

Supreme Court soon to hear a religious freedom case that's united both sides of the church-state divide

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Oral arguments in *Landor v. Louisiana* are scheduled for Nov. 10, 2025.

Susan Walsh/AP

In recent years, litigation on certain types of religious freedom lawsuits have been practically run of the mill: prayer on school premises, for example, and government funding for students at faith-based schools.

A case scheduled for U.S. Supreme Court oral arguments on Nov. 10, 2025, however, is very different from most other high-profile cases at the moment. *Landor v. Louisiana Department of Corrections* involves whether an inmate of a minority religious group, the Rastafarians, can sue for monetary damages after the warden violated his religious rights – specifically, the right to not cut his hair.

Landor v. Louisiana stands out because it underscores the complexity and far-reaching nature of religious freedom laws in the United States and the increasingly diverse faith traditions to which they apply. Christians now represent 62% of the American population, while 29% have no religious affiliation and 7% belong to other faith traditions.

Religious vow

Damon Landor, the petitioner, wore long dreadlocks for almost 20 years as an expression of his beliefs as a Rastafarian – part of a biblical practice known as the “Nazarite vow.” Many members of the movement, which first developed in Jamaica in the 1930s, do not cut their hair.



As a sign of faith, many Rastafarians do not cut their hair.

Mattstone911/Wikimedia Commons, CC BY-SA

Landor was incarcerated in 2020 after being convicted for possessing methamphetamine, cocaine, amphetamine and marijuana. At first, officials respected his religious practice. Just three years before, in a case about another inmate in Louisiana, a federal appeals court had affirmed that Rastafarians must be allowed to keep their dreadlocks under the federal Religious Land Use and Institutionalized Persons Act.

Toward the end of his sentence, Landor was transferred to a different correctional facility. There – with three weeks left for Landor to serve – the warden ignored the judicial order, directing guards to shackle Landor and forcibly shave his head.

Not surprisingly, on finishing his sentence, Landor filed suit for money damages under the Religious Land Use and Institutionalized Persons Act. The act forbids the government and its officials from imposing “substantial burden(s)” on incarcerated people’s religious free exercise rights.

Key question

In 2022, a federal trial court in Louisiana condemned Landor’s treatment but rejected his claim, concluding that money damages were not an appropriate remedy. The following year, the 5th U.S. Circuit Court of Appeals unanimously affirmed that decision, denying Landor’s claim.

His legal team then filed a petition for the case to be reheard “en banc.” In this uncommon procedure, parties seek further review from all of the judges in a circuit, or federal appellate court. The court denied his request, but 15 of the 17 active judges wrote that this was a question for the Supreme Court.

The Supreme Court agreed to hear an appeal after more than 20 organizations submitted *amicus curiae*, or “friend of the court,” briefs in favor of Landor. The Trump administration also filed an *amicus* brief encouraging the Supreme Court to take the case.

The briefs include groups that often have diverging opinions. Americans United for Separation of Church and State, for example, typically supports those wishing to keep religion out of public life. Conversely, the Becket Fund usually defends the rights of those seeking to increase faith’s role in public life.

They are of one mind in Landor because the case involves his right to express his beliefs freely by how he lives, in a very personal way: grooming and hair length.

Lower courts agree that Landor’s religious rights were violated. The key question is whether he can sue an individual official – here, the warden – for monetary damages.



U.S. Supreme Court justices attend inauguration ceremonies in the rotunda of the U.S. Capitol on Jan. 20, 2025.

Chip Somodevilla/Getty Images

Sister statutes

Weighing heavily in Landor’s favor is a previous Supreme Court order in *Tanzin v. Tanvir*. That 2020 case was brought by two Muslim men who sued FBI agents after their names were put on a “no-fly list.” The plaintiffs alleged that their names were added to the list in retaliation for refusing to spy on fellow Muslims.

The Supreme Court unanimously affirmed that the men could sue the agents as individuals, not just in their official capacity. Being sued as an individual means defendants must pay damages on their own, without the government helping to foot the bill – a potentially very expensive outcome.

There’s a key difference here in Landor’s case, though. In *Tanzin*, the plaintiffs sued for violations of their rights under the Religious Freedom Restoration Act, a federal law enacted in 1993. Landor brought his case under the Religious Land Use and Institutionalized Persons Act, enacted in 2000. The laws are similar; in fact, the key language in both statutes is identical. But the Religious Land Use Act has not yet been interpreted as providing money damages against government officials.

The earlier statute, the Religious Freedom Restoration Act, became law in response to a pivotal Supreme Court case about religious freedom: *Employment Division Department of Human Resources of Oregon v. Smith*. The justices upheld the dismissal of two drug counselors under state law for ingesting peyote, a natural hallucinogenic substance, during a Native American Church ceremony – even though most states and the federal government had decriminalized peyote’s use for religious purposes.

The act was essentially a rebuttal of 1990's Smith ruling. It requires laws that restrict religious freedom to pass strict scrutiny, the highest form of constitutional analysis. If the government seeks to limit someone's religious exercise, laws must be based on a "compelling governmental interest" and carried out by the "least restrictive means" possible. Under that standard, laws usually cannot withstand judicial review. In 1997, the Supreme Court narrowed the act's reach in *City of Boerne v. Flores*, restricting its application to the federal government rather than states.

The Religious Land Use and Institutionalized Persons Act, which Congress adopted by unanimous consent in 2000, is often referred to as a sister statute because of its similarities. Notably for Landor, it forbids governments, or their agents, from imposing unnecessary "substantial burden[s]" on the "religious exercise" rights of those who are incarcerated. The act also protects religious land uses from discrimination through zoning restrictions.

Bigger picture

At first glance, Landor appears to be little more than a procedural disagreement over whether parties can recover damages under two similar statutes protecting religious freedom. However, at a time when there are nearly 2 million people in prisons, jails and detention and correctional facilities, the inability to seek damages under the Religious Land Use and Institutionalized Persons Act limits accountability for violations of their rights to religious freedom.

What's more, Landor's case illustrates that minority religions have as much protection under the First Amendment as larger faiths. How the Supreme Court resolves it will say a great deal about the future of religious freedom on issues that the authors of the Constitution could not have anticipated.

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