

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT DIVISION**

EDREES BRIDGES,

Plaintiff,

v.

**PRINCE GEORGE'S COUNTY,
MARYLAND, a municipality; and,
PRISON MINISTRY OF AMERICA,**

Defendants.

Case No. 8:21-cv-01319

**PLAINTIFF'S MEMORANDUM IN SUPPORT OF HIS MOTION FOR
PRELIMINARY INJUNCTION**

INTRODUCTION

Prince George's County has established an illegal religious test that all job seekers must pass if they want to apply to be the chaplain at Prince George's County jail. This religious test requires job applicants to proclaim certain religious beliefs and disclaim others. It requires job applicants to declare that they believe that "the Bible is God's authoritative and inspired Word...without error in all its teachings, including creation, history, its own origins, and salvation." This is a religious test that disqualifies Muslims, Jews, and others who do not hold the precise beliefs established by Prince George's County.

The Establishment Clause of the First Amendment to the U. S. Constitution prohibits the state from aiding, endorsing, or promoting particular religions. Prince George's County is aiding, endorsing, and promoting Christianity, and this Court should order them to stop.

FACTS

Prison Ministry of America ("PMA") requires of its chaplain applicants to:

"believe in one God, Creator and Lord of the Universe, the co-eternal Trinity, Father, Son, and Holy Spirit," that "Jesus Christ, God's Son, was conceived by the Holy Spirit, born of the Virgin Mary, lived a sinless life, [and] died a substitutionary atoning death on the cross," and that "the Bible is God's authoritative and inspired Word...without error in all its teachings, including creation, history, its own origins, and salvation."

Complaint ¶3.

This would be fine in a private setting, but PMA is currently contracted by Prince George's County ("PGC") to hire a chaplain for their jail. Complaint ¶21-27. The Establishment Clause prohibits this kind of religious test.

Defendant PMA, as a government contractor fulfilling an essential government service for PGC in accordance with the PMA-PGC Agreement, is acting under color of law and is

therefore also subject to Section 1983 and the First and Fourteenth Amendments to the U.S. Constitution. PMA's goal is explicit. They wish to "bring the message of abundant life through faith in Jesus Christ to citizens in their lowest hour, their time of greatest spiritual need." Complaint ¶16.

Should there be any confusion about the Christian preferences of PGC, prior to their agreement with PMA, PGC had a relationship with the proselytizing Christian organization, Good News Jail and Prison Ministry ("Good News"). Complaint ¶59. PGC has a years-long pattern of preferring Christianity and disfavoring Islam. PGC treats those congregating for Christian prayer differently than those doing the same that are Muslim. *Id.* ¶ 60; *see also* Saunders Declaration, *Snowden v. PG County*, 18-cv-160 (D, Md. Sept. 26, 2019) (Exhibit A) .

The Plaintiff, Edrees Bridges, is an Assistant Imam at the Ali Khan Islamic Center, where he leads congregational prayers, counsels community members, and otherwise serves as a religious leader. Bridges has a Masters in Divinity with a concentration in Islamic Chaplaincy from the Bayan Claremont School of Theology and is currently pursuing his Doctorate in Ministry at the Claremont School of Theology. Complaint ¶ 14; *see also* Bridges Declaration (Exhibit B) at ¶ 7 . He has served as a volunteer at the Prince George's County jail and serviced Muslim inmates through congregational prayer and spiritual guidance. *Id.* at 28; *see also* Bridges Dec. (Ex. B). On April 23, 2021, Mark Maciel called Bridges. Bridges Dec. (Ex. B) ¶ 3; Complaint ¶ 30. Maciel is an executive at PMA, who has contracted with Prince George's County to oversee official duties regarding the provision of religious services to people incarcerated at PG County's jail. Complaint ¶¶ 16, 30. Maciel told Bridges that Prince George's County was hiring a chaplain and invited Bridges to apply. Bridges Dec. (Ex. B) ¶¶ 5-6

But the application for the position's "Statement of Applicant's Christian Faith" made it impossible for Bridges to apply. Bridges Dec. (Ex. B) ¶¶ 8-10. The "Statement of Applicant's Christian Faith" requires applicants to affirm that they "believe in one God, Creator and Lord of the Universe, the co-eternal Trinity, Father, Son, and Holy Spirit," that "Jesus Christ, God's Son, was conceived by the Holy Spirit, born of the Virgin Mary, lived a sinless life, [and] died a substitutionary atoning death on the cross," and that "the Bible is God's authoritative and inspired Word...without error in all its teachings, including creation, history, its own origins, and salvation." Complaint ¶ 3; Complaint Exhibit A (Dkt. 1-2) at pdf page 5.

