

Holt v. Hobbs
574 U.S. 352, 135 S. Ct. 853, 190 L. Ed. 2d 747, 2015 U.S. LEXIS 626,
83 U.S.L.W. 4065, 93 A.L.R. Fed. 2d 777, 25
Fla. L. Weekly Fed. S 43 (Supreme Court of the United States January 20, 2015)

Issues

1. Did the District Court err in holding that the grooming policy did not overly burden the petitioner's freedom to exercise his religion?
2. Did the District Court err in suggesting that the burden of not being able to practice his religion through the growth of the beard was minor and not overwhelming because of his testimony stating that his religion would credit him for attempting to practice it even though he was being prevented from doing so?
3. Did the District Court mistakenly rely on the petitioner's statement that not all Muslims believe that men must grow beards?

Rules

1. *Burwell v. Hobby Lobby*, 573 U.S. 682 (2014).
2. 42 U.S.C.S. § 2000cc et seq.: prohibits action taken by the government that would overwhelmingly burden an institutionalized person with the inability to exercise his religious beliefs unless it can be demonstrated by the government that their action is the least restrictive method of furthering their compelling interest.
3. 42 U.S.C.S. § 2000cc-1(a): prohibits the government from burdening an institutionalized person by restricting his ability to exercise his religious beliefs regardless of whether the burden is in accordance with a general rule unless the government can prove that the burden compels the government's interests and is that it is the least restrictive method of furthering the interest.
4. 42 U.S.C.S. § 2000cc-5(7)(A): The practice of religion is not inclusive to that which is compelled by governmental interest.
5. U.S. Const. amend. I.
6. *Thomas v. Review Bd. Of Indiana Employment Security Div.*, 40 U.S. 707, 715-716. Pp. 6-8.

Analysis

As a devout Muslim inmate of the Arkansas Department of Corrections, the petitioner, in this case, claims that the correctional institution's grooming policy prohibiting inmates from growing a beard unless they have a dermatological condition violates the freedom granted to him to practice his Muslim faith. If such a condition existed, the inmate would be permitted to grow a beard no longer than ½ inch. The correctional facility's policy is in place to ensure that inmates are easily recognizable and that contraband such as razors, drugs, needles, etc. are not easily concealed through the maintenance of lengthy facial hair.

Using *Burwell v. Hobby Lobby*, 573 U.S. 682 (2014) as an example of his claim, the petitioner properly states that the growth of a beard is a sincere and direct demonstration of his Muslim faith, that forcing him to shave it off to comply with the facility's policy is a violation of his religious

practice and would therefore result in a severe religious reprimand. While the correctional facility does not dispute the petitioner's sincerity that the growth of his beard is a direct expression and exercise of his religious beliefs, they do contend that shaving the beard is a minor burden placed on him whereas allowing him to keep the beard in violation of the institution's policy restricts the government's further interest in maintaining safety within the facility as permissible under 42 U.S.C.S. § 2000cc et seq and 42 U.S.C.S. § 2000cc-1(a). The facility also contends that the petitioner's testimony declaring that his request to grow the beard alone, successful or not, would sufficiently satisfy the practice of his religion and that not all Muslim men are required to grow beards as a means to exercise their religious beliefs proves that maintaining a beard is not required for his religious worship and that denying his ability to grow one is minimally burdensome when compared to the government's compelled interest in ensuring safety upon entry to the facility and the continuous safety within the facility itself.

Under these same provisions, those provided in 42 U.S.C.S. § 2000cc-5(7)(A), U.S. Const. amend. I, and *Thomas v. Review Bd. Of Indiana Employment Security Div.*, 40 U.S. 707, 715-716. Pp. 6-8., the petitioner maintains that he qualifies for a religious exemption because the growth of a beard is deep-seated within his religion and that he has a fundamental right to practice his religion while institutionalized even though not all members of his religious sect choose to. He also believes that the ½ inch in length that he wants the beard to be would not easily conceal contraband, that preventing him from growing the beard while institutionalized does not hinder or further the government's compelling security interests, and that because beards of this length can be searched as easily as other areas already searched, preventing an inmate from having one is not the least restrictive measure that can be taken by the government to ensure that safety upon entry and within the correctional facility itself is maintained.

Holding

The Supreme Court reviewed the case and found errors existed in the District Court's ruling. The Supreme Court held that the petitioner proved his sincerity in petitioning for a religious exemption to allow him to grow a beard while incarcerated and that any governmental reprimand sustained as a result of not adhering to the correctional facility's grooming policy placed an increased burden upon him and violated his right to freely practice his religion. The court further determined that any testimony given by the petitioner did not prove the weight of his burden in being denied the growth of facial hair to be minor regardless of whether or not it was recognized and exercised by all members of his religious group or sect. The District Court's ruling was reversed and remanded for further review by the court.