

In the Supreme Court of the United States

DAMON LANDOR,

Petitioner,

v.

LOUISIANA DEPARTMENT OF CORRECTIONS AND PUBLIC SAFETY; JAMES M. LE-
BLANC, *in his official capacity of secretary thereof, and individually*;
RICHARD LABORDE CORRECTIONAL CENTER; MARCUS MYERS, *in his official*
capacity as Warden thereof, and individually; JOHN DOES 1-10; ABC
ENTITIES 1-10,

Respondent.

**On Writ of Certiorari to
The United States Court of Appeals
for the Fifth Circuit**

**BRIEF OF DR. DENNY AUTRY AND MR. JERRY BLASSINGAME AS
AMICI CURIAE SUPPORTING PETITIONER**

KELLY J. SHACKELFORD
JEFFREY C. MATEER
HIRAM S. SASSER, III
DAVID J. HACKER
GARRETT BELL
FIRST LIBERTY INSTITUTE
2001 W. Plano Parkway
Suite 1600
Plano, TX 75075
(979) 941-4444
kshackelford@firstliberty.org
jmateer@firstliberty.org
hsasser@firstliberty.org
dhacker@firstliberty.org
gbell@firstliberty.org

RICHARD D. SALGADO
Counsel of Record
MARINA S. KELLY
LUCAS J. HALE
MCDERMOTT WILL & SCHULTE
2501 N. Harwood St.
Suite 1900
Dallas, TX 75201
(214) 210-2797
richard.salgado@mwe.com
mkelly@mwe.com
lhale@mwe.com

*Counsel for Amici Curiae
Dr. Denny Autry and Mr. Jerry Blassingame*

TABLE OF CONTENTS

Table of Authorities.....	iii
Interest of Amicus Curiae	1
Introduction and Summary of Argument	2
Argument	4
I. Faith-Based Programs Are Essential to Advancing Moral Rehabilitation Within the Prison System.....	4
II. When Individuals Are Not Afforded Religious Freedom, the Possibility of Moral Rehabilitation Declines for Every Prisoner	14
III. RLUIPA Must Provide Adequate Protection to Inmates Who Face Religious Discrimination or the Rehabilitative Effect of Religion in Prison Will Be Endangered.....	16
Conclusion.....	19

TABLE OF AUTHORITIES

Cases

<i>Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics</i> , 403 U.S. 388	16, 17
<i>Landor v. La. Dep't of Corr. & Public Safety</i> , 93 F.4th 259 (5th Cir. 2024)	15, 16
<i>Marbury v. Madison</i> , 5 U.S. 137 (1803).....	16
<i>Tanzin v. Tanzir</i> , 592 U.S. 43 (2020)	15
<i>Tapia v. United States</i> , 564 U.S. 319 (2011)	4
<i>Wyatt v. Cole</i> , 504 U.S. 158 (1992)	17
<i>Ziglar v. Abbasi</i> , 582 U.S. 120 (2017)	17

Statutes

Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. §§ 2000cc, <i>et seq.</i>	3, 4, 15, 16, 17
---	------------------

Other Authorities

- THE ALEPH INSTITUTE,
https://www.alephne.org/templates/articlecco_cdo/aid/1314499/jewish/About-Aleph.htm 11
- Al Jazeera English, *Why do so many US prison inmates convert to Islam?*
 YOUTUBE (Apr. 16, 2019),
<https://www.youtube.com/watch?v=yquAEvHyRng> 11
- Nate Alpern, *The Cain Chronicles: One Man's Leadership in Faith-Based Prison Reform*,
 THE PEPPERDINE BEACON (Dec. 3, 2022),
<https://pepperdinebeacon.com/the-cain-chronicles-one-mans-leadership-in-faith-based-prison-reform/> 9, 10
- Maurice Chammah, *What Angola's Resigning Warden is Leaving Behind*, THE
 MARSHALL PROJECT (Dec. 14, 2015),
<https://www.themarshallproject.org/2015/12/14/the-final-judgment-of-bur-cain> 10
- Morgan Cox & Betsy Matthews, *Faith-Based Approaches for Controlling the Delinquency of Juvenile Offenders*, 71
 FED. PROBATION (2007) 7, 13
- Grant Duwe & Byron R. Johnson, *Estimating the Benefits of a Faith-Based Correctional Program*, 2 INT'L J. OF CRIM.
 & SOCIO. 227 (2013) 5

