



**For Immediate Release**  
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**LDF Media**  
212-965-2200 / [media@naacpldf.org](mailto:media@naacpldf.org)

### **LDF and Rights Behind Bars Submit Amicus Brief to Third Circuit Arguing Against Further Expansion of Qualified Immunity**

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) and Rights Behind Bars, a legal advocacy organization for incarcerated people, submitted an amicus brief in *Mack v. Yost et al.* The case, which is now before the United States Court of Appeals for the Third Circuit, concerns the scope of qualified immunity — a controversial doctrine which prevents government officials from being held personally liable for violating people’s rights. The brief argues qualified immunity is not available as a defense to claims for damages brought under the Religious Freedom Restoration Act (RFRA), a federal statute that prohibits government agencies and officials from interfering with a person’s exercise of their faith.

The plaintiff in the case, Charles Mack — who is a practicing Muslim — alleges that the defendants, who are corrections officers, harassed and discriminated against him on the basis of his religion while he was incarcerated at a federal prison in Loretto, Pennsylvania. Mack asserts the officers violated the RFRA by routinely verbally abusing him with hateful language about his faith, disrupting him whenever he carried out his prayers, and even placing a note on his back that read, “I love pork bacon” — a statement undoubtedly intended as an affront to his religious beliefs.

Despite this, the district court dismissed Mack’s RFRA claim on the basis of qualified immunity, reasoning that prior cases had not clearly established that the officers’ alleged actions against the plaintiff were unlawful.

“No reasonable corrections officer could have thought it lawful to engage in a cruel campaign against a Muslim man in their custody by repeatedly disparaging his deeply-held religious beliefs,” said Adam Murphy, Criminal Justice Fellow at LDF. “That courts are rarely, if ever, confronted with bullying of this kind speaks to the easiness of the legal question, not the difficulty. It would defy Congress’ intent to allow a sweeping exemption that would rob the Religious Freedom Restoration Act of its express purpose: guaranteeing the free exercise of religion. This case provides a stark example of why the judge-made doctrine of qualified immunity must be cabined rather than extended.”

“Qualified immunity is a disfavored, court-created doctrine that disproportionately burdens people of color and undermines the legal system’s basic premise that for every right there is a remedy,” added Sam Weiss, Executive Director of Rights Behind Bars. “The Supreme Court has made clear that courts should be hesitant to expand this disfavored doctrine into new domains, and we encourage the Third Circuit to look to this precedent in deciding this case.”

Qualified immunity has been repeatedly used by officials, often law enforcement officers, to escape accountability and liability for engaging in violent and otherwise unlawful acts against the public.

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).*