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In The  
**Supreme Court of the United States**

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GREGORY HOUSTON HOLT, A/K/A  
ABDUL MAALIK MUHAMMAD, PETITIONER

v.

RAY HOBBS, DIRECTOR, ARKANSAS  
DEPARTMENT OF CORRECTION, ET AL.

—◆—  
*ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE EIGHTH CIRCUIT*

—◆—  
**BRIEF FOR INTERNATIONAL MISSION BOARD  
OF THE SOUTHERN BAPTIST CONVENTION,  
UNITED STATES CONFERENCE OF CATHOLIC  
BISHOPS, ISLAMIC SHURA COUNCIL OF  
SOUTHERN CALIFORNIA, JEWISH PRISONER  
SERVICES INTERNATIONAL, LUTHERAN  
CHURCH—MISSOURI SYNOD, STATED CLERK  
OF THE GENERAL ASSEMBLY OF THE  
PRESBYTERIAN CHURCH (U.S.A.), GENERAL  
CONFERENCE OF SEVENTH-DAY  
ADVENTISTS, AND GENERAL SYNOD OF THE  
UNITED CHURCH OF CHRIST AS AMICI  
CURIAE IN SUPPORT OF PETITIONER**

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**BRIEF FOR INTERNATIONAL MISSION  
BOARD OF THE SOUTHERN BAPTIST  
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INTERNATIONAL, LUTHERAN CHURCH—  
MISSOURI SYNOD, STATED CLERK OF  
THE GENERAL ASSEMBLY OF THE  
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UNITED CHURCH OF CHRIST AS AMICI  
CURIAE IN SUPPORT OF PETITIONER**

Amici, religious organizations, respectfully submit this brief as amici curiae in support of petitioner.<sup>1</sup>

**INTEREST OF AMICI CURIAE**

Amici are religious organizations from a variety of faith traditions that support religious liberty for people of all faiths, including people behind bars. As such, amici have a keen interest in the Court's resolution of this case.

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<sup>1</sup> Letters from the parties granting blanket consent to the filing of amicus curiae briefs have been filed with the Clerk of the Court. No counsel for a party authored this brief in whole or in part and no party or counsel for a party made a monetary contribution intended to fund the preparation or submission of the brief. No person other than amici curiae, their members, or their counsel made a monetary contribution to the preparation or submission of this brief.

The International Mission Board of the Southern Baptist Convention (IMB) is an entity of the Southern Baptist Convention (SBC), the nation's largest Protestant denomination with more than 44,000 churches and 16.2 million members. To achieve its vision of seeing a multitude of every people, tribe, and tongue from around the world come to worship and exalt Jesus Christ as Lord and Savior, IMB employs more than 5,000 Christian workers. One of IMB's core values is to provide all people an opportunity to hear, understand, and respond to the gospel in their own cultural context.

The United States Conference of Catholic Bishops (USCCB) is a nonprofit corporation, the members of which are the active Catholic Bishops in the United States. USCCB advocates and promotes the pastoral teachings of the U.S. Catholic Bishops in such diverse areas of the nation's life as the free expression of ideas, fair employment and equal opportunity for the underprivileged, immigration, protection of the rights of parents and children, the sanctity of life, and the importance of education. Values of particular importance to the Conference include the protection of the rights of religious organizations and their adherents under the First Amendment and related federal statutes, such as RFRA and RLUIPA, and the proper development of this Court's jurisprudence in that regard.

The Islamic Shura Council of Southern California is an umbrella organization of mosques and Muslim organizations, serving more than half a

million Muslims in Southern California. Founded in 1995, the Islamic Shura Council fosters a spirit and culture of working together at all levels in one of the largest and most diverse Muslim populations in the country. In addition, the Islamic Shura Council's Prison Outreach Program serves as an educational resource to the incarcerated and also to prison officials on issues related to Muslims and Islam.