- Erick Eckholm, *Bible College Helps Some at Louisiana Prison Find Peace*, THE NEW YORK TIMES (Oct. 5, 2013), <https://www.nytimes.com/2013/10/06/us/bible-college-helps-some-at-louisiana-prison-find-peace.html> 14
- Evidence of Impact: Proving Program Effects*, PRISON FELLOWSHIP INTERNATIONAL, <https://pfi.org/evidence-of-impact/> 8
- Faith-based Re-entry Program for Prisoners Saves Money, Reduces Recidivism*, Baylor Study Finds, BAYLOR UNIVERSITY MEDIA AND PUBLIC RELATIONS (Aug. 8, 2013), <https://news.web.baylor.edu/news/story/2013/faith-based-re-entry-program-prisoners-saves-money-reduces-recidivism-baylor-study> 9, 12
- Michael Hallett, *Faith at Angola Prison*, COMMONWEAL (Mar. 30, 2017), <https://www.commonwealmagazine.org/faith-angola-prison> 13
- JEWISH PRISONER SERVICES INTERNATIONAL, <https://www.jpsi.org/about> 11
- Byron R. Johnson, *Can a Faith-Based Prison Reduce Recidivism?*, CORRECTIONS TODAY 60 (2012) 9
- Byron R. Johnson, *The Faith Factor and Prison Reentry*, 4 INTERDISC. J. OF RSCH. ON RELIGION 1 (2008) 12

- Byron R. Johnson, *How Religion Contributes to the Common Good, Positive Criminology, and Justice Reform*, 12 RELIGIONS 402 (2021) 6
- Byron R. Johnson & Sung Joon Jang, *Offender-led religious movements: Why we should have faith in prisoner-led reform*, OPEN ACCESS GOV'T (Jan. 16, 2024), <https://www.openaccessgovernment.org/article/offender-led-religious-movements-why-we-should-have-faith-in-prisoner-led-reform/172386/> 7, 12
- Byron R. Johnson & William Wubbenhorst, *Our Best Hope for Persistent Prisoner Transformation: A Case Study of Out4Life*, BAYLOR INSTITUTE FOR STUDIES OF RELIGION (2011) 8
- Judge's Last Chance Demand*, LOS ANGELES TIMES (July 23, 2004), <https://www.latimes.com/archives/la-xpm-2004-jul-23-ed-prisons23-story.html> 4
- Thomas S. Monson, *See Others as They May Become*, ENSIGN (Oct. 2012), <https://www.churchofjesuschrist.org/study/general-conference/2012/10/see-others-as-they-may-become.11-12?lang=eng#11> 5

<i>Prison Reform: Reducing Recidivism by Strengthening the Federal Bureau of Prisons,</i> U.S. DEP'T OF JUSTICE, https://www.justice.gov/archives/prison-reform	6
Maggie Phillips, <i>Religious Liberty Behind Bars</i> , TABLET (Mar. 02, 2023), https://www.tabletmag.com/sections/communitiy/articles/rastafarian-religious-liberty-cases	2, 3
Simon Rolston, <i>Conversion and the Story of the American Prison</i> , 23 CRITICAL SURVEY 103 (2011).....	8
<i>Sadiq Davis Legacy Fund</i> , LAUNCHGOOD, https://www.launchgood.com/v4/campaign/sadiq_davis_legacy_fund	11
Rex A. Skidmore, <i>Penological Pioneering in the Walnut Street Jail, 1789-1799</i> , 39 J. OF CRIM. L. & CRIMINOLOGY 166 (1948).....	7, 8
<i>Teaching Islam in the U.S. Prison System</i> , TAYBA, https://www.taybafoundation.org/student-success/2020/teaching-islam-in-the-u-s-prison-system-tayba-foundation	10
<i>Timeline</i> , EASTERN STATE PENITENTIARY, https://www.easternstate.org/research/history-eastern-state/timeline	7

<i>Who We Are</i> , PRISON FELLOWSHIP INTERNATIONAL, https://pfi.org/who-we- are	8
---	---

INTEREST OF AMICI CURIAE

Dr. Denny Autrey is an educational consultant to the Prison Seminars Foundation (PSF) and Dean Emeritus of Southwestern Baptist Theological Seminary's Harvard School of Theological Studies in Houston. Dr. Autrey was instrumental in working to implement the Darrington program, a partnership between the Texas Department of Criminal Justice and Southwestern Baptist Theological Seminary that seeks to provide religious education to inmates. Dr. Autrey works to share religious faith with inmates to help them achieve moral rehabilitation while incarcerated. Dr. Autrey believes that the decision below jeopardizes religious freedom in prisons and makes moral rehabilitation more difficult to achieve.¹

Jerry Blassingame is the Founder and Executive Director of Soteria Community Development Corporation. Through his ministry at Soteria CDC, Soteria Community Development Corporation is a Christian-based ministry that focuses on re-entry programs like housing, education, and employment. Mr. Blassingame received a twenty-year prison sentence in 1995, and only served three and a half years before being paroled in 1999. Mr. Blassingame formed Soteria after his release from prison, and continues to advocate for economic and social justice.

