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Legal Sidebar

Landor v. Louisiana Department of Corrections and Public Safety: Supreme Court Bars Prisoner's Religious Liberty Suit Against Prison Officials

July 20, 2026

In *Landor v. Louisiana Department of Corrections and Public Safety*, the Supreme Court ruled that individuals cannot be sued "in their private capacities" under the Religious Land Use and Institutionalized Persons Act (RLUIPA), which generally prohibits prisons that take federal funding from substantially burdening prisoners' religious exercise, if the individuals do not "voluntarily and knowingly" agree to comply with funding conditions. Applying this rule, the Court held that a former prisoner could not sue prison officials in their personal capacities for damages under RLUIPA over allegations that they forcibly shaved his head in contravention of his religious practice. While the state had consented to RLUIPA's terms in accepting federal funds, the individual officials, the Court concluded, had not. The ruling concerned potential relief under RLUIPA and did not address the merits of petitioner's religious liberty claim. Justice Jackson, joined by Justices Kagan and Sotomayor, dissented.

The Court's holding may have significant implications beyond RLUIPA for other federal statutes that rely on Congress's constitutional Spending Clause authority. The Supreme Court has likened Spending Clause statutes to a contract—Congress imposes the obligations spelled out in the statute on any party that concedes to them by accepting federal funds—and the *Landor* Court's application and elaboration of this principle is likely to affect courts' interpretations of other Spending Clause statutes. This Legal Sidebar discusses the case's legal background, majority opinion, and dissent; highlights other statutes the ruling may affect; and concludes with considerations for Congress.

Background

RLUIPA generally protects prisoners' religious practice and is one of two primary statutes that address the government's treatment of religious practices beyond the protections provided by the First Amendment. The Religious Freedom Restoration Act (RFRA)—the other primary statute—and its precedent are relevant here as RFRA is RLUIPA's predecessor and the two are often construed similarly. Congress

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LSB11458

enacted RFRA first, in 1993, to impose a heightened standard of review on government actions that interfered with religious exercise—including facially neutral actions and rules of general applicability. With RFRA Congress drew on its powers under the Fifth and Fourteenth Amendments to make laws protecting constitutional rights, including rights to religious exercise. RFRA applied to the federal government and state governments. However, the Supreme Court held that Congress had exceeded its authority in applying RFRA's broad restrictions to states, and it held RFRA could not be enforced against state actions. In response, Congress passed RLUIPA. The new statute imposed limits on states' burdening religious exercise, but its reach was limited to two areas: land use restrictions and institutionalized persons. The Supreme Court has called the two laws "sister statute[s]," and explained that "RLUIPA borrows important elements from RFRA—which continues to apply to the Federal Government—but RLUIPA is less sweeping in scope." RLUIPA also relies on different constitutional authority, Congress's Commerce Clause and Spending Clause authority.

RLUIPA relies on Congress's authority to spend federal funds in pursuit of the general welfare. The Spending Clause is one of the main constitutional authorities under which Congress legislates. The Supreme Court has characterized Spending Clause legislation as akin to a contract: in exchange for federal funds, recipients agree to comply with "federally imposed conditions." Because a recipient must voluntarily and knowingly accept the terms of this "contract," the Court requires that the terms set forth in legislation be "clear" and "unambiguous[]." Congress must also refrain from offers of funds that coerce acceptance of funding conditions. In addition, spending must be in pursuit of the general welfare, conditions on federal funds must relate to the federal interest in a program, and a funding condition may not induce conduct that is itself unconstitutional. Congress can, however, impose conditions that go beyond the protections provided by the Constitution. A statute relying on the Spending Clause—such as RLUIPA—may impose greater restrictions on government entities—such as prisons—than would the Constitution's religious freedom protections standing alone.

RLUIPA bars prisons that accept federal funds from substantially burdening a religious observance unless the state can show that the burden is the least religion-restrictive means to further a compelling governmental interest, such as prison security. RLUIPA authorizes "appropriate relief against a government" for violations. The statute defines "government" to include "any . . . official" of "a State, county, municipality or other governmental entity" and "any other person acting under color of State law." In 2015, the Supreme Court ruled that RLUIPA required an exemption from a prison grooming policy for a prisoner who sought to wear a beard for religious reasons. Applying that precedent, the U.S. Court of Appeals for the Fifth Circuit (with jurisdiction over Louisiana) ruled that a prison must allow a Rastafarian prisoner to wear uncut hair, consistent with his religion.