Jewish Prisoner Services International (JPSI) is a volunteer outreach program operated by Congregation Shaarei Teshuvah based in Seattle, Washington. While its primary focus is on pastoral care for Jewish prisoners, releasees and their families, JPSI also provides services to synagogues and rabbis, Jewish social service organizations, correctional agencies, governmental entities, and other faith groups. JPSI's Chairman, Chaplain Gary Friedman, also serves as the communications director of the American Correctional Chaplains Association (ACCA), a religious instructor for the American Jail Association (AJA), and a member of the Religion and Faith-Based Services Committee of the American Correctional Association (ACA).

The Lutheran Church—Missouri Synod (the Synod) is a nonprofit corporation organized under the laws of the State of Missouri. The Synod is a mission-oriented, Bible-based, confessional Christian denomination headquartered in St. Louis, Missouri. Founded in 1847, the Synod has more than 2.3 million baptized members in some 6,200 congregations and more than 9,000 pastors. The Synod has a keen

interest in protecting religious liberty generally, and in particular supporting the Free Exercise Clause of the First Amendment and full protection under the RLUIPA.

Gradye Parsons, as Stated Clerk of the General Assembly, is the senior ecclesiastical officer of the Presbyterian Church (U.S.A.). The Presbyterian Church (U.S.A.) is a national Christian denomination with nearly 1.85 million members in more than 10,000 congregations, organized into 173 presbyteries under the jurisdiction of 16 synods. Through its antecedent religious bodies, it has existed as an organized religious denomination within the current boundaries of the United States since 1706. This brief is consistent with the Constitution of the Presbyterian Church (U.S.A.) and policies of the General Assembly of the Presbyterian Church (U.S.A.) regarding the Free Exercise Clause of the First Amendment. The religious liberty guarantee of this clause is foundational to our understanding of the relationship between the church and state. The General Assembly does not claim to speak for all Presbyterians, nor are its decisions binding on the membership of the Presbyterian Church. The General Assembly is the highest legislative and interpretive body of the denomination, and the final point of decision in all disputes. As such, its statements are considered worthy of respect and prayerful consideration of all the denomination's members.

The General Conference of Seventh-day Adventists is the highest administrative level of the Seventh-day

Adventist church and represents nearly 59,000 congregations with more than 18 million members worldwide. In the United States, the North American Division of the General Conference oversees the work of more than 5,200 congregations with more than one million members. The Seventh-day Adventist Church has a strong interest in ensuring that government officials do not discriminate against religious expression and a long history of defending the rights of people of all faiths.

The General Synod of the United Church of Christ is the representative body of the national setting of the United Church of Christ (UCC). The UCC has approximately 5,100 churches in the United States, with a membership of approximately one million. The General Synod has a rich heritage of promoting religious freedom and tolerance, and in 2011 passed a resolution challenging anti-Muslim activities.

## **INTRODUCTION AND SUMMARY OF ARGUMENT**

Religious practice is a vital rehabilitative tool for many prisoners and an effective means of reducing prison violence and lowering rates of recidivism. Of course, religious liberty for prisoners is more than just good public policy, it is a fundamental right. The freedom to practice and profess one's religious beliefs is a basic human right that the framers sought to protect. This Nation was founded on the principle that all manner of faith communities would be free not just to exist but to thrive in the diverse fabric of American life. Amici are beneficiaries of that legacy.

Today religious freedom is among our Nation's most prized civil liberties. And while, in the context of correctional institutions, certain freedoms understandably must be curtailed to preserve order and safety, the framework articulated by Congress in the Religious Land Use and Institutionalized Persons Act (RLUIPA) accounts for order and safety concerns. For all of the reasons stated by petitioner, which amici support and hereby adopt, such concerns are not implicated where, as here, petitioner, an observant Muslim, seeks merely to grow a one-half inch beard in accordance with his religious beliefs. Concluding otherwise would erode RLUIPA and open the door to further limiting protections of religious exercise on both sides of prison walls.