¹ No counsel for a party authored this brief in whole or in part, and no person other than amicus and his counsel made any monetary contribution intended to fund the preparation or submission of this brief. The parties were given timely notice under Rule 37(2).

INTRODUCTION AND SUMMARY OF ARGUMENT

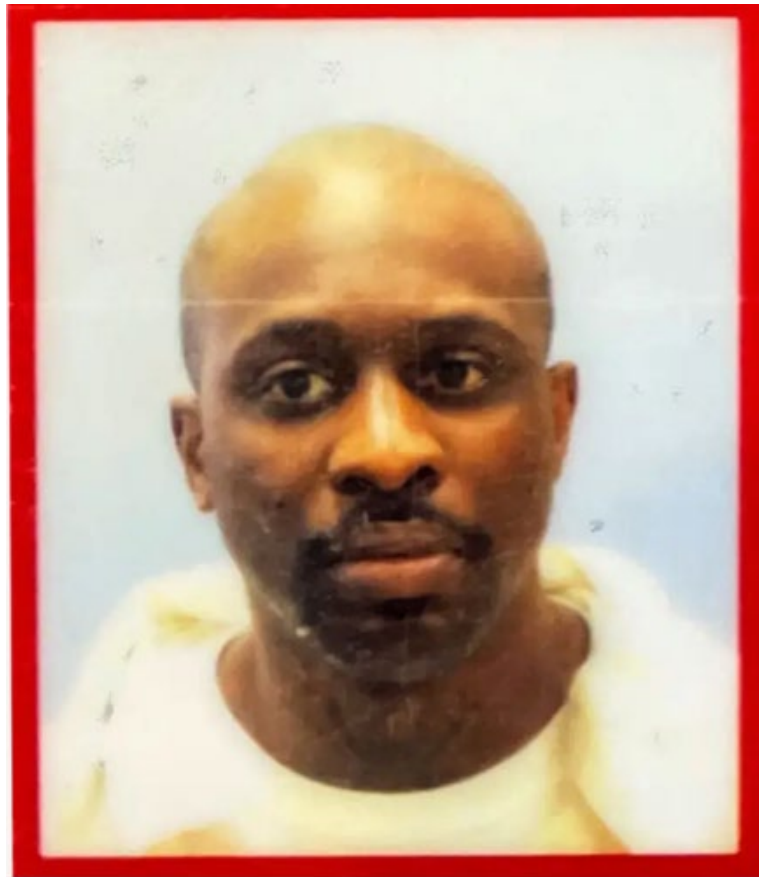
Religious liberty is among the most fundamental rights, and it does not vanish when a person is incarcerated. If the decision below stands, however, it will deprive prisoners of that protection and strip away one of the most proven engines of rehabilitation: faith.

For Damon Landor, a devout Rastafarian, the wearing of dreadlocks is not a matter of style but a sacred act of devotion, cultivated over decades as a central tenet of his faith:²



² Mr. Landor, before the forced shaving. Maggie Phillips, *Religious Liberty Behind Bars*, TABLET (Mar. 02, 2023),

Louisiana officials shackled Mr. Landor and shaved him bald—knowing full well that federal law protects precisely this kind of religious exercise. The photos speak for themselves:³



<https://www.tabletmag.com/sections/community/articles/rastafarian-religious-liberty-cases> (depicting Landor, prior to having his head shaven).

³ *Id.* (Mr. Landor, after officials shaved his locks).

This was no accident or misunderstanding. It was a deliberate act in defiance of RLUIPA's command. Under the Fifth Circuit's interpretation, however, such conduct carries no consequence. Officials who knowingly violate an inmate's religious liberty cannot be held liable.

That rule invites abuse—and it undermines an important purpose of incarceration. One conviction shared across all major faith traditions is that people can change. Faith is one of the most powerful forces for moral transformation, and prisons are among the places where that transformation is most needed. By stripping prisoners of meaningful religious exercise, the decision below denies them not only a constitutional right but also one of the few proven avenues for redemption.

Congress enacted RLUIPA to protect precisely this kind of religious exercise, knowing its importance both to individual dignity and to the possibility of rehabilitation. That promise is meaningless without accountability. The Court should reverse.

ARGUMENT

I. FAITH-BASED PROGRAMS ARE ESSENTIAL TO ADVANCING MORAL REHABILITATION WITHIN THE PRISON SYSTEM

As a fundamental principle, people can change and turn their lives around. In 1940, Clinton Duffy took over as warden of San Quentin prison. “Duffy transformed the state’s oldest prison—a row of dungeons by San Francisco Bay where often-naked inmates were thrown rotten food from buckets after being beaten—into a genuine

correctional institution.”⁴ The story is told that a critic who knew of Warden Duffy’s efforts to rehabilitate men told him, “Don’t you know that leopards can’t change their spots?”