The plaintiff in *Landor*, a Rastafarian former prisoner of the Louisiana Department of Corrections, wanted to observe his religious obligation to leave his hair uncut. In accord with these precedents, two of Louisiana's prisons accommodated the plaintiff. When the *Landor* plaintiff was transferred to a third prison shortly before his release, the new facility did not honor his request to wear his hair unshorn. The plaintiff explained his religious obligations and gave a guard a copy of the Fifth Circuit opinion requiring prisons to allow Rastafarian grooming practices. According to the plaintiff, the guards threw away the opinion, handcuffed him to a chair and forcibly shaved his head, effectively breaking his 20-year observance of Rastafarian vows. The plaintiff sued the prison and corrections officials for declaratory and injunctive relief (i.e., asking the court to order the officials to change their behavior) as well as money damages, bringing claims under RLUIPA and several other laws.

An individual or personal capacity suit, such as the one in *Landor*, seeks damages directly from individual officers. It stands in contrast to an official capacity action, which is essentially a suit seeking damages from the entity the officers represent (in *Landor*, the state prison). The doctrine of sovereign immunity generally bars damages claims against the state. Applying this doctrine, the Supreme Court has held that prisoners bringing RLUIPA claims cannot seek damages against state prisons or state prison officials in their official capacities, meaning that the plaintiff in *Landor* could not obtain damages by suing the prison itself or suing the corrections officers in their official capacities. In 2020, however, the Supreme Court held in *Tanzin v. Tanvir* that *federal* officials can be liable for damages in their *individual* capacities under the RFRA. In light of the Supreme Court's preclusion of damage suits against state officials in their official capacity, the plaintiff brought suit against state officials in their individual capacities, requesting the same result under RLUIPA that the Court had reached for RFRA in *Tanzin*.

The district court in *Landor* ruled that the plaintiff's release from prison in January 2021 mooted his claims for declaratory and injunctive relief, and the court dismissed the prisoner's individual-capacity RLUIPA claims for damages against the prison officials as well. The district court relied on a Fifth Circuit case, decided before *Tanzin*, that barred individual capacity suits. On appeal, the Fifth Circuit affirmed with respect to the damages claims, holding that RLUIPA does not permit lawsuits for money damages against officials in their individual capacities. Although the court "emphatically condemn[ed] the treatment that Landor endured," it rejected his argument that the *Tanzin* decision should be expanded to apply the RFRA rule to RLUIPA. Though the language of the two statutes' remedies provisions is almost identical, the court observed, RFRA and RLUIPA rely on different sources of constitutional authority. The Spending Clause authority underpinning RLUIPA, in the Fifth Circuit's view, does "not empower Congress to the same degree."

The Supreme Court granted certiorari to decide whether RLUIPA permits suits for damages against government officials in their individual capacities. The plaintiff's claims raised two potential statutory and constitutional questions: first, whether the term "appropriate relief" in RLUIPA includes money damages (an interpretive question on which lower courts had split); and second, whether—statutory language aside—the Spending Clause authority on which RLUIPA is premised permits individual officials to be held liable in their personal capacities. The *Landor* Court ultimately resolved the case on the latter grounds.

The Supreme Court's Decision in *Landor*

In a 6-3 opinion, the Supreme Court affirmed the Fifth Circuit's decision. The majority opinion, written by Justice Gorsuch, was joined by Chief Justice Roberts and Justices Thomas, Alito, Kavanaugh, and Barrett. Justice Jackson filed a dissent, which was joined by Justices Sotomayor and Kagan.

Majority Opinion

The majority did not decide whether RLUIPA's authorization of a cause of action for "appropriate relief" encompasses money damages. Instead, the Court held that individuals cannot be held liable in their personal capacities under a Spending Clause statute when they did not personally consent to its conditions. The majority began by distinguishing RLUIPA from other Spending Clause legislation, observing that while the "traditional" penalty for many Spending Clause statutes is the termination of funding through agency enforcement, RLUIPA contains a private cause of action that allows individuals to seek other remedies in court. Observing that the Spending Clause requires Congress to "rely on consent" to regulate, the Court held that, to impose additional sanctions other than the termination of funds, an individual must themselves consent to funding conditions to be subject to liability for violating them.

The majority rejected the argument that individuals can be subject to personal liability under Spending Clause legislation as agents of their employer when only their employer has consented to that liability. Pointing to "blackletter contract law," the Court stated that an employer entering into a contract with a third party does not render its employee liable to that third party. The majority also rejected the argument that because employees were paid with federal dollars, they were indirect recipients of federal funds that implicitly accepted the funding conditions. Rather, the Court held that it does not matter that an employee of a recipient of federal funds is paid with federal money because liability under the Spending Clause requires knowing and voluntary consent to funding conditions. Thus, if an employee does not knowingly and voluntarily consent to liability, according to the Court, liability does not apply to them regardless of whether their paycheck includes federal funds.