Amici, as communities of faith from diverse religious traditions, are committed to safeguarding religious liberty for all citizens, including prisoners.

## ARGUMENT

### **A. Religious Liberty Is A Basic Principle Of Human Freedom That Extends To Prisoners**

Although there is a wide variety of religions and vast disagreement among faiths, there is broad consensus that religious liberty is a basic human right. See James E. Wood, Jr., *The Relationship of Religious Liberty to Civil Liberty and a Democratic State*, 1998 BYU L. REV. 479, 484 (1998). Indeed, few would dispute that the right to free exercise of religion deserves primacy of place in the First Amendment.

However, once one moves past the lofty rhetoric of religious liberty as America's "first freedom," a more important question emerges: how serious is the American government about protecting the religious exercise of its citizens in practice? RLUIPA—passed without a dissenting vote—represents Congress' emphatic declaration that America is committed to going beyond patriotic platitudes about religious liberty and has the legal and political will to limit State power that would interfere with the religious conscience of its citizens.

RLUIPA does this by ensuring that the core principle of religious freedom—that the State should not impose burdens that interfere with the religiously informed conscience of its citizens, 42 U.S.C. § 2000cc-1(a) (2006)—is not just for the powerful, the

virtuous, or citizens who are members of mainstream religions. Instead, by protecting the religious liberty of *prisoners*, RLUIPA signals that religious liberty in America extends even to the politically powerless, to the lawbreaker, and to those citizens whose religious practice may lie far outside the mainstream. Even in the prison context, where governmental authority to exercise coercive power limiting the freedom of its citizens is at its zenith, RLUIPA mandates that the State must “use its strength not to coerce, but to *protect* the conscience of the members of our society who are seemingly the least worthy of such protection: prisoners.” Derek Gaubatz, *RLUIPA at Four: Evaluating the Success and Constitutionality of RLUIPA’s Prisoner Provisions*, 28 HARV. J.L. & PUB. POL’Y 501, 607 (2005) (emphasis in original); cf. *Hudson v. Palmer*, 468 U.S. 517, 523-524 (1984) (“[T]he way a society treats those who have transgressed against it is evidence of the essential character of that society.”); Fyodor Dostoyevsky, *The House of the Dead* 76 (Constance Garnett trans., 1957) (“The degree of civilization in a society can be judged by entering its prisons.”).

Thus, Congress chose to pass RLUIPA in order to safeguard prisoners’ religious liberty out of “a growing concern among inmates, clergy, prisoners’ rights advocates, and members of Congress that prisoners were being unfairly prevented from practicing their faiths.” Gaubatz, *supra*, at 510. This Court recognized Congress’ concern, finding that “RLUIPA’s institutionalized-persons provision \* \* \* alleviates exceptional government-created burdens

on private religious exercise.” *Cutter v. Wilkinson*, 544 U.S. 709, 720 (2005). RLUIPA’s drafters “resist[ed] the temptation to strip protection from the most politically powerless, including prisoners and inmates,” *Issues Relating to Religious Liberty Protection, and Focusing on the Constitutionality of a Religious Protection Measure: Hearing Before the S. Comm. on the Judiciary*, 106th Cong. 4 (1999) (statement of Steven T. McFarland, Director, Christian Legal Society’s Center for Law and Religious Freedom), and instead mandated that only the showing of a compelling government interest implemented through the means least restrictive of religious exercise would justify imposing a burden on a prisoner’s religious exercise. 42 U.S.C. § 2000cc-1(a).

As petitioner’s brief demonstrates, the lower court appears to have applied a watered-down version of RLUIPA’s statutorily mandated strict scrutiny test to dismiss appellant’s religious exercise claim. Pet’r Br. at 42-55. Any inclination to affirm such a diluted approach to RLUIPA’s protections would fly in the face of not only RLUIPA’s plain language, 42 U.S.C. § 2000cc-3(g) (2006) (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”), but also the more fundamental commitment to religious liberty that motivated RLUIPA’s passage.

