



REPORT

from the Capital

Supreme Court unanimously sides with prisoners' religious rights

A five-year-old federal statute focusing on the religious freedom of prisoners is constitutional, the U.S. Supreme Court ruled May 31.

The high court unanimously held that the section of the Religious Land Use and Institutionalized Persons Act (RLUIPA) dealing with prisoners does not violate the First Amendment's Establishment Clause. The statute bars government from limiting the religious liberty of prisoners in federally funded institutions without a compelling reason.

"RLUIPA ... protects institutionalized persons who are unable freely to attend to their religious needs and are therefore dependent on the government's permission and accommodation for exercise of their religion," wrote Justice Ruth Bader Ginsburg for the court.

The case reached the Supreme Court after members of Satanist, Wicca and other non-mainstream religions sued Ohio's corrections department, claiming its officials denied them opportunities to gather for worship or use particular religious ceremonial items.

In overturning an appellate ruling, the justices took their latest action in the continuing round of court decisions about the intersection of church and state that deal with the clauses of the First Amendment addressing establishment and free exercise of religion.

"In accord with the majority of Courts of Appeals that have ruled on the question ... we hold that (section) 3 of RLUIPA fits within the corridor between the Religion Clauses," wrote Ginsburg. "On its face, the act qualifies as a permissible legislative accommodation of religion that is not barred by the Establishment Clause."

Ohio officials had argued that the law inappropriately forces prison administrators to balance issues of faith and security, but the justices rejected that argument.

"We do not read RLUIPA to elevate accommodation of religious observances over an institution's need to maintain order and safety," Ginsburg wrote.

In arguments in March before the Supreme Court, Ohio State Solicitor Douglas Cole had argued that requests made under RLUIPA are treated "differently and better" simply because they relate to religion.

But the high court did not agree with that argument.

"It confers no privileged status on any particular religious sect, and singles out no bona fide faith for disadvantageous treatment," Ginsburg wrote.

Justice Clarence Thomas, in a concurring opinion, said Ohio "overreads" the Establishment Clause.

"History, at least that presented by Ohio, does not show that the clause hermetically seals the federal government out of the field of religion," he wrote.

Lawyers for the Ohio Department of Rehabilitation and Correction said they did not have an immediate comment.

"We have to review it and see what steps we need to take," said spokeswoman Andrea Dean.

Advocacy groups that sometimes are on opposite sides of cases dealing with church-state separation welcomed the ruling.

"This is a sensible decision that affirms the value of religious freedom while giving correctional institutions the ability to meet their security needs," said the Rev. Barry W. Lynn, executive director of Americans United for Separation of Church and State, in a statement.

Nathan Diamant of the Union of Orthodox Jewish Congregations of America said the ruling will set a precedent that "will serve to advance the cause of religious liberty in America."



The Supreme Court's decision protects the rights of prisoners, such as Al Samson and the Voices of Thunder gospel choir, to practice their religion freely. (RNS Photo by Michael DeMocker)

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