Finally, the majority addressed the argument that personal liability under RLUIPA is authorized pursuant to the Necessary and Proper Clause *in conjunction with* Congress's Spending Clause power. Observing that the Necessary and Proper Clause allows Congress to enact legislation that is incidental to its enumerated powers and a necessary and proper means of carrying them out, the Court held that personal liability under RLUIPA would not help carry into execution Congress's spending power. Rather, the Court stated that such an interpretation would allow Congress to directly regulate "nonconsenting individuals," a result inconsistent "with both principles of state sovereignty and a federal government of limited and enumerated regulatory powers."

Dissent

The dissent argued that, because the case raised a statutory question about the availability of money damages under RLUIPA, the majority was wrong to rule on the constitutional question of whether the Spending Clause allowed for RLUIPA suits against prison employees in their individual capacities. Much of the dissent analyzed the statutory question that the majority declined to rule on. The dissent would have held that RLUIPA's authorization of "appropriate relief" against an "official" or any "other person acting under color of" law, like the similar language in RFRA, authorizes damages.

On the constitutional question, the dissent argued that the majority improperly created an additional requirement on top of the Court's settled Spending Clause framework. The dissent accused the majority of taking the contract analogy too far. In the dissent's view, the contract analogy for the Spending Clause is meant to illustrate that Spending Clause legislation "does not take effect of its own accord" and requires a funding recipient to consent to conditions in agreeing to accept federal funds. The dissent viewed the contract analogy as a requirement for "clarity" in Spending Clause legislation, but contended that it does not limit Congress's Spending Clause power to legislate. The dissent also disagreed with the majority's Necessary and Proper Clause analysis and warned that the majority's reading of the Spending Clause in *Landor* could have "substantial" "consequences for other Spending Clause Statutes."

Implications and Considerations for Congress

The *Landor* decision construed the similar language in RFRA and RLUIPA differently because of the statute's different sources of constitutional authority. RFRA, which relies on the Fifth and Fourteenth Amendments, allows for money damages against federal officials in their individual capacities; RLUIPA, a Spending Clause statute, does not permit money damages against state officials in their individual capacities. (Local government officials, such as those in a county jail, may still face monetary damages under RLUIPA.) Some observers have asserted that RLUIPA's requirements may not be fully vindicated without a damages remedy against state officials and have called for a legislative fix, pointing out (among other things) that prisoners seeking injunctive relief may be transferred or released before it can be obtained or implemented (as was the case in *Landor*). Others have stated that individual-capacity suits such as the ones the plaintiff asks for would unfairly expose local sheriffs and similar under-resourced officials for liability even for isolated infringements of religious liberty.

Congress may consider amending either of these two statutes—RLUIPA or RFRA—to align the remedies available for prisoners held in federal and state prisons against prison employees. To align the two statutes, Congress could limit the availability of damages against federal prison employees under RFRA or authorize them under RLUIPA through legislation resolving the consent issues the *Landor* Court identified. To extend damages liability following the *Landor* decision, Congress could amend RLUIPA to include a clear waiver of state sovereign immunity. A successful waiver of state sovereign immunity would allow plaintiffs to sue states or state officials in their official capacity for damages. As the *Landor* Court suggested, Congress could also amend RLUIPA to require recipients of federal funds to provide notice to, and obtain consent from, their employees regarding individual liability. The *Landor* majority suggested that Congress could have imposed personal liability under RLUIPA by, for example, requiring state officers "to enter separate contracts with the federal government consenting to answer suits under RLUIPA." Alternatively, the Court proposed, Congress could require states, as a condition of receiving federal funding, to adopt laws or regulations allowing suits against its officials for RLUIPA violations, and some state-law claims may already be available.

The Supreme Court's decision in *Landor* is likely to impact Spending Clause legislation beyond RLUIPA as well. The *Landor* dissent specifically mentioned a variety of Spending Clause statutes addressing matters such as civil rights, pollution, and health care. The dissent noted that, while these statutes are not directly impacted by *Landor*, the decision could mark a change in the Court's interpretation of the scope of Congress's spending power. The Court's holding in *Landor* appears to solidify lower-court interpretations of other Spending Clause statutes that limit plaintiffs from bringing individual-capacity suits for damages against those who did not directly consent to their conditions. Congress could amend other Spending Clause statutes to clarify liability. Congress could amend other Spending Clause statutes to clarify liability, potentially employing similar approaches to the legislative options proposed by the Court with respect to RLUIPA.

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