“RLUIPA recognizes that although it is proper for the State to punish individuals who have violated the laws of our society by imprisoning them, the State

does not have the right to seek to bind and control the religious beliefs and acts of conscience of those individuals.” Gaubatz, *supra*, at 607. Giving force to the religious liberty claims of prisoners under RLUIPA is ultimately a means to reaffirm “the traditional American view of government, reflected from the very birth of the Nation in the Declaration of Independence, that each individual,” even a prisoner, is important because a Creator “endowed him with certain inalienable rights—including the fundamental right to free exercise of religion and conscience.” *Ibid.*; *cf.* *Brown v. Plata*, 131 S. Ct. 1910, 1928 (2011) (“The basic concept underlying the [principle that prisoners retain certain rights] is nothing less than the dignity of man.”) (internal quotation marks omitted); Editorial, *Prisons and American Values*, L.A. TIMES, Aug. 7, 2013 (“Our treatment of prisoners, even the most dangerous and irredeemable, is a fundamental expression of American values.”).<sup>2</sup>

In short, interpreting RLUIPA so that it adequately protects the religious exercise and conscience of even those members of society considered to have the fewest rights—prisoners—this Court will “follow[ ]

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<sup>2</sup> While it is beyond the scope of this brief for amici to take a position on any matters relating to petitioner’s underlying conviction and sentence, amici do not dispute the general principle that it is often appropriate for the State to impose punishment that deprives convicted defendants of their physical liberty. However, amici fully support petitioner’s claim that the State has gone too far by seeking to add to this deprivation of liberty the interference with his ability to exercise his faith.

the best of our traditions” by “respect[ing] the religious nature of our people and accommodat[ing] the public service to their spiritual needs.” *Zorach v. Clauson*, 343 U.S. 306, 314 (1952).<sup>3</sup>

## **B. Religious Practice Has Long Played An Important Role In American Prisons**

This case presents questions regarding the scope of religious protections for prisoners under the First Amendment and RLUIPA. To understand the importance of affording prisoners such protections, one must examine the long history, broad scope, and substantial beneficial effects of prisoners’ religious practice. Research shows that religious practice behind

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<sup>3</sup> Notably, throughout history, many classic expressions of religious exercise have occurred in or from prison. The prophet Jeremiah continued to prophesy while in prison, and his prophecies are recorded in Jewish and Christian sacred texts. See *Jeremiah* 20, 37 (Revised Standard Version) (RSV). The Apostle Paul famously continued to express and act on his faith in prison, see *Acts* 16:16-40, 28:16-31 (RSV), and large sections of the New Testament were written as an exercise of his faith while he was imprisoned. See, e.g., *Colossians*; *Ephesians*; *Philemon*. The Pilgrim’s Progress, one of the most widely read works of Protestant Christian faith after the Bible, was written by John Bunyan in prison in the 1670s. See *Memoirs of the Life and Conversion of Mr. John Bunyan*, in *The Pilgrim’s Progress* i, vii (1836). Centuries later, the Reverend Martin Luther King, Jr. continued to exercise his religious faith from prison. See Martin Luther King, Jr., *Letter from a Birmingham Jail*, in *Liberating Faith: Religious Voices for Justice, Peace, and Ecological Wisdom* 177 (Roger S. Gottlieb ed., 2003). Although certainly not exhaustive, these examples suggest what could be lost if the government were given free rein to suppress the exercise of religious conscience by prisoners.

bars, such as the practice at issue here, benefits prisoners, prisons, and communities beyond prison walls.

