No. 23-1197

In the Supreme Court of the United States

DAMON LANDOR,

Petitioner,

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,

Respondents.

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

BRIEF ON BEHALF OF AGUDATH ISRAEL OF AMERICA AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER

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INTEREST OF *AMICUS CURIAE*[1]

Amicus curiae, Agudath Israel of America ("Agudath Israel") has a strong interest in safeguarding religious liberties across the nation by ensuring that victims of religious discrimination—particularly those covered by the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000cc *et seq*. ("RLUIPA")—can obtain adequate relief such as money damages through the courts. This appeal concerns a RLUIPA claim by a Rastafarian man who, while incarcerated, was forcibly shaved by prison officials in contravention of his religious beliefs. The Court of Appeals' construction of RLUIPA also implicates the statute's strong policy against land use-based religious discrimination. Agudath Israel thus writes to inform the Court of the significant impacts the Court of Appeals' flawed interpretation of RLUIPA could have for victims of both Incarcerated Persons-related and Religious Land Use-related discrimination that include Agudath Israel's constituents.

Agudath Israel, founded in 1922, is a national grassroots Orthodox Jewish organization. Among its other functions, Agudath Israel articulates the position of the Orthodox Jewish community on a broad range of legal issues affecting religious rights and

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[1] In accordance with Rule 37.6, counsel affirms that no counsel for any party authored this brief in whole or in part. No person or entity other than *amicus* and undersigned counsel contributed the costs associated with the preparation and submission of this brief.

religious liberty. Agudath Israel regularly engages all levels of government—including through the submission of *amicus curiae* briefs—to advocate for the interests of the Orthodox Jewish community throughout the United States.

Agudath Israel was one of the organizations that advocated for passing RLUIPA and its constituents are often plaintiffs in actions brought pursuant to RLUIPA as well as its sister legislation, the Religious Freedom Restoration Act of 1993, 42 U.S.C. § 2000bb *et seq*. ("RFRA").

Agudath Israel regularly assists constituents facing religious discrimination, including through direct involvement in numerous RLUIPA cases across the United States and before this Court.[2] As such, Agudath Israel has significant experience related to the issues central to this appeal—including the importance of permitting recovery of monetary damages to compensate victims and deter future religious discrimination.

* * *

[2] *See, e.g.*, *Amicus Curiae* Brief of Agudath Israel of America, *Walker v. Baldwin*, No. 22-2342 (7th Cir. Oct. 31, 2022), ECF No. 41; *Amicus Curiae* Brief of the National Jewish Commission on Law and Public Affairs, *Holt v. Hobbs*, No. 13-6827 (U.S. May 29, 2014) (including Agudath Israel).

INTRODUCTION

Congress enacted RLUIPA to protect "one of the most fundamental aspects of religious freedom—the right to gather and worship . . . ." 146 Cong. Rec. 14,612 (2000) (statement of Rep. Canady). But without effective relief, this protection is hollow.

Injunctions alone do not provide effective relief. They do nothing for past harm like Mr. Landor's. Even when harm is ongoing, a defendant has scant reason to cease misconduct just to avoid an injunction. Indeed, without damages, defendants can avoid accountability entirely by mooting a case. And injunctions do little to deter other government officials from future violations. Instead, an injunction-only regime does the opposite: It deters *plaintiffs* from asserting their RLUIPA rights via protracted litigation at great cost with no promise of meaningful relief.

The need for damages is apparent in the land-use context. While this case arises in the institutionalized-person context, RLUIPA's land-use protections for religious assemblies are also critical. Discriminatory zoning can stifle religious practice and threaten a house of worship's very existence. To defend their RLUIPA rights through lengthy, resource-intensive disputes, religious institutions need the promise of monetary relief.

