muslim legal professionals and amplifying our collective voice to impact legal issues affecting the Muslim community. CAMBA’s objectives include addressing legal issues affecting the community at large and their related impact on the Muslim American community, and educating and advocating for constitutional, civil, and human rights for all persons. 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.

#### 3. **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.

#### 4. **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.

## **5. 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.

## **6. Council on American-Islamic Relations (“CAIR”)**

CAIR is a grassroots civil rights and advocacy group. We are America’s largest Muslim civil liberties organization with our national headquarters on Capitol Hill in Washington D.C., and regional offices nationwide. Since CAIR’s establishment in 1994, we have worked to promote a positive image of Islam and Muslims in America. Through media relations, government relations, education and advocacy, CAIR puts forth an Islamic perspective to ensure that Muslim voices are represented. In offering this perspective, CAIR seeks to empower the American Muslim community and encourage their participation in political and social activism. CAIR is committed to protecting the civil rights of all Americans, regardless of faith, and supporting domestic policies that promote civil rights, diversity, and freedom of religion. CAIR’s civil rights department counsels, mediates, and advocates on behalf of Muslims and persons from other faiths who have experienced religious discrimination, defamation,

or hate crimes. We have joined numerous *amicus* briefs across the country advocating greater protections for religious freedom, and 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.

#### **7. Dominican Development Center**

The Dominican Development Center is a non-profit organization affiliated with Saint Lourdes Church/Second Community in Boston, Massachusetts. We seek to develop and empower Dominican immigrants and immigrants representing all Latin American and Caribbean communities to take full participation in the civic life of this society. We strive to improve the quality of life of our members by promoting and organizing around issues that might impact our community, including but not limited to current laws, legal procedure, civic engagement, education, immigration reform, and human rights, among other issues. 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. We recently advocated a similar position in connection with RFRA in an *amicus* brief filed before the U.S. Supreme Court in *Tanzin v. Tanvir*.

#### **8. 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.

#### **9. 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 of all individuals—including and especially the right to freely practice their faiths—is adequately protected.

#### **10. Faith in New Jersey**

Faith in New Jersey is a racially diverse, multi-faith, power-building vehicle for faith leaders, houses of worship, and spiritual communities. By organizing individuals directly impacted by incarceration, immigration, an immoral economy, gun violence, and systemic racism, we work together to advance a social and economic justice agenda at the local, state, and federal level. Our mission is to develop

grassroots community leaders, analyze the policies that shape our communities, and mobilize faith voices and faith voters to effectively act on the prophetic call to build the Beloved Community. We believe that our loved ones who are incarcerated are created in the image of God. They are vulnerable members of our society living within a traumatizing carceral system and it is our collective responsibility to ensure they are treated with dignity. Because of our commitment to meaningful protections for our siblings that are incarcerated, our organization has advocated for greater civilian oversight of prisons and detention facilities, restorative community-based justice practices in lieu of criminalization, and ending mass incarceration. We also support greater legal safeguards to ensure that incarcerated persons can freely exercise their religious beliefs.

#### **11. 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.

#### **12. Hyattsville Mennonite Church**

Part of Mennonite Church USA, Hyattsville (MD) Mennonite Church is a congregation of 250 children and adults committed to making Mennonite Christian traditions and beliefs relevant in the cultural setting of the Washington, D.C., metropolitan area. We are a welcoming congregation strongly committed to peace, justice, hospitality, and beauty. Our organization has taken up advocacy on a wide range of social justice issues, including immigration and criminal justice reform. We are involved with several organizations in the DC-Maryland-Virginia metro area, including Life After Release, to address prison conditions and to build a hopeful future after release. Our volunteers observe bail hearings in Prince George County District Court to document our county's policies in action and to hold prosecutors and police accountable within the judicial system. As Mennonites, we strongly support freedom of religion due to the centuries of persecution faced by members of our religion. We join this *amicus* brief as it is consistent with our stand that money damages are an important safeguard for protecting these religious freedoms.

### **13. 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 his 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.

### **14. 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.

### **15. 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, most recently before the U.S. Supreme Court in *Tanzin v. Tanvir*. We urge this Court to do the same for RLUIPA and vindicate Mr. Walker's right to religious freedom.

#### **16. Muslims for Progressive Values**

Muslims for Progressive Values is the oldest and only progressive Muslim faith-based human rights organization in the U.S. founded in 2007. We embody and advocate for the traditional Quranic values of social justice, an understanding that informs our positions on women's rights, LGBT inclusion, freedom of expression and freedom of and from belief. As an organization that promotes social justice, we support strong legal protections for prisoners and incarcerated persons to exercise their religious beliefs freely.

#### **17. 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*, *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.

#### **18. 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.

#### **19. 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.

#### **20. 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).

## **21. National Advocacy Center of the Sisters of the Good Shepherd**

The National Advocacy Center of the Sisters of the Good Shepherd focuses on the underlying issues that put persons in situations of human trafficking, poverty, and immigration/migration, and on those U.S. policies that affect the Congregation's projects worldwide. Any type of discrimination on the basis of religion, race, sex, age, or physical/mental disabilities hinders our ability to effect positive change in our society and in the lives of others. War, environmental degradation, domestic violence, etc., are all products of discrimination. Religious discrimination paralyzes advocacy work. We recently joined a coalition of religious groups to file an *amicus* brief before the U.S. Supreme Court underscoring the importance of recognizing money damages against officials in their individual capacity under RFRA.

## **22. National Disaster Interfaiths Network**

The National Disaster Interfaiths Network is a consortium of experts from local faith-based organizations who collaborate with faith communities to reduce disaster-caused human suffering through the exchange of training, research, resources and best practices. Following a number of recent natural disasters, a growing number of local and state interfaith organizations have committed to developing sustainable capacity for local advocacy, disaster chaplaincy, mitigation education, preparedness training, relief, and recovery coordination. To support these interfaith disaster human service organizations, we provide regular peer support by exploring administrative, fundraising, and governance challenges. We filed *amicus* briefs in several cases before the U.S. Supreme Court in support of strong protections for religious liberties, including in *Federal Bureau of Investigation v. Fazaga* (2022) and *Tanzin v. Tanvir* (2020).

## **23. New Jersey Muslim Lawyers Association (“NJMLA”)**

The NJMLA is a volunteer association of lawyers, judges, and law students who work or reside in the New Jersey area. NJMLA works to advance the goals, needs, and interests of Muslim attorneys in New Jersey through networking, mentorship, and education. NJMLA also works to address issues affecting not only



the New Jersey but also the national Muslim community. This includes ensuring that federal laws protecting the rights of Muslim Americans, such as RLUIPA, are properly interpreted to allow for the maximum range of remedies.

#### **24. New York Disaster Interfaith Services (“NYDIS”)**

The NYDIS is a faith-based federation of service providers and charitable organizations that work in partnership to provide disaster readiness, response, and recovery services to the most vulnerable communities in New York City (“NYC”). Our mission is to inspire, connect and provide resources for NYC faith communities providing disaster relief services to create an urban environment of social justice for all. We work closely with all houses of worship, religious schools, and faith-based social services agencies in NYC. Our organization strives to bring attention to the needs of under-resourced communities through advocacy, education, and legislative reform. We have consistently advocated for the importance of money damages for protecting religious freedoms under federal law, most recently on an *amicus* brief involving RFRA before the U.S. Supreme Court.

#### **25. 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.

#### **26. 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.

## **27. 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.