The Defendants' required Statement of Faith excludes Bridges and other Muslims from eligibility. Muslims do not believe in the doctrine of the Trinity. Islam venerates Isa (Jesus) as a prophet, but Muslims believe that Jesus never claimed to be divine. Quran 5:116, Complaint ¶ 41.

ARGUMENT

A preliminary injunction is appropriate where the moving party shows: (1) a substantial likelihood of success on the merits; (2) that an injunction is necessary to prevent irreparable injury; (3) that the injury to the moving party outweighs whatever damage the proposed injunction might cause the non-moving party; and (4) that an injunction is in the public interest. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 129 S.Ct. 365, 172 L.Ed.2d 249 (2008).

Moreover, the third and fourth factors merge when the government is a defendant. *See Nken v. Holder*, 556 U.S. 418, 435 (2009).

I. Bridges is likely to succeed on the merits of his claims.

“The clearest command of the Establishment Clause,” the Supreme Court has held, “is that one religious denomination cannot be officially preferred over another.” *Larson v. Valente*, 456 U. S. 228, 244 (1982); *see also Abington School District v. Schempp*, 374 U. S. 203 (1963); *Engel v. Vitale*, 370 U. S. 421 (1962); *Everson v. Board of Education* 330 U. S. 1 (1946). The First Amendment equally binds the State of Maryland through the incorporation doctrine of the Fourteenth Amendment. *See, e.g., Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 822 (1995).

Here, Defendant PGC contracted Defendant PMA to hire their chaplain. As a government contractor, Defendant PMA requires Christian belief as a prerequisite for service as a Chaplain. The defendants do not just “prefer” the Christian faith to Islam, they demand it. Complaint ¶¶59-62; Ex. A, p. 5. In completing the application, a potential Chaplain must voice their “concern for the inmate and his personal commitment to Christ.” Ex. A, p. 4.

To satisfy strict scrutiny, the Defendants’ hiring policy “must advance ‘interests of the highest order’ and must be narrowly tailored in pursuit of those interests.” *Church of the Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520, 546 (1993) (quoting *McDaniel v. Paty*, 435 U.S. 618, 628 (1978)). On its face, the policy is not narrowly tailored as it eliminates the possibility of any non-Christian chaplains to be hired. Here, the Defendants must show that their hiring policies are narrowly tailored to a compelling governmental interest in order to justify such a discrimination. *See also Johnson-Bey v. Lane*, 863 F.2d 1308, 1312 (7th Cir. 1988) (“Prisons are entitled to employ chaplains and need not employ chaplains of each and every faith to which prisoners might happen to subscribe, but may not discriminate against minority faiths except to the extent required by the exigencies of prison administration.”).

In restricting Mr. Bridges' free exercise of religion and unlawfully preferring Christianity, the Defendants have done nothing to establish that such an act is in furtherance of any compelling governmental interest. Defendants could have easily followed the practices of the Maryland Department of Corrections, or the Federal Bureau of Prisons, and allowed people of all religious backgrounds to qualify for the chaplain position.¹ Complaint ¶52.

Edrees Bridges, through the detailed facts set forth in the Complaint, has established that the Defendants have violated his rights of Free Exercise of Religion and that Defendants have violated the Establishment Clause by making preference to Christianity and making it a prerequisite to holding the position of Chaplain.

II. Bridges meets the additional requirements for a preliminary injunction.

A. Bridges will suffer irreparable harm absent an injunction that will outweigh any injury to Defendants.

If this Court does not grant this injunction Plaintiff, and those similarly situated to him, will suffer irreparable harm. The Supreme Court has held that “the loss of First Amendment freedoms . . . unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976). Because “it may be assumed that the Constitution is the ultimate expression of the public interest,” the public interest is served by safeguarding that Defendants do not irrevocably harm Imam Bridges by only considering Christians for their chaplain post. *Gordon v. Holder*, 721 F.3d 638, 653 (D.C. Cir. 2013).

No length of time is acceptable when it comes to violations of the First Amendment.