These protections are urgent. Antisemitism in the United States has surged to unprecedented levels, with incidents spiking sharply in the aftermath of the

October 7th attack on Israel and still rising, in 2024.[3] In 2023, 63% of American Jews felt less secure than a year before (up from 41% in 2022 and 31% in 2021).[4] This surge is part of a broader rise in religious discrimination across faiths.[5]

Harm to religious exercise is not always overt. Governments often infringe upon religious rights through zoning laws, local regulations, and prison policies that subtly, but seriously, impede free exercise. RFRA and RLUIPA were enacted to counter such violations and to uphold the Constitution's guarantee of religious liberty—especially against coercive governmental actions. *Lyng v. Nw. Indian Cemetery Protective Ass'n*, 485 U.S. 439, 450 (1988). The Fifth Circuit's decision undermines these protections, leaving vital religious freedoms vulnerable to discrimination with

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[3] *Audit of Antisemitic Incidents 2024*, ADL Center on Extremism at 1, 4 (Apr. 22, 2025), https://www.adl.org/resources/report/audit-antisemitic-incidents-2024 (demonstrating a 5% increase since 2023, an 893% increase since 2015, and with 2024 tallying "the highest number on record since ADL began tracking antisemitic incidents 46 years ago").

[4] Holly Huffnagle, *The State of Antisemitism in America 2023: Insights and Analysis*, Am. Jewish Committee (2024), www.ajc.org/sites/default/files/pdf/2024-07/AJC%E2%80%99s%20State%20of%20Antisemitism%20in%20America%202023%20Report%20%28Download%29.pdf.

[5] *See, e.g.*, Pew Rsch. Ctr., *How Much Discrimination Do Americans Say Groups Face in the U.S.*? 13 (May 2025), https://www.pewresearch.org/politics/2025/05/20/views-of-how-much-discrimination-muslims-jews-evangelicals-and-atheists-face/; *see* Jonathan Fox, *Thou Shalt Have No Other Gods Before Me: Why Governments Discriminate Against Religious Minorities* 9 (2020).

little recourse and only hollow relief for victims.[6] RFRA and RLUIPA were implemented to redress these violations.[7]

Giving full effect to RLUIPA requires reversal. The decision below guts the protections Congress enacted, leaving serious violations unchecked, perpetrators undeterred, and victims with only hollow relief. The Court should restore the remedies Congress provided and ensure that victims of discrimination like Mr. Landor and Agudath Israel's constituents receive the full protection of their RLUIPA rights.

ARGUMENT

I. Congress Designed RLUIPA to Provide Broad, Effective Relief.

Congress enacted RLUIPA, like RFRA, to close dangerous gaps in protections against religious discrimination in some of the most vulnerable contexts. RLUIPA, like RFRA, was designed to provide meaningful relief to victims and to deter future violations. So RLUIPA, like RFRA, should be interpreted to

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[6] Daniel Dalton, *This Religious-Freedom Fight is Remaking America: RLUIPA in the Spotlight*, Dalton + Tomich (Nov. 13, 2017), https://daltontomich.com/rluipa-the-quiet-religious-freedom-fight-that-is-remaking-america/.

[7] Noel Sterett, *How a Little-Known Federal Land Use Law Could Help Combat Antisemitism in America*, Religion News Service (July 2, 2021), https://religionnews.com/2021/07/02/how-a-little-known-federal-real-estate-law-could-help-combat-antisemitism-in-america/.

provide money damages against non-sovereign defendants.

RLUIPA and RFRA grew from the same roots: both responded to the need for greater protection for religious liberty after *Employment Division v. Smith*, 494 U.S. 872 (1990). In *Smith*, this Court declined to impose strict scrutiny on neutral laws of general applicability that burden religious exercise. *Id.* at 888–89. This left individuals and religious institutions vulnerable to religious discrimination perpetrated under the veil of generally applicable laws.

RFRA and RLUIPA are twin statutes designed to fill that gap. Congress first enacted RFRA, reinstating strict scrutiny review for laws that "substantially burden a person's exercise of religion even if the burden results from a rule of general applicability." 42 U.S.C. § 2000bb-1(a). Then this Court narrowed RFRA in *City of Boerne v. Flores*, confining RFRA to federal entities. 521 U.S. 507 (1997). To fill the gap again, Congress enacted RLUIPA. RLUIPA reinstates protections for religious exercise in two contexts: land-use regulation and institutionalized persons. 42 U.S.C. § 2000bb *et seq*.

RLUIPA is thus RFRA's complement or "Congress' second attempt to accord heightened statutory protection to religious exercise in the wake of this Court's decision in [*Smith*]." *Sossamon v. Texas*, 563 U.S. 277, 281 (2011). This Court repeatedly has recognized that RFRA and RLUIPA are "sister" statutes 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)); *Ramirez v. Collier*, 595 U.S. 411, 424 (2022); *see also Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 591 U.S. 657, 703 n.13 (2020) (Alito, J., concurring) (describing RLUIPA as "RFRA's twin").