Warden Duffy responded, “You should know I don’t work with leopards. I work with men, and men change every day.”⁵

Rehabilitation is not the only purpose of punishment, but it is a central one. *See, e.g., Tapia v. United States*, 564 U.S. 319, 319 (2011) (listing “retribution, deterrence, incapacitation, and rehabilitation” as proper considerations at sentencing). And rehabilitation is achievable. But not all rehabilitation efforts yield the same results. While secular programs achieve some success in rehabilitation efforts, faith-based programs are proven to produce long-lasting effects that drastically reduce an inmate’s likelihood to reoffend.⁶ Indeed, the principle that people can change is fundamental in all major religious faiths. For example:

- “You were taught, with regard to your former way of life, to put off your old self, which is being corrupted by its deceitful desires; and to be made new in the attitude of your minds; and to put on the new self, created to be like God in true righteousness and holiness.” *Ephesians* 4:22-24, Holy Bible, New International Version.

⁴ *Judge’s Last Chance Demand*, LOS ANGELES TIMES (July 23, 2004), <https://www.latimes.com/archives/la-xpm-2004-jul-23-ed-prisons23-story.html>.

⁵ Thomas S. Monson, *See Others as They May Become*, ENSIGN (Oct. 2012), <https://www.churchofjesuschrist.org/study/general-conference/2012/10/see-others-as-they-may-become.11-12?lang=eng#11>.

⁶ Grant Duwe & Byron R. Johnson, *Estimating the Benefits of a Faith-Based Correctional Program*, 2 INT’L J. OF CRIM. & SOCIO. 227, 228 (2013).

- “Indeed, Allah will not change the condition of a people until they change what is in themselves.” *13 Ar-Ra’d*, Qu’ran.
- “One who comes in order to become impure, i.e., to sin, they, in Heaven, provide him with an opening to do so, and he is not prevented from sinning. However, if he comes in order to become purified, not only is he allowed to do so, but they, in Heaven, assist him.” Talmud Shabbat 104a.
- “All virtues are obtained, all fruits and rewards, and the desires of the mind; my hopes have been totally fulfilled. The Medicine, the Mantra, the Magic Charm, will cure all illnesses and totally take away all pain. Lust, anger, egotism, jealousy and desire are eliminated by chanting the Name of the Lord.” Sri Guru Granth Sahib, 1388.
- “Even those who are considered the most immoral of all sinners can cross over this ocean of material existence by seating themselves in the boat of divine knowledge.” Bhagavad Gita 4:36.

Generally, all rehabilitation efforts aim to change behavior, But faith-based efforts go further: they aim to change the heart.⁷ While elements of a secular rehabilitation program are still present, faith-based programs dig

⁷ *Prison Reform: Reducing Recidivism by Strengthening the Federal Bureau of Prisons*, U.S. DEPT OF JUSTICE, <https://www.justice.gov/archives/prison-reform> (last visited June 5, 2024) (discussing strategies to “address the core behavioral issues that result in criminality, with the goal of reducing the likelihood that inmates re-offend either while incarcerated or after their release.”).

deeper by requiring participants to reflect on their mind-sets and actions.

On an individual level, faith-based programs expose prisoners to a framework of “prosocial” behaviors that foster positive behavioral changes.⁸ As the number of inmates participating in religious programs increases, the culture of a prison shifts, reflecting more positive behaviors.⁹

Rehabilitative programs that are religiously based are not new to the prison system.¹⁰ Forms of spiritual and religious ministering and volunteering have often been present in prisons. Today, several faiths offer programming in prisons across the country.

Religious faith shaped the earliest prison designs in the United States. Influenced by the Quaker doctrine of “Inner Light,” or the “belief that divinity existed within each individual[,]” the Walnut Street Jail sought to rehabilitate prisoners through solitary confinement coupled with

⁸ Prosocial behaviors are those behaviors that “are recognized by a concern for the feelings and welfare of other people.” Byron R. Johnson, *How Religion Contributes to the Common Good, Positive Criminology, and Justice Reform*, 12 RELIGIONS 402, 404 (2021).

⁹ Byron R. Johnson & Sung Joon Jang, *Offender-led religious movements: Why we should have faith in prisoner-led reform*, OPEN ACCESS GOV’T (Jan. 16, 2024), <https://www.openaccessgovernment.org/article/offender-led-religious-movements-why-we-should-have-faith-in-prisoner-led-reform/172386/>.

