

Supporters say Muslim prisoner's beard a win for religious liberty

January 21, 2015

Religious liberty advocates said a U.S. Supreme Court decision Jan. 20 affirming a devout Muslim prisoner's right to grow a beard for religious reasons is a win for the religious liberty of all Americans.



Gregory Holt. (Photo courtesy of Religion & Ethics Newsweekly, via Arkansas Corrections)The unanimous decision written by Justice Samuel Alito says an Arkansas Department of Corrections policy prohibiting inmates to grow beards except for medical reasons does not satisfy demands of a federal law that prohibits a state or local government from substantially burdening the religious exercise of institutionalized persons without a compelling interest and by the least restrictive means.

The case argued in October, *Holt v. Hobbs*, pitted the religious freedom of Arkansas inmate Gregory Holt, also known as Abdul Maalik Muhammad, against security concerns about prisoners hiding contraband in prison or avoiding capture if they escape and change their appearance quickly by shaving off their facial hair.

Holt claimed his religion teaches men should not cut their beards at all but

offered a compromise of keeping his trimmed to one-half inch in length. The policy allows for beards of one-quarter inch if there is a skin problem that would be aggravated by shaving.

Lower courts said a half-inch beard did not appear to pose a major concern but decided to defer to prison officials in matters of security and control of inmate populations. Alito, however, said the [Religious Land Use and Institutionalized Persons Act of 2000](#) does not allow such “unquestioning acceptance” of policies that infringe on religious liberty.

Failed to prove ‘compelling interest’

While recognizing the state has a compelling interest in regulating contraband, the justices said the Department of Corrections failed to prove the grooming policy furthers that interest. They said the department could not demonstrate why a one-half-inch beard for religious reasons is more significantly more dangerous than a quarter-inch-beard for medical reasons, nor explain why there isn’t a similar restriction on hair length, which likely is a better place to hide a weapon or drugs and could also be cut off to quickly alter appearance in the event of escape.

Even if prison officials had met that burden, the justices said, a complete ban on facial hair is not the least restrictive means of furthering those interests. Prisons could, for example, photograph prisoners clean-shaven when they enter prison and then later take another photo showing how they look both with and without facial hair.

Eric Rassbach, deputy general counsel for the [Becket Fund for Religious Liberty](#) and co-counsel in the case, called the Supreme Court ruling “a huge win for religious freedom and for all Americans.”

Victory ‘for every American’

“What the Supreme Court said today was that government officials cannot

impose arbitrary restrictions on religious liberty just because they think government knows best,” Rassbach said. “This is a victory not just for one prisoner in Arkansas, but for every American who believes and wants the freedom to act on those beliefs.”

Russell Moore, president of the Southern Baptist Convention’s [Ethics & Religious Liberty Commission](#), said the Supreme Court did the right thing in the case.

“Religious liberty isn’t a prize earned by those with the most political clout,” Moore said. “Religious liberty is a right given by God to all people. The court here respected liberty of conscience and free exercise.”

The [Baptist Joint Committee for Religious Liberty](#), which worked with dozens of religious and civil liberties organizations to secure passage of the Religious Land Use and Institutionalized Persons Act 15 years ago, also signed a brief siding with the Muslim prisoner in May.

“Everyone’s religious liberty is precious, but that of incarcerated persons is particularly fragile,” said Brent Walker, executive director of the BJC. “Both RLUIPA and the court’s opinion appropriately balance that right with the need of penal institutions to preserve prison safety and security.”

In its friend-of-the-court brief with the American Jewish Committee and three other organizations, the Baptist Joint Committee said part of the law’s intended purpose was to elevate religious needs to a similar level as other considerations.

“In light of the high degree of protection that RLUIPA gives to inmates’ religious rights, it is illogical for the same institution to provide an almost identical accommodation for medical reasons, while denying that same accommodation for religious purposes,” the filing said.