To provide that "very broad protection," *Holt*, 574 U.S. at 356, both statutes include identically broad remedial language: a plaintiff may "obtain appropriate relief against a government." 42 U.S.C. § 2000bb-1(c) (RFRA); § 2000cc-2(a) (RLUIPA). To reinforce the statute's expansive remedial objective, Congress expressly instructed that RLUIPA be interpreted broadly: RLUIPA "shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter and the Constitution." § 2000cc-3(g); *see Jefferson Cnty. Pharm. Ass'n v. Abbott Lab'ys*, 460 U.S. 150, 159 (1983) ("Because the Act is remedial, it is to be construed broadly to effectuate its purposes." (citation omitted)).

It is not by accident that RLUIPA has remedial provisions with a breadth and similarity to RFRA. RLUIPA's authors intended a remedial provision that "tracks RFRA." 146 Cong. Rec. E1563 (Sept. 22, 2000) (daily ed.) (statement of Rep. Canady). They intended to provide effective relief: "[t]hese provisions are designed to remedy the well-documented discriminatory and abusive treatment suffered by religious individuals and organizations in the land use context." 146 Cong. Rec. 14,612 (2000) (statement of Rep. Canady).

And squarely addressing the question presented here, RLUIPA's authors consciously chose broad remedial language to create "a private cause of action for damages." 146 Cong. Rec. E1563; *accord* H.R. Rep. No. 106-219, at 29 (1999); *see also id.* (caveating that "the Act does not abrogate the Eleventh Amendment immunity of states," *cf. Sossamon*, 563 U.S. 277).

This Court should therefore interpret RLUIPA to provide the same broad remedies as RFRA. Every interpretive step in *Tanzin v. Tanvir* applies here: The text is "materially identical to RFRA's." Pet. App. 31a (Oldham, J., dissenting from denial of rehearing *en banc*). Both operate in the "context of suits against Government officials," where "damages have long been awarded as appropriate relief." *Tanzin*, 592 U.S. 43, 49–51 (2020). The present case also "features a suit against individuals, who do not enjoy sovereign immunity." *Id.* at 52. And as this case illustrates (and as discussed further below), damages are "the *only* form of relief that can remedy some RFRA violations." *Id.* at 51.

II. Monetary Relief is Necessary to Effectuate Congress's Design, Including in Land-Use Cases.

A. Injunctive relief alone is ineffective.

Monetary damages are necessary to deliver RLUIPA's promise of effective relief. As this Court recognized in *Tanzin*, "[f]or certain injuries . . . effective relief consists of damages, not an injunction," and "it would be odd to construe RFRA in a manner that prevents courts from awarding such relief." 592

U.S. at 51. And even beyond their failure to compensate for past injuries, injunctions are inadequate to deter discriminatory and abusive acts.

Equitable relief does not deter defendants into ceasing unlawful behavior. RLUIPA litigation often takes years. This allows defendants to continue their unlawful behavior with impunity if all they face is a forward-looking decree (which looks the same no matter how much harm they cause).

This pattern exacerbates disputes. Defendants are motivated to fight tooth and nail: The longer they drag out litigation, the longer they can continue their unlawful conduct. They need not compensate injuries that accrue in the meantime.

Indeed, defendants can avoid accountability entirely by simply mooting injunctive claims.[8] Look no

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[8] *See, e.g.*, *Barnett v. Short*, 129 F.4th 534, 539–40 (8th Cir. 2025) (noting that for jail inmates, damages are often the only meaningful relief available because their requests for injunctive relief are frequently mooted by transfer or release before litigation concludes); Nicole B. Godfrey, *Holding Federal Prison Officials Accountable: The Case for Recognizing a Damages Remedy for Federal Prisoners' Free Exercise Claims*, 96 Neb. L. Rev. 924, 958 (2018) ("[I]n cases for injunctive relief that present important constitutional questions, the BOP's modus operandi is to move the prisoner-plaintiff from the jurisdiction in which the case was filed to another judicial district in an attempt to moot or otherwise throw unique procedural wrenches into the prisoner's claim."). The voluntary-cessation exception to mootness inadequately prevents such gamesmanship. *See* Joseph C. Davis & Nicholas R. Reaves, *The Point* Isn't *Moot: How Lower Courts Have Blessed Government Abuse of the Voluntary-Cessation Doctrine*, 129 Yale L.J. 325 (2019).

further than this case: Mr. Landor's injunctive claims vanished with his release, leaving him without recourse and his abusers unscathed. Defendants could even wait to moot a case until deep into the litigation and still avoid RLUIPA's guarantee of attorney's fees to a prevailing plaintiff. 42 USC § 1988(b); *cf. Lackey v. Stinnie*, 145 S. Ct. 659, 664 (2025). And a mooted case creates no precedent to prevent future RLUIPA violations.