Religion is not a novel concept in corrections. Criminal justice and religious scholars agree that religion has long influenced societal thinking about criminality, punishment, and rehabilitation. *See, e.g.*, Harry R. Dammer, *The Reasons for Religious Involvement in the Correctional Environment*, 35 J. OFFENDER REHABILITATION 35, 35-36 (2002) (tracing church involvement in corrections to “the days of Constantine” and “medieval times”); Jennifer Graber, *Prisons and Religion in the Americas*, 7 RELIGION COMPASS 532 (2013) (reviewing scholarship on prisons and religion by historians, sociologists, anthropologists, theologians, and ethicists); *see also Barnett v. Rodgers*, 410 F.2d 995, 1002 (D.C. Cir. 1969) (“Religion in prison subserves the rehabilitative function by providing an area within which the inmate may reclaim his dignity and reassert his individuality.”). This is particularly true in the United States where, in the late eighteenth century, religion was a driving force behind “the creation of a new U.S. penal system \* \* \* that had rehabilitation as its goal and prison as its method.” Thomas P. O’Connor et al., *Criminology and Religion: The Shape of an Authentic Dialogue*, 5 CRIMINOLOGY & PUB. POL’Y 559, 561 (2006).

Reformers developed the first American prisons as a more humane and “more Christian alternative to \* \* \* the casual brutality of corporal punishment as practiced in Europe.” Winnifred Fallers Sullivan,

Prison Religion: Faith-Based Reform and the Constitution 4 (2009). As the name “penitentiary” suggests, these institutions were designed, in part, to provoke repentance and atonement on the part of offenders. See Todd R. Clear & Melvina T. Sumter, *Prisoners, Prison, and Religion: Religion and Adjustment to Prison*, 35 J. OFFENDER REHABILITATION 125, 126 (2002) (“[T]he word ‘penitentiary’ is itself derived from ‘penitence,’ meaning ‘regret for wrongdoing or sinning.’”). For example, the Quaker reformists who founded the first American penitentiary in Philadelphia “believed that the penitentiary would provide a place of penitence where the convict, alone in his cell with only the Bible to comfort him, would necessarily ‘be compelled to reflect on the error of his ways, to listen to the reproaches of conscience, to the exhortations of religion.’” Melvin Gutterman, *Prison Objectives and Human Dignity: Reaching a Mutual Accommodation*, 1992 BYU L. REV. 857, 862 (1992) (quoting George W. Smith, *A Defence of the System of Solitary Confinement of Prisoners* 75 (1833)).

American penitentiary reforms received international attention, particularly from Europe. Commissioned by the French government to study “the theory and practice of the penitentiary system in the United States,” Alexis de Tocqueville and Gustave de Beaumont reported approvingly that “[i]n America, the progress of the reform of prisons has been of a character essentially religious.” Gustave de Beaumont & Alexis de Tocqueville, *On the Penitentiary System in the United States and Its Application*

in France xlvi, 93 (1833). Indeed, Tocqueville and Beaumont characterized religion as “one of the fundamental elements of discipline and reformation” in newly built American prisons. *Id.* at 93 (“[I]t is [religion’s] influence alone which produces complete regeneration; and even with regard to reformations less thorough, we have seen that it contributes much to obtain them.”).

Religion’s influence on corrections policy and programming has continued over time to the present day. See Clear & Sumter, *supra*, at 126. Indeed, religion may have “been employed more frequently than any other type of correctional intervention” in penal history, *ibid.*, and religious programming remains pervasive in American prisons. Byron R. Johnson, *Religious Programs and Recidivism Among Former Inmates in Prison Fellowship Programs: A Long-Term Follow-Up Study*, 21 JUST. Q. 329, 330 (2004). In recent years, scholars have increasingly turned their attention to the relationship between religion, crime, and rehabilitation.

Emerging empirical research suggests that there are significant societal benefits to accommodating religious practice in prisons. It is therefore counterproductive as a matter of public policy to interfere with prisoners’ religious observance. Scholars now consistently find that “religious beliefs are inversely related to delinquency, crime and recidivism.” Jeanette Hercik, Dep’t of Health & Human Servs., *Prisoner Reentry, Religion and Research* 4 (2004), available at [https://peerta.acf.hhs.gov/pdf/prisoner\\_](https://peerta.acf.hhs.gov/pdf/prisoner_)

reentry.pdf. For example, a long-term study of adult male prisoners in New York State found that inmates who frequently engaged in Bible studies were significantly less likely to be rearrested in the first few years following release. Johnson, *supra*, at 351-352.