¹ State of Maryland Job Openings, *Chaplain Recruitment #20-005188-0001*, (filing deadline 2/24/2020); <https://www.jobapscloud.com/MD/sup/bulpreview.asp?R1=20&R2=005188&R3=0001>; Bureau of Prisons, *FAQ*, Retrieved on June 1, 2021; https://www.bop.gov/jobs/positions/docs/chaplain_faq.pdf.

The Supreme Court has said, “[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod*, 427 U.S. at 373-74 (citing *N.Y. Times v. United States*, 403 U.S. 713 (1971)).

The balance of the harms also weighs heavily in favor of Bridges. Any administrative delay or expense is insufficient to outweigh the harm of a First Amendment violation. *Summers v. Adams*, 8-cv-2265, 2008 WL 11347422, at *1 (D.S.C. Dec. 11, 2008). And, in any event, the Government is “in no way harmed by issuance of a preliminary injunction which prevents it from enforcing a regulation, which, on this record, is likely to be found unconstitutional.” *Newsom ex rel. Newsom v. Albemarle County Sch. Bd.*, 354 F.3d 249, 261 (4th Cir. 2003).

B. A preliminary injunction is in the public interest.

The enforcement of federal statutes, such as 42 U.S.C. § 1983 (the vehicle for protecting First Amendment rights), is in the public interest. *United States v. Alabama*, 691 F.3d 1269, 1301 (11th Cir. 2012). The Fifth Circuit has found that, when a “challenged law is incompatible with the First Amendment,” judicial intervention to protect First Amendment liberties is “always in the public interest.” *Texans for Free Enter. v. Texas Ethics Comm’n*, 732 F.3d 538, 539 (5th Cir. 2013).

Not only is it in the public interest to uphold the Bill of Rights, issuing a preliminary injunction does not harm other citizens. In fact, granting injunctive relief will protect other applicants who are qualified to serve as a chaplain and also refuse to abandon their closely held beliefs.

Chaplaincy is not religion specific. For example, the U.S. Army embraces pluralism in the Army Chaplain Corps. The Army’s spiritual leaders support servicemembers of all

religions. Pamela Kulokas, *Army's First Muslim Division-Level Chaplain Serves All Faiths*, US Department of Defense (June 1, 2017).²

A pluralistic idea of the chaplain's role in governmental settings is not only critical in order to survive constitutional scrutiny, but pluralism is also necessary as our country becomes more pluralistic in belief. A report from Muslim Advocates found that 9% of inmates in state prisons identify as Muslim. See *Free Exercise Report*, Muslim Advocates (July 2019), at 15.³ The Report also found that, in 2018, 27.4% of inmates in Maryland prisons were Muslim. *Id.* at 37. Muslim prisoners have had to fight for basic protections such as the right to wear a beard in conformity with beliefs. *Holt v. Hobbs*, 135 S. Ct. 133 (2015). To this day many Muslim inmates are denied halal food. Laura Follansbee, *The Right to Eat Halal Often Stops at the Prison Gate*, HARV. CIV. RIGHTS L. REV. (Oct. 10, 2019).⁴

Imams and worshippers continue to fight each day in Courts across the country to protect their religious liberties. From a constitutional perspective, a public policy perspective, and a human decency perspective, it is in the public interest to immediately halt the religious preferencing of the Defendants.

CONCLUSION

For the foregoing reasons, this Court should grant Plaintiff's Motion for Preliminary Injunction and issue an injunction:

- a. Enjoining Defendants from utilizing a "Statement of Applicant's Christian Faith" as a part of their hiring process for positions regarding PG County jail and to allow Mr. Bridges to apply without submitting to a religious test.

² Available at <https://bit.ly/ArmyMuslimChaplain>.

³ Available at <https://bit.ly/MusAdvReport>.

⁴ Available at <https://bit.ly/HalalHCRLR>.

b. Requiring Defendants to remedy the constitutional and statutory violations identified above, including, but not limited to, eliminating any existing policy whereby Defendants restrict the chaplain position to persons who are Christian.

Dated: June 25, 2021

Respectfully submitted,

CAIR LEGAL DEFENSE FUND

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CERTIFICATE OF SERVICE

I certify under the penalty of perjury that above Motion for Preliminary Injunction was sent by counsel on June 25, 2021, along with waiver of service forms, by email to the following individuals:

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