As a result, in a world without damages, plaintiffs suffer. They receive no compensation for their past injuries. Litigating entails further harm: They suffer ongoing injury if the defendant persists in his unlawful conduct. And the litigation itself creates disruption, uncertainty, and costs. With little to gain and much to lose from litigation, the plaintiff likely will give up. An equitable-relief-only regime thus disincentivizes plaintiffs to assert their RLUIPA rights, just as it incentivizes defendants to ignore them.

This domino effect stemming from the unavailability of damages impairs general deterrence. Injunctions give government officials little to fear: litigation takes years, claims may be mooted, and they have nothing to lose financially. In that environment, officials face little discouragement to obstruct unpopular or unfamiliar religious practices, particularly those of minority faiths such as Orthodox Judaism, Islam, or newer Christian denominations. Yet deterrence is especially important because the spiritual harms worshippers suffer from RLUIPA violations are irreparable (as the provision of

injunctive relief acknowledges). For RLUIPA to be truly effective, it must deter violations in the first place.

Damages resoundingly solve those problems. With damages, the longer defendants inflict harm, the more they must pay. And plaintiffs receive compensation and motivation to vindicate their RLUIPA rights. The availability of damages ensures that government actors take pause before burdening religious exercise in ways Congress has forbidden.

B. Land-use cases illustrate the need for monetary relief.

RLUIPA protects religious exercise in two settings: institutional confinement and land-use regulation. This case, arising in the first setting, shows why damages are indispensable: As highlighted, Mr. Landor's hair—cut in violation of his Nazarite vow—was gone by the time his case reached the courts. Pet. App. 2a–3a, 16a. Injunctive relief offered him nothing because the harm was in the past.

Damages are just as crucial in land-use cases. Even more so than in incarceration cases, the harm in land-use cases is often ongoing. But injunctive relief alone is inadequate to protect religious exercise as Congress intended. Land-use discrimination threatens religious assemblies' ability to operate. To defend their RLUIPA rights via protracted, resource-intensive disputes, religious institutions need the promise of monetary relief.

Religious discrimination in land use causes significant—sometimes existential—harms to religious assemblies. Governments and their employees can persistently obstruct worship through zoning denials, eminent domain actions, and hostile communications. A congregation may lose its lease, have its property rezoned, or have its ministry suspended. These abuses can jeopardize a religious institution's ability to operate at all. And these abuses also often have spillover effects, such as impacting parishioners' ability to live in certain places.

For example, discriminatory zoning gravely harms Orthodox Jewish communities, which must establish synagogues, schools, and ritual facilities within walking distance of adherents who are forbidden to drive on the Sabbath. Expert Report by Rabbi Shmuel Goldin ¶ 1(c), *Young Israel of Bal Harbour, Inc.*, *v. Town of Surfside*, No. 10-cv-24392, 2011 WL 13130864 (S.D. Fla. Dec. 19, 2011), ECF No. 54-1 (highlighting that protecting against discrimination in these instances is essential, as Jewish law "forbids use of motorized vehicles on the Sabbath and on most Jewish holidays . . . . Accordingly, a synagogue must be in close proximity to the home. Orthodox Jews choose their homes to be within walking distance of an Orthodox synagogue. They will not ordinarily attend synagogues which are located at great distances from their homes").