Studies also show that protecting inmates' religious practice leads to safer prisons. Inmates who are actively involved in religious activities, like petitioner, violate prison rules less frequently than their non-religious peers. See Thomas P. O'Connor & Michael Perreyclear, *Prison Religion in Action and Its Influence on Offender Rehabilitation*, 35 J. OFFENDER REHABILITATION 11, 11 (2002) (finding "an inverse relationship between intensity of religious involvement and the presence or absence of in-prison infractions"); Clear & Sumter, *supra*, at 147 ("Higher levels of inmate religiousness are associated with fewer self-reported disciplinary confinements."). Religious inmates are also less likely to engage in dangerous behaviors such as arguing and fighting. Kent R. Kerley et al., *Religiosity, Religious Participation, and Negative Prison Behaviors*, 44 J. SCI. STUDY OF RELIGION 443, 453 (2005). Indeed, one study found that "[b]elief in a higher power reduced the likelihood of inmates getting into frequent arguments by over 70 percent." *Ibid.*

These research findings confirm what correctional administrators have long recognized, namely "the vital role played by most religious practices and beliefs in \* \* \* enhancing overall institutional safety and well-being." *Issues Relating to Religious Liberty*

*Protection, and Focusing on the Constitutionality of a Religious Protection Measure: Hearing Before the S. Comm. on the Judiciary, 106th Cong. 175 (1999)* (statement of Glenn S. Goord, Comm'r, New York State Dep't of Corr. Servs.). "Most inmates who sincerely practice their religious beliefs," like petitioner, "do not pose institutional problems. Rather, as a rule of thumb, they promote institutional stability." *Ibid.*

As an added benefit, religious practice helps inmates adjust to prison and leads to improved health outcomes. A study of 769 inmates housed in 20 prisons across 12 states found that "higher levels of inmate religiousness are associated with better psychological adjustment to the prison environment." Clear & Sumter, *supra*, at 126. Among the general population, studies of "religious practices and health outcomes indicate[] that higher levels of religious involvement are associated with: reduced hypertension, longer survival, less depression, lower levels of drug and alcohol use and abuse, \* \* \* [and] reduced likelihood of suicide." Byron R. Johnson, Ctr. for Research on Religion & Urban Civ. Soc'y, *Objective Hope: Assessing the Effectiveness of Faith-Based Organizations* 7 (2002). Prisoner-specific studies corroborate the connection between religious practice and improved mental health. "Religious inmates \* \* \* report generally lower levels of depression and higher levels of self-esteem and self-mastery than non-religious inmates." Clear & Sumter, *supra*, at 148.

Congress understood these benefits when enacting RLUIPA, *see* Gaubatz, *supra*, at 510-512 (detailing

RLUIPA's legislative history and testimony concerning the effects of religious practice on recidivism and rehabilitation), and appropriately calibrated the protection of religious exercise in RLUIPA so that these benefits could be fully realized. Reversal of the lower court's unduly narrow reading of RLUIPA's protections would affirm Congress' intent. It would also fall comfortably within the American tradition of respecting religion's integral role in the life of so many prisoners.

### **C. Religious Practice Connects Communities Of Faith On Both Sides Of Prison Walls**

Religious accommodations for prisoners also protect and acknowledge faith communities outside of prison walls. Shared religious practice connects prisoners and their respective communities of faith, and these connections are vitally important to communities and prisoners alike.

