



# JUSTICES MATTER

FIRST LIBERTY

KEY SUPREME COURT CASES ON RELIGIOUS LIBERTY, FREE SPEECH, & LIFE FROM 2017-2024

Over the past eight years, the U.S. Supreme Court has issued several opinions protecting religious liberty, free speech, and life. **These results were dramatically affected by the makeup of the Court, especially by the new justices added to the U.S. Supreme Court over the past eight years.**<sup>1</sup>

## RELIGIOUS FREEDOM

- **Groff v. DeJoy (2023): Religious freedom of employees.** The Court protected the right of religious employees to receive religious accommodations at work.<sup>2</sup> [First Liberty case]
- **Kennedy v. Bremerton (2022): The praying football coach.** The Court upheld the First Amendment rights of a high-school football coach to kneel and offer a brief, quiet prayer after football games.<sup>3</sup> [First Liberty case]
- **Carson v. Makin (2022): Religious school choice.** The Court upheld the rights of religious families to use government-issued educational funds to send their children to the religious school of their choice.<sup>4</sup> [First Liberty case]
- **Fulton v. Philadelphia (2021): Faith-based foster care.** The Court protected the right of faith-based foster care providers to run their ministry according to their religious beliefs.<sup>5</sup>
- **American Legion (2019): Cross-shaped veterans memorial.** The Court protected a one-hundred-year-old veterans memorial shaped like a cross after a humanist group alleged that the memorial violated the Establishment Clause.<sup>6</sup> [First Liberty case]

## FREE SPEECH

- **303 Creative (2023): The wedding website designer.** The Court upheld the First Amendment right of a wedding website designer to decline to make websites for same-sex weddings.<sup>7</sup>

## LIFE

- **Dobbs (2022): Overturned Roe v. Wade.** The Court found there is no constitutional right to abortion and overturned *Roe v. Wade* and *Planned Parenthood v. Casey*.<sup>8</sup>

<sup>1</sup> In Spring 2024, the current U.S. Supreme Court justices were: **Justice Clarence Thomas** (appointed by President George H.W. Bush), **Chief Justice John Roberts** and **Justice Samuel Alito** (appointed by President George W. Bush), **Justices Sonia Sotomayor** and **Elena Kagan** (appointed by President Barack Obama), **Justices Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett** (appointed by President Donald J. Trump), and **Justice Ketanji Brown Jackson** (appointed by President Joe Biden).

<sup>2</sup> *Groff v. DeJoy*, 600 U.S. 447 (2023) (Unanimous decision. The justices impacted both the strength of the opinion and the final vote).

<sup>3</sup> *Kennedy v. Bremerton*, 597 U.S. 507 (2022) (decided 6-3).

<sup>4</sup> *Carson v. Makin*, 596 U.S. 767 (2022) (decided 6-3).

<sup>5</sup> *Fulton v. City of Philadelphia, Pennsylvania*, 593 U.S. 522 (2021) (unanimous).

<sup>6</sup> *American Legion v. American Humanist Association*, 588 U.S. 29 (2019) (decided 7-2).

<sup>7</sup> *303 Creative v. Elenis*, 600 U.S. 570 (2023) (decided 6-3).

<sup>8</sup> *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022) (decided 6-3).

## RELIGIOUS FREEDOM (Additional Cases)

- ***Shurtleff v. Boston* (2022): Christian flag.** The Court upheld the free speech rights of a Christian group to fly a Christian flag in an open public forum.<sup>9</sup>
- ***Ramirez v. Collier* (2022): Prayer for death row inmate.** The Court upheld a death row inmate's request to receive in-person prayer in the execution chamber.<sup>10</sup>
- ***Little Sisters of the Poor* (2020): Conscience exemptions.** The Court upheld the Trump administration's conscience exemptions to the contraceptive mandate.<sup>11</sup>
- ***Our Lady of Guadalupe* (2020): Ministerial exception.** The Court protected the rights of faith-based organizations to control their personnel decisions (hiring and firing of ministers) without government interference.<sup>12</sup>
- ***Espinoza* (2020): Religious participation in an educational scholarship program.** The Court upheld the rights of religious families to participate in a school scholarship program.<sup>13</sup>
- ***Masterpiece Cakeshop* (2018): The wedding cake artist.** The Court held that the government could not force cake artist Jack Phillips to make wedding cakes for same-sex weddings in violation of his religious beliefs.<sup>14</sup>
- ***Trinity Lutheran* (2017): Religious school playground case.** The Court protected the right of religious schools to participate in a government program to resurface playgrounds with tire scraps.<sup>15</sup>

## LIFE (Additional Cases)

- ***Whole Women's Health* (2021): Texas Heartbeat Bill.** The Court allowed the Texas Heartbeat Bill to go into effect.<sup>16</sup>
- ***NIFLA* (2018): Free speech of pro-life pregnancy resource centers.** The Court struck down a California law compelling pro-life pregnancy resource centers to post certain messages as a violation of the First Amendment.<sup>17</sup>

<sup>9</sup> *Shurtleff v. City of Boston, Massachusetts*, 596 U.S. 243 (2022) (unanimous).

<sup>10</sup> *Ramirez v. Collier*, 595 U.S. 411 (2022) (decided 8-1).

<sup>11</sup> *Little Sisters of the Poor v. Pennsylvania*, 140 S.Ct. 2367 (2020) (decided 7-2).

<sup>12</sup> *Our Lady of Guadalupe School v. Morrissey-Berru*, 140 S.Ct. 2049 (2020) (decided 7-2).

<sup>13</sup> *Espinoza v. Montana Department of Revenue*, 140 S.Ct. 2246 (2020) (decided 5-4).

<sup>14</sup> *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Com'n*, 584 U.S. 617 (2018) (decided 7-2).

<sup>15</sup> *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449 (2017) (decided 7-2).

<sup>16</sup> *Whole Woman's Health v. Jackson*, 595 U.S. 30 (2021) (decided 8-1).

<sup>17</sup> *National Institute of Family and Life Advocates v. Becerra*, 585 U.S. 755 (2018) (decided 5-4).



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