Yet municipalities repeatedly have used zoning codes to exclude or delay the building of such institutions, often invoking pretextual or vague concerns like traffic or "compatibility." *See Midrash Sephardi, Inc.*

v. Town of Surfside, 366 F.3d 1214, 1228 (11th Cir. 2004); *Hollywood Cmty. Synagogue, Inc. v. City of Hollywood*, 430 F. Supp. 2d 1296, 1305 (S.D. Fla. 2006); *Tenafly Eruv Ass'n v. Borough of Tenafly*, 309 F.3d 144, 152–54 (3d Cir. 2002).[9]

Orthodox Jews certainly are not alone in facing severe harm from land-use discrimination. For nearly twenty-five years, Gethsemani Baptist Church distributed hundreds of thousands of pounds of food to the needy as a lawful nonconforming use. Yet in 2022, city officials abruptly barred semi-truck deliveries, revoked access to storage space, and issued citations to the pastor. *Gethsemani Baptist Church v. City of San Luis*, No. 24-cv-00534, 2024 WL 4870509, at *4 (D.

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[9] *Midrash Sephardi* highlights both the critical need for accessible synagogues and the ease with which local governments can burden that access. Two Miami synagogues—Midrash Sephardi and Young Israel of Bal Harbour—challenged the Town of Surfside's refusal to grant zoning variances as discriminatory. *Sephardi v. Town of Surfside*, No. 99-1566, 2000 WL 35633163, at *1 (S.D. Fla. July 31, 2000). The requested variances would have allowed the synagogues to operate in business districts, enabling congregants to "walk to service[s] both on Holy Days and on[] the[] Sabbath, [] to participate in congregational worship." *Id.*

Both the district court and the Eleventh Circuit rejected the claims. Most troubling, the Eleventh Circuit dismissed the burdens at issue with the remark: "While we certainly sympathize with those congregants who endure Floridian heat and humidity to walk to services, the burden of walking a few extra blocks, made greater by Mother Nature's occasional incorrigibility, is not 'substantial' within the meaning of RLUIPA." *Midrash Sephardi*, 366 F.3d at 1228. That reasoning trivializes the lived reality of Orthodox Jewish worship and suggests a misunderstanding of RLUIPA's land-use protections.

Ariz. Nov. 22, 2024) (denying motion to dismiss); Statement of Interest of the United States of America, *Gethsemani Baptist Church*, No. 24-cv-00534 (D. Ariz. July 29, 2024), ECF No. 39 (government supporting church). These obstructions effectively shut down the ministry.

Posing a similarly existential threat, in *Anchor Stone Christian Church v. City of Santa Ana*, the city required the church to secure a discretionary conditional-use permit to hold worship services. This was even though comparable secular assemblies—such as museums and art galleries—were permitted without needing any permits. Only through litigation could the church vindicate its ability to hold services. 777 F. Supp. 3d 1126, 1136 (C.D. Cal. 2025); *see* Statement of Interest in Supp. of Pl's Mot. for Prelim. Inj., *Anchor Stone Christian Church*, No. 25-cv-00215 (C.D. Cal. Mar. 14, 2025), ECF No. 56 (government supporting church); *see also, e.g.*, Statement of Interest of the United States of America, *Summit Church-Homestead Heights Baptist Church, Inc. v. Chatham County*, No. 25-cv-00113 (M.D.N.C. Apr. 18, 2025), ECF No. 23 (government supporting church whose application to rezone land for a campus was discriminatorily denied).

These severe harms require compensation. Injunctions that arrive years later cannot restore what was lost; without damages, the injury is permanent and unremedied.

Damages, moreover, are crucial to enable religious institutions to assert their rights. Religious

assemblies victimized by discrimination face a difficult choice: embark on protracted RLUIPA litigation or give up by relocating or shuttering. But litigating is costly. Prolonged litigation imposes substantial financial and reputational burdens. Without compensatory damages at the end of the tunnel, litigation may be impractical.

Take the lengthy struggle that consumed Chabad Lubavitch of the Beaches, an Orthodox Jewish congregation in Atlantic Beach, New York. In November 2021, Chabad purchased a long-vacant building. But village officials soon initiated an eminent domain action, claiming the need for a community center and lifeguard operations facility—conduct that Chabad alleged was motivated by religious animus. Protracted negotiations and litigation yielded a settlement to retain the property in late 2023.[10] But a year later, the zoning board again denied the congregation's application to use the property for religious purposes. Antisemitic sentiments appeared in leaked communications from village officials.[11] Only in July 2025 did Chabad reach another settlement, this time with limited monetary compensation, federal court oversight to ensure

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[10] *See* Joint Motion to Stay Proceedings, *Chabad Lubavitch of the Beaches, Inc. v. Incorporated Village of Atlantic Beach*, No. 22-cv-04141 (E.D.N.Y. Jan. 9, 2024), ECF No. 84 (motion informing court that parties had reached a settlement).