For many faith communities, aiding prisoners is an important part of religious practice. In Christianity, for example, there is a "deeply-rooted and continuing religious tradition \* \* \* of ministry of relief to the imprisoned." Carolyn Osiek, *The Ransom of Captives: Evolution of a Tradition*, 74 HARV. THEOLOGICAL REV. 365, 385 (1981). The New Testament specifically exhorts followers to "[r]emember those who are in prison, as though in prison with them." *Hebrews* 13:3 (RSV). This includes visiting and aiding prisoners, actions that scripture suggests are fundamental Christian virtues. Indeed, in a parable of the Last

Judgment, Jesus mentions visiting prisoners as one of the actions characteristic of the righteous. *Matthew* 25:36 (RSV) (“I was in prison, and you came to me.”). Jesus speaks in the first person, as though his followers visited him personally. When the followers express confusion, Jesus explains that by caring for others, it is as though the followers have cared directly for him: “Truly, I say to you, as you did it to one of the least of these my brethren, you did it to me.” *Matthew* 25:40 (RSV).

Judaism and Islam, too, share traditions of caring for prisoners. In Judaism, the precept of *ahavat yisrael* encompasses love for one’s fellow Jew and for all humankind, including those behind bars. See, e.g., *Protecting Religious Freedom After Boerne v. Flores (Part III): Hearing Before the Subcomm. on the Constitution of the H. Comm. on the Judiciary*, 105th Cong. 37-44 (1998) (statement of Isaac M. Jaroslawicz, Director of Legal Affairs, Aleph Institute) (discussing Jewish outreach to prisoners). Islamic teachings embrace similar themes of good will. The Quran exhorts followers to “feed, for the love of God, the indigent, the orphan and the captive.” 76:8. Implied in this Divine mandate, God commands believers not only to fulfill the physical needs of indigents, orphans, and captives but also to provide them with spiritual nourishment. Because captivity—be it physical, moral, or economic—limits the ability to seek and restore one’s soul, it is particularly important that believers help prisoners to make

themselves whole. *See, e.g.*, Abdullah Yusuf Ali, *The Meaning of the Holy Quran* 1572 n.5839 (2010).

Thus, the ability to minister to and connect with prisoners through shared religious practice is of great consequence to many faith communities. Congress recognized as much when it passed RLUIPA—lawmakers viewed the legislation “as a way to remove state-imposed barriers from those seeking to minister to prisoners” and to ensure that prison administrators allowed clergymen and religious leaders “to conduct their ministries effectively” behind bars. Gaubatz, *supra*, at 511-512.

Research shows that faith connections formed across prison walls are also consequential for prisoners, particularly on release. The connections formed between inmates and faith communities while inmates are incarcerated help facilitate their transition back to civil society. *See, e.g.*, Jeanette Hercik et al., Office of Justice Programs, U.S. Dep’t of Justice, *Development of a Guide to Resources on Faith-Based Organizations: Final Report 28* (2004) (“[R]eligion can promote the development of a moral community within a penal institution, where inmates can be integrated into a church community and receive mentoring and support following release.”). Because faith communities “draw on religious traditions that affirm the values of human life, community, and faith,” they “may be uniquely equipped \* \* \* to deal with the social and emotional challenges faced by recently released prisoners.” Omar M. McRoberts, Urban Institute, *Religion, Reform, Community:*

*Examining the Idea of Church-based Prisoner Reentry* 3 (Mar. 2002); see also Ctr. for Faith-Based & Cmty. Initiatives, U.S. Dep't of Labor, Ready4Reentry: Prisoner Reentry Toolkit for Faith-Based & Community Organizations 1 (2008), available at <http://www.doleta.gov/PRI/PDF/Pritoolkit.pdf> (“Oftentimes, faith-based and community organizations \* \* \* are uniquely well positioned to provide quality transitional services to men and women returning from prison.”). Shared religious practice allows faith communities and inmates to begin building strong, supportive relationships prior to release.

**CONCLUSION**

RLUIPA should be vigorously enforced not just as a matter of basic human rights and civil liberties, but also as a matter of sound public policy. It is counter-productive to interfere with religious observance by prisoners given that such observance leads to safer prisons and safer communities. For the foregoing reasons and those in the brief for petitioner, the judgment of the Eighth Circuit should be reversed.

Respectfully submitted,

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