

BJC: latest Supreme Court decision has 'pinched view' of congressional intent

Organization says there should be a 'robust remedy' for violations of prisoners' religious rights

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WASHINGTON — In a 6-2 decision, the U.S. Supreme Court ruled that prisoners cannot seek damages against the state under a federal law when their right to the free exercise of religion is violated. The Baptist Joint Committee for Religious Liberty says today's decision in the case of *Sossamon v. Texas* leaves prisoners with an incomplete remedy for vindicating their religious rights.

The case involved the claim of a prisoner, Harvey Leroy Sossamon, who was denied participation in worship services and access to a room with symbols and furnishings that have a special significance to his Christian religion.

Sossamon challenged the prison's restrictions under the Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000. That federal law was designed to protect the religious freedom of prisoners and other persons in government custody, as well as protect religious freedom in the context of zoning and landmark laws. The BJC championed RLUIPA, leading a coalition that worked for its passage.

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Writing for the majority, Associate Justice Clarence Thomas said that because the law only mentions "appropriate" remedies without being more specific, RLUIPA does not open states to monetary damage claims.

The dissent, written by Associate Justice Sonia Sotomayor and joined by Associate Justice Stephen Breyer, noted that simply making the state fix its flawed policy may do little to help the victim whose fundamental rights were violated in the first place. It said, "By depriving prisoners of a damages remedy for violations of their statutory rights, the majority ensures that plaintiffs suing state defendants under RLUIPA will be forced to seek enforcement of those rights with one hand tied behind their backs."

BJC Executive Director J. Brent Walker expressed dissatisfaction with

the decision. "We are disappointed in the majority's pinched view of what was a clear congressional intent to provide prisoners broad protection for religious liberty and a robust remedy for its violation, including monetary damages," Walker said.

The BJC filed a brief in this case that said prisoners have a right to the free exercise of religion and may seek damages against the state under federal law when their rights are violated.

According to the brief, "The availability of monetary relief was and remains a critical component of [RLUIPA]. While RLUIPA allows prisoners to seek other forms of relief, such as a court order to correct the prison policy, "non-monetary remedies are woefully inadequate on their own to safeguard prisoners' rights." The brief also said that the lack of compensation for the violation reduces the religious freedom of prisoners "to an indulgence, not a right."

The BJC was one of eight organizations joining the brief, including the American Civil Liberties Union, Americans United for Separation of Church and State, American Jewish Committee, and The Interfaith Alliance Foundation.

[Click here](#) to download a pdf of the brief filed by the Baptist Joint Committee in *Sossamon v. Texas*.

The Baptist Joint Committee is a 75-year-old, Washington, D.C.-based religious liberty organization that works to defend and extend God-given religious liberty for all, bringing a uniquely Baptist witness to the principle that religion must be freely exercised, neither advanced nor inhibited by government.