[11] *See Ynet News*, *Leaked Communications Show Antisemitic Sentiments in Atlantic Beach Dispute* (Dec. 12, 2024), https://www.ynetnews.com/jewish-world/article/hyicytabyx.

compliance, and a guarantee that Chabad could use the property for religious purposes.[12]

This congregation was forced to endure years of fighting, abuse from government officials, and a thwarted settlement just to use the building it purchased. Without compensatory relief, a less persistent or under-resourced institution may not have been able to survive. Jeopardizing the survival of the most vulnerable houses of worship stifles the promise of religious liberty upon which this country was founded upon.

Extended disputes also embroil Orthodox Jewish communities when zoning officials discriminatorily prevent them from erecting an "*eruv*"—a required structure that must be erected in certain communities to permit carrying anything outside, including pushing baby carriages or wheelchairs, on each and every Sabbath.[13] In *Tenafly Eruv Ass'n v. Borough of Tenafly*, the plaintiffs sought to erect an *eruv* on utility poles in part of the town, which the town attempted to obstruct. 309 F.3d at 154. Overt antisemitic rhetoric prevailed at public hearings: a "Council member . . . noted 'a concern that the Orthodoxy would take over.'" *Id.* at 153. The plaintiffs had to sue

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[12] *See* Consent Judgment, *supra* note 10, *Chabad Lubavitch of the Beaches*, No. 22-cv-04141 (E.D.N.Y. July 29, 2025), ECF No. 117.

[13] *See* Charlotte Elisheva Fonrobert, *Installations of Jewish Law In Public Urban Space: An American Eruv Controversy*, 90 Chi.-Kent L. Rev. 63, 64–65 (2015).

and litigate the case through appeal to obtain even a preliminary injunction three years later. *Id.* at 154.

That "long, drawn-out lawsuit [which] senselessly divided the small community, opening a rift that was slow to mend,"[14] is hardly unique. Many other *eruv* cases have been similarly protracted.[15] And countless other houses of worship and other religious institutions regularly are burdened by long-running land-use fights too.[16]

Damages are crucial in these lengthy land-use disputes. The deck is already stacked against the religious assemblies. Whether their religious observance

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[14] Deena Yellin, *Eruv Lawsuit In Tenafly Provides A Cautionary Tale*, northjersey.com (July 30, 2017), https://www.northjersey.com/story/news/2017/07/30/tenaflys-eruv-lawsuit-provides-cautionary-tale/507868001/.

[15] *See, e.g.*, Fonrobert, *supra* note 13, at 64–65; Complaint, *Bergen Rockland Eruv Ass'n v. Township of Mahwah*, No. 17-cv-06054 (D.N.J. Aug. 11, 2017), ECF No. 1; *E. End Eruv Ass'n v. Vill. of Westhampton Beach*, 828 F. Supp. 2d 526 (E.D.N.Y. 2011).

[16] *See, e.g.*, *Thai Meditation Ass'n of Ala., Inc. v. City of Mobile*, 83 F.4th 922, 929–31 (11th Cir. 2023) (decade-long legal battle for a Buddhist meditation center to defend its ability to operate); Emma Green, *The Quiet Religious-Freedom Fight That Is Remaking America*, The Atlantic (Nov. 5, 2017), https://www.theatlantic.com/politics/archive/2017/11/rluipa/543504/ (discussing zoning issues that prevented the North Jersey Vineyard Church from constructing and occupying the building it purchased to hold services); Jennifer Chambers, *First Mosque Opens In Troy, But Legal Battle With City Continues*, Detroit News (Sept. 17, 2022), https://www.detroitnews.com/story/news/local/oakland-county/2022/09/17/mosque-opens-troy-legal-battle-continues/10412605002/; Fonrobert, *supra* note 13, at 64–65.

can proceed is in government officials' hands. The cost and disruption of litigation is far more acute for the plaintiffs than for the government. And if a prospective injunction is all that is at stake, the government has little reason to compromise: Why lift the discriminatory burden voluntarily when that is the most that the government could lose in litigation? And religious assemblies have every temptation to give up their RLUIPA rights, moving on to somewhere less hostile to their beliefs.