¹⁰ Morgan Cox & Betsy Matthews, *Faith-Based Approaches for Controlling the Delinquency of Juvenile Offenders*, 71 FED. PROBATION at 1 (2007).

educational opportunities.¹¹ The jail's conditions became the "beginnings of modern penal reforms."¹²

The Quakers believed that "incarceration should be a period of hard work and solitude" in which offenders reflect on their crimes, read the Bible, and become repentant of their "sinful" ways.¹³ Prisoners were placed in solitary confinement so that they could "turn inward: to reflect, find the inner divine, and repent."¹⁴ Overcrowding in prisons meant that permanent solitary confinement was short-lived, but the Walnut Street Jail's example would continue to influence prisons and prison ministries for years to come.¹⁵

Almost 200 years later, a different religious effort began to take shape. In the 1970s, prison ministries began to be established. Prison Fellowship International, the largest network of Christian ministries in the world, was one of the first prison ministry outreach programs developed to help bring faith and hope back to incarcerated

¹¹ *Timeline*, EASTERN STATE PENITENTIARY, <https://www.easternstate.org/research/history-eastern-state/timeline> (last visited June 5, 2024); see also Rex A. Skidmore, *Penological Pioneering in the Walnut Street Jail, 1789-1799*, 39 J. OF CRIM. L. & CRIMINOLOGY 166, 167 (1948).

¹² Skidmore, *supra* note 11 at 180.

¹³ Cox, *supra* note 10.

¹⁴ Simon Rolston, *Conversion and the Story of the American Prison*, 23 CRITICAL SURVEY 103, 103–06 (2011).

¹⁵ Skidmore, *supra* note 11.

individuals.¹⁶ Prison Fellowship offers comprehensive programming in over 1,300 prisons.¹⁷

Today, the organization offers “The Prisoner’s Journey,” a course that inmates can take during their sentence. So far, 833,414 prisoners have graduated from the program. In a comprehensive study through the Institute for Studies of Religion at Baylor University, empirical evidence showed that “through increasing prisoners’ religious engagement, [The Prisoner’s Journey] increases [prisoners’] motivation for identity transformation, or, finding a new meaning and purpose in life despite their criminal past and current incarceration.”¹⁸ In another independent evaluation of InnerChange Freedom, another program offered by Prison Fellowship, InnerChange Freedom graduates had lower rates of arrest upon release from prison compared to those who did not complete the program (17.3 percent of graduates versus 50 percent).¹⁹ In a study evaluating a group of Minnesota inmates, InnerChange participants were compared to prisoners who did not take part in the program. The study showed that “InnerChange reduced re-arrest by 26 percent, re-conviction

¹⁶ *Who We Are*, PRISON FELLOWSHIP INTERNATIONAL, <https://pfi.org/who-we-are> (last visited June 5, 2024).

¹⁷ Byron R. Johnson & William Wubbenhorst, *Our Best Hope for Persistent Prisoner Transformation: A Case Study of Out4Life*, BAYLOR INSTITUTE FOR STUDIES OF RELIGION, at 5 (2011).

¹⁸ *Evidence of Impact: Proving Program Effects*, PRISON FELLOWSHIP INTERNATIONAL, <https://pfi.org/evidence-of-impact/> (last visited June 5, 2024).

¹⁹ Byron R. Johnson, *Can a Faith-Based Prison Reduce Recidivism?*, CORRECTIONS TODAY 60, 61 (2012).

by 35 percent and re-imprisonment for a new felony offense by 40 percent.”²⁰

Around the same time, Nathan Burl Cain, the warden of Angola Prison, began to brainstorm how he could change the culture of the “bloodiest and most corrupt prison in the United States.”²¹ With most inmates in Angola serving life sentences, Cain noted that inmates needed some source of hope and identity, even if they would never leave the prison’s property. They needed what Cain would later coin “moral rehabilitation.”

All inmates were invited, regardless of their choice of faith. “As many as 28 denominations stemmed within the prison” and pastors, deacons, ushers, rabbis, and Muslim imams visited and served within Angola. The New Orleans Baptist Theological Seminary set up a Bible college in the prison, where inmates could earn four-year college degrees in ministry.²²

According to Cain, strife and violence plummeted—a gang within Angola prison that had 6,500 members lost most of its membership. Prisoners refrained from using profane language and deviant behavior began to be

²⁰ *Faith-based Re-entry Program for Prisoners Saves Money, Reduces Recidivism, Baylor Study Finds*, BAYLOR UNIVERSITY MEDIA AND PUBLIC RELATIONS (Aug. 8, 2013), <https://news.web.baylor.edu/news/story/2013/faith-based-re-entry-program-prisoners-saves-money-reduces-recidivism-baylor-study>.

