Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

CUTTER ET AL. *v.* WILKINSON, DIRECTOR, OHIO DEPARTMENT OF REHABILITATION AND CORRECTION, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 03–9877. Argued March 21, 2005—Decided May 31, 2005

Section 3 of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U. S. C. §2000cc–1(a)(1)–(2), provides in part: "No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution," unless the burden furthers "a compelling governmental interest," and does so by "the least restrictive means." Petitioners, current and former inmates of Ohio state institutions, allege, *inter alia*, that respondent prison officials violated §3 by failing to accommodate petitioners' exercise of their "nonmainstream" religions in a variety of ways. Respondents moved to dismiss that claim, arguing, among other things, that §3, on its face, improperly advances religion in violation of the First Amendment's Establishment Clause. Rejecting that argument, the District Court stated that RLUIPA permits safety and security—undisputedly compelling state interests—to outweigh an inmate's claim to a religious accommodation. On the thin record before it, the court could not find that enforcement of RLUIPA, inevitably, would compromise prison security. Reversing on interlocutory appeal, the Sixth Circuit held that §3 impermissibly advances religion by giving greater protection to religious rights than to other constitutionally protected rights, and suggested that affording religious prisoners superior rights might encourage prisoners to become religious.

Held: Section 3 of RLUIPA, on its face, qualifies as a permissible accommodation that is not barred by the Establishment Clause. Pp. 8–16.

(a) Foremost, §3 is compatible with the Establishment Clause be-

cause it alleviates exceptional government-created burdens on private religious exercise. See, *e.g., Board of Ed. of Kiryas Joel Village School Dist.* v. *Grumet,* 512 U. S. 687, 705. Furthermore, the Act on its face does not founder on shoals the Court's prior decisions have identified: Properly applying RLUIPA, courts must take adequate account of the burdens a requested accommodation may impose on nonbeneficiaries, see *Estate of Thornton* v. *Caldor, Inc.,* 472 U. S. 703; and they must be satisfied that the Act's prescriptions are and will be administered neutrally among different faiths, see *Kiryas Joel*, 512 U. S. 687. "[T]he 'exercise of religion' often involves not only belief and profession but the performance of . . . physical acts [such as] assembling with others for a worship service [or] participating in sacramental use of bread and wine . . . ." *Employment Div., Dept. of Human Resources of Ore.* v. *Smith,* 494 U. S. 872, 877. Section 3 covers state-run institutions—mental hospitals, prisons, and the like—in which the government exerts a degree of control unparalleled in civilian society and severely disabling to private religious exercise. 42 U. S. C. §2000cc–1(a); §1997. RLUIPA thus 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. But the Act does not elevate accommodation of religious observances over an institution's need to maintain order and safety. An accommodation must be measured so that it does not override other significant interests. See *Caldor,* 472 U. S., at 709–710. There is no reason to believe that RLUIPA would not be applied in an appropriately balanced way, with particular sensitivity to security concerns. While the Act adopts a "compelling interest" standard, §2000cc–1(a), "[c]ontext matters" in the application of that standard, see *Grutter* v. *Bollinger,* 539 U. S. 306, 327. Lawmakers supporting RLUIPA were mindful of the urgency of discipline, order, safety, and security in penal institutions and anticipated that courts would apply the Act's standard with due deference to prison administrators' experience and expertise. Finally, RLUIPA does not differentiate among bona fide faiths. It confers no privileged status on any particular religious sect. Cf. *Kiryas Joel,* 512 U. S., at 706. Pp. 8–13.

(b) The Sixth Circuit misread this Court's precedents to require invalidation of RLUIPA as impermissibly advancing religion by giving greater protection to religious rights than to other constitutionally protected rights. *Corporation of Presiding Bishop of Church of Jesus Christ of Latter-day Saints* v. *Amos,* 483 U. S. 327, counsels otherwise. There, in upholding against an Establishment Clause challenge a provision exempting religious organizations from the prohibition against religion-based employment discrimination in Title VII of the Civil Rights Act of 1964, the Court held that religious accommoda-

Syllabus

tions need not "come packaged with benefits to secular entities." *Id.,* at 338. Were the Court of Appeals' view correct, all manner of religious accommodations would fall. For example, Ohio could not, as it now does, accommodate traditionally recognized religions by providing chaplains and allowing worship services. In upholding §3, the Court emphasizes that respondents have raised a facial challenge and have not contended that applying RLUIPA would produce unconstitutional results in any specific case. There is no reason to anticipate that abusive prisoner litigation will overburden state and local institutions. However, should inmate requests for religious accommodations become excessive, impose unjustified burdens on other institutionalized persons, or jeopardize an institution's effective functioning, the facility would be free to resist the imposition. In that event, adjudication in as-applied challenges would be in order. Pp. 13–16.

349 F. 3d 257, reversed and remanded.

GINSBURG, J., delivered the opinion for a unanimous Court. THOMAS, J., filed a concurring opinion.