Instead, to effectuate RLUIPA's promise, religious assemblies need monetary relief: to make litigation worthwhile, to bring the government to the table, and to make them whole for the harms they have suffered and will continue to suffer. When monetary relief is available, religious assemblies can stand up for their rights. For example, an Orthodox Jewish synagogue, fighting to construct a synagogue, persevered through dozens of planning board appearances and four court hearings and obtained a settlement with monetary compensation.[17] By contrast, without the same

[17] *See* Evan Seeman, *Clifton, NJ, Pays $2.5 Million To Settle RLUIPA Dispute*, RLUIPA Defense Blog (Jan. 10, 2019), https://www.rluipa-defense.com/2019/01/clifton-nj-pays-2-5-million-to-settle-rluipa-dispute/; *see also* Elizabeth Kratz, *New Jersey Shul Wins $2.5 Million In Landmark Religious-Discrimination Case*, Jewish News Syndicate (Jan. 8, 2019), https://www.jns.org/new-jersey-shul-wins-2-5-million-in-landmark-religious-discrimination-case/.

prospect of compensation, many victims who file claims abandon them before they are fully heard.[18]

III. At a Minimum, the Court Should Preserve Monetary Damages Beyond Individual-Capacity Claims in the Spending Clause Context.

Louisiana argues against RLUIPA monetary damages in a limited context: "damages for individual-capacity claims" under Congress's "Spending Clause authority." BIO 15–22. The Court should reject Louisiana's arguments, but at a minimum it should preserve RLUIPA monetary damages in other contexts—including: (a) claims against political subdivisions of states, and (b) claims based on other congressional sources of authority.

Even courts of appeals that have denied damages against individual officers hold that "money damages are available under RLUIPA against political subdivisions of states, such as municipalities and counties." *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 290 (5th Cir. 2012) (citing *Centro Familiar*

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[18] *See* Susan C. Ingram, *County Reaches Settlement With ARIEL And Rabbi Belinsky In Religious Land-Use Discrimination Suit*, Baltimore Jewish Times (Aug. 10, 2022), https://www.jewishtimes.com/county-reaches-settlement-with-ariel-and-rabbi-belinsky-in-religious-land-use-discrimination-suit/ (RLUIPA case settled after eight years of litigation where "[t]he congregation had to sell the property" it planned to build on "as the hearings dragged on for years"); *cf. Sephardi v. Town of Surfside*, No. 99-1566, 2003 WL 25728155, at *1 (S.D. Fla. Jan. 6, 2003) (highlighting that one of the synagogues challenging the zoning ordinances relocated during the pendency of the case).

Cristiano Buenas Nuevas v. City of Yuma, 651 F.3d 1163, 1168–69 (9th Cir. 2011); *Lighthouse Inst. for Evangelism, Inc. v. City of Long Branch*, 510 F.3d 253, 260–61 (3d Cir. 2007)); *Barnett v. Short*, 129 F.4th 534, 541 (8th Cir. 2025). In that context, Louisiana's contract-principles argument (BIO 19–22) has no footing: towns and counties are themselves the recipients of federal funding, and "damages are traditionally available against a county when it fails to live up to a bargain." *Barnett*, 129 F.4th at 541.

Moreover, outside the Spending Clause context, Louisiana has nothing to say at all. BIO 15–22. Yet Congress had independent authority to enact RLUIPA, at least in some applications, under its Commerce Clause and its Fourteenth Amendment powers. *See, e.g.*, *Westchester Day Sch. v. Vill. of Mamaroneck*, 504 F.3d 338, 354 (2d Cir. 2007) (Commerce Clause); *Guru Nanak Sikh Soc'y of Yuba City v. Cnty. of Sutter*, 456 F.3d 978, 995 (9th Cir. 2006) (Fourteenth Amendment).

Political subdivisions of states and other congressional sources of authority are crucial contexts for land-use cases. Cities, towns, and counties are often the perpetrators of discriminatory zoning. And land-use regulations typically implicate other sources of congressional authority, including because of their substantial effects on interstate commerce. The Court should ensure that RLUIPA monetary damages are available in those cases—as they should be in all cases against non-sovereign defendants.

* * *

Monetary damages are critical to deterring individual officials from violating the religious rights of the most vulnerable. Agudath Israel trusts this Court will again give effect to Congress's intent and authorize monetary damages for violations of RLUIPA.

CONCLUSION

The Court should reverse.

Respectfully submitted,

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