²¹ Nate Alpern, *The Cain Chronicles: One Man’s Leadership in Faith-Based Prison Reform*, THE PEPPERDINE BEACON (Dec. 3, 2022), <https://pepperdinebeacon.com/the-cain-chronicles-one-mans-leadership-in-faith-based-prison-reform/>.

²² Maurice Chammah, *What Angola’s Resigning Warden is Leaving Behind*, THE MARSHALL PROJECT (Dec. 14, 2015), <https://www.themarshallproject.org/2015/12/14/the-final-judgment-of-burl-cain>.

monitored by fellow inmates.²³ In 1990, the prison reported 1,387 assaults by inmates, but in 2012, the number reported decreased by over 1,000 to 371.²⁴ Since Warden Cain's implementation of the Angola project, other prisons have implemented similar programs in Mississippi, Georgia, New Mexico, Michigan, and West Virginia.²⁵

These efforts transcend any particular religious faith. For example, the Tayba Foundation is a "leading Islamic organization that provides traditional Islamic education within the US prison system."²⁶ As Islamic faith continues to increase within the prison system, Tayba provides education to any inmate who wishes to learn the tenets of the faith. Now Tayba has programs and students in 30 states and 120 facilities.²⁷

Sadiq Davis (formerly Darrell Davis) spent 25 years in a Chicago prison and converted to Islam during his sentence. While in jail, Sadiq realized that "things weren't working" for him, and he needed to find answers. Introduced to programs like those offered by Tayba, he began to read the Quran and engage in Muslim fellowship. As he participated in daily study and support groups, Sadiq was able to "recognize [his] own condition" and see how he needed to change his life. He described this realization as

²³ Alpern, *supra* note 21.

²⁴ Chammah, *supra* note 22.

²⁵ *Id.*

²⁶ *Teaching Islam in the U.S. Prison System*, TAYBA, <https://www.taybafoundation.org/student-success/2020/teaching-islam-in-the-u-s-prison-system-tayba-foundation> (last visited June 5, 2024).

²⁷ *Id.*

being “set free” and given direction.²⁸ After he was released from prison, he began engaging in ministry and “re-inventing himself as a Muslim in service of his community.”²⁹ The ability to learn about and explore Islam during his time incarcerated gave Sadiq new meaning, and that purpose continued to fuel his life after his release from prison.

Groups such as Jewish Prisoner Services International and Aleph Institute similarly work to provide resources to the incarcerated and their families, whether through individual visitations or group worship services.³⁰

Organizations like those discussed above, and many others, run prison-based events and programs that share faith-based messaging to incarcerated men and women and offer resources to help inmates make real, lasting changes in their lives.

These programs offer a structure through which inmates can experience personal growth and behavioral change. Though programs can differ in form or function, faith-based rehabilitation programs include religious services, religious text study groups, prayer groups, mentoring, and interaction with other participants or

²⁸ Al Jazeera English, *Why do so many U.S. prison inmates convert to Islam?*, YOUTUBE (Apr. 16, 2019), <https://www.youtube.com/watch?v=yquAEvHyRng>.

²⁹ *Sadiq Davis Legacy Fund*, LAUNCHGOOD, https://www.launchgood.com/v4/campaign/sadiq_davis_legacy_fund (last visited June 5, 2024).

³⁰ JEWISH PRISONER SERVICES INTERNATIONAL, <https://www.jpsi.org/about> (last visited June 5, 2024); *see also* THE ALEPH INSTITUTE, https://www.alephne.org/templates/articlecco_cdo/aid/1314499/jewish/About-Aleph.htm (last visited June 5, 2024).

volunteers.³¹ All prisoners, regardless of their religious beliefs, are invited to participate in these voluntary programs.³²

When an inmate begins to participate in a faith-based program, they are introduced to prosocial ideas like positive belief systems, core values, and norms that run opposite of criminal behavior that is often affirmed within the prison system. Where the prison system tends to foster and exploit negative, antisocial behaviors, faith-based programs encourage honesty, forgiveness, self-reflection, personal accountability, and spiritual transformation.³³

Faith-based programs reject antisocial behavior and nurture prosocial values. They create communities of accountability, networks of support, and a culture of hope—conditions secular programs rarely achieve.

A prisoner who engages in religious practice can experience a change to their identity.³⁴ Faith-based programs deliver long-lasting change because an inmate's "internal controls" begin to change. In other words, when the values taught within a faith-based program begin to alter the way an inmate thinks and interacts with the world around them, they begin to behave differently. Intrinsic motivators that determine how an individual acts may shift, resulting in behaviors that the individual likely did not practice prior to engaging in the program.³⁵ Conversion includes a change in behavior, but it goes beyond behavior; it is a change in one's very nature.

³¹ Baylor, *supra* note 20.

³² *Id.*

³³ Byron R. Johnson, *The Faith Factor and Prison Reentry*, 4 INTERDISC. J. OF RSCH. ON RELIGION 1, 6 (2008).

³⁴ Johnson & Jang, *supra* note 9.

³⁵ Cox, *supra* note 10 at 2.

Additionally, faith-based programs offer inmates a heightened sense of dignity and purpose. No matter how long an inmate's sentence may be, faith teaches prisoners to care about the people around them and live in a more virtuous way.³⁶ The way of living provides inmates with a heightened sense of hope and personal dignity, resulting in a change of heart and mind.

II. WHEN INDIVIDUALS ARE NOT AFFORDED RELIGIOUS FREEDOM, THE POSSIBILITY OF MORAL REHABILITATION DECLINES FOR EVERY PRISONER

For inmates to experience change through their religious beliefs—whether newfound or reignited—they must be able to practice those beliefs. If not, the core fuel that drives the internal and behavioral changes of inmates is severely dampened.

When courts protect religious rights, rehabilitation thrives. When they don't, it withers. This systemic effect is driven by the fact that the beneficial elements of religious practice spread among inmates, no matter their creed or specific religious faith.³⁷ According to Angola's Warden Cain, when the prison began to support religion by opening a bible college, "it changed the culture of the prison."³⁸

³⁶ Johnson, *supra* note 8.

³⁷ Michael Hallett, *Faith at Angola Prison*, COMMONWEAL (Mar. 30, 2017), <https://www.commonwealmagazine.org/faith-angola-prison> (describing how, after Angola began to allow inmates to run their own churches, prisoners began to organize groups for Baptists, Pentecostals, Catholics, Methodists and a small contingent of Muslim inmates began to practice at the prison).

³⁸ Erick Eckholm, *Bible College Helps Some at Louisiana Prison Find Peace*, THE NEW YORK TIMES (Oct. 5, 2013), <https://www.nytimes.com/2013/10/06/us/bible-college-helps-some-at-louisiana-prison-find-peace.html>.

While the Ministry in Angola was based on Christian teachings, the bible school's graduates "include 15 Muslims . . . [who] minister to the 250 Islamic inmates."³⁹ Indeed, the prison now provides services for Protestant, Roman Catholic, Jewish, and Muslim inmates.⁴⁰

Angola is a powerful testament to the fact that religious practice does not occur in a vacuum. Where religion is allowed to proliferate, it will spread among inmates regardless of color or creed. With more inmates finding some form of religion in prison, the proportion of inmates that might achieve true moral rehabilitation increases equally.

The corollary to the fact that religious freedom fosters more opportunity for moral rehabilitation in prisons is that discrimination against individual inmates has an effect on the prospect of moral rehabilitation for *all* incarcerated individuals. The freedom to grow locks is important to a Rastafarian because he believes that he must do so to comply with the Nazarite vow. That particular freedom may not hold importance for inmates of other faiths, but seeing others safely practice their religion and benefit from its teachings communicates to those inmates that they are safe to do the same. On the other hand, when a Rastafarian is pinned down and forcefully shaved, other inmates may never start their own religious journey. Instead, religious exercise is chilled. Inmates are desperately in need of hope and dignity and will follow the lead of others if they appear to be on the path of finding that hope and dignity. But if inmates see others suffering persecution for their religious practice, they will hesitate to start and perhaps even abandon their own religious journey—especially if their faith of choice is a minority religion more

³⁹ *Id.*

⁴⁰ *Id.*

likely to face persecution. Moral rehabilitation requires religious practice, so the failure to remedy discrimination against one inmate imperils the moral rehabilitation of every inmate.

III. RLUIPA MUST PROVIDE ADEQUATE PROTECTION TO INMATES WHO FACE RELIGIOUS DISCRIMINATION OR THE REHABILITATIVE EFFECT OF RELIGION IN PRISON WILL BE ENDANGERED

The Fifth Circuit’s misconstruction of RLUIPA has a twofold negative effect on the religious freedom of inmates and the rehabilitation that this freedom fosters.

First, inmates may be left with no remedy for religious discrimination they face while incarcerated.

Second, correctional officers are shielded from personal liability that would deter them from religious discrimination.

If left unchecked, this erosion of the religious freedom of inmates will jeopardize the moral rehabilitation that religion produces in prisons.

The Fifth Circuit’s rule leaves inmates, like the Petitioner here, who “clearly suffered a grave legal wrong,” drained of the hope and dignity their religion provides them while incarcerated. *Landor v. La. Dep’t of Corr. & Public Safety*, 93 F.4th 259, 260 (5th Cir. 2024) (Clement J., concurring). As this Court noted in *Tanzir*, damages for violations of religious rights “[are] not just ‘appropriate relief’ but rather ‘the *only* form of relief that can remedy some RFRA violations.’” *Tanzin v. Tanzir*, 592 U.S. 43, 51 (2020) (emphasis in original).

The Petitioner’s injuries here fall squarely in the second description. In dissent from the denial of en banc review, Judge Oldham recognized that “[a]n injunction obviously would not help the then-bald Landor.” *Landor*, 93

F.4th at 262 (Oldham J., dissenting). Like for so many others who have their fundamental rights violated, for Mr. Landor, “it’s damages or nothing.” *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388, 410 (Harlan, J., concurring). It is a foundational premise of American law that, for the rights we enjoy as Americans to have any meaning, the courts must provide a remedy when those rights are violated. *See Marbury v. Madison*, 5 U.S. 137, 163 (1803) (“The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right.”).

As explained above, religion offers inmates an opportunity for hope, dignity, and ultimately, moral rehabilitation. Recognizing that an inmate’s religious freedom has been “knowingly violated,” but nonetheless affording no relief under RLUIPA, would go far to rob inmates of what hope and dignity their religious practice might have cultivated. *Landor*, 93 F.4th at 260 (Clement J., concurring).

Beyond the need to provide relief to individuals, correctional officers and other officials who interact with prisoners must be discouraged from engaging in religious discrimination for the full rehabilitative effect of religion to be felt in prisons. Moral rehabilitation through religious practice is only possible in an environment where that religious practice can occur. Without the proper incentives in place, correctional officers may stifle, with near impunity, the religion of those they are tasked with rehabilitating. There must be a balance between affording correctional officers’ deference in safely running prisons and an inmate’s right to worship. But if RLUIPA is interpreted to afford no recourse for plaintiffs like Mr. Landor, there is no semblance of “balance”; the interests of the state dominate the interests of the inmate. This flawed model threatens to

stunt the religious practice of inmates through routine discrimination and make their moral rehabilitation impossible.

Individual capacity suits for damages under RLUIPA are the correct mechanism to provide the necessary disincentive for correctional officers because they open officers up to liability that is proportionate to the damage they inflict on the religious rights of prisoners. This Court has long acknowledged the deterrent effect of individual capacity suits in the context of Section 1983 and *Bivens* claims. *See Wyatt v. Cole*, 504 U.S. 158, 161 (1992) (“[T]he purpose of Section 1983 is to deter state actors from using the badge of their authority to deprive individuals of their federally guaranteed rights and to provide relief to victims if such deterrence fails.”); *see also Ziglar v. Abbasi*, 582 U.S. 120, 140 (2017) (“[T]he purpose of *Bivens* is to deter the officer.”).

Further, with qualified immunity as a shield for all but clearly established constitutional violations, the risk of deterring officers too much is slight. Recognizing that RLUIPA, like Section 1983 and *Bivens*, provides a mechanism for damages would similarly deter correctional officials from violating the religious liberty of inmates.

Providing damages under RLUIPA is a crucial step in enabling the moral rehabilitation of prisoners. Damages in cases like this provide the essential deterrent for prison officials, thereby protecting religious freedom and maintaining a prisoner’s hope and dignity. The process of changing hearts and minds is never easy. Even so, this case presents the opportunity to strengthen the religious freedom of inmates and give moral rehabilitation a fighting chance.

CONCLUSION

For these reasons, and those advanced by the Petitioner, the Court should reverse the Fifth Circuit's decision. By ensuring that RLUIPA provides real remedies, this Court will protect not only the rights of prisoners like Damon Landor but also the hope of transformation that faith can bring to our nation's prisons.

September 3, 2025

Respectfully submitted,

KELLY J. SHACKELFORD
JEFFREY C. MATEER
HIRAM S. SASSER, III
DAVID J. HACKER
GARRETT BELL
FIRST LIBERTY INSTITUTE
2001 W. Plano Parkway
Suite 1600
Plano, TX 75075
(979) 941-4444
kshackelford@firstliberty.org
jmateer@firstliberty.org
hsasser@firstliberty.org
dhacker@firstliberty.org
gbell@firstliberty.org

RICHARD D. SALGADO
Counsel of Record
MARINA S. KELLY
LUCAS J. HALE
McDERMOTT WILL & EMERY
2501 N. Harwood St.
Suite 1900
Dallas, TX 75201
(214) 210-2797
richard.salgado@mwe.com
mkelly@mwe.com
lhale@mwe.com

*Counsel for Amici Curiae
Dr. Denny Autry and Mr. Jerry Blassingame*