



JUSTICES MATTER

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. 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.¹



RELIGIOUS FREEDOM

- ***Groff v. DeJoy (2023)***: Religious freedom of employees. The Court protected the right of employees to receive religious accommodations at work.² [\[First Liberty case\]](#)
- ***Kennedy v. Bremerton School District (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.³ [\[First Liberty case\]](#)
- ***Carson v. Makin (2022)***: Religious school choice. The Court upheld the rights of religious families to participate in a government education funding program to send their children to the religious school of their choice.⁴ [\[First Liberty case\]](#)
- ***Fulton v. City of 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.⁵
- ***The American Legion v. American Humanist Association (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.⁶ [\[First Liberty case\]](#)

¹ 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).

² *Groff v. DeJoy*, 600 U.S. 447 (2023) (unanimous).

³ *Kennedy v. Bremerton School District*, 597 U.S. 507 (2022) (decided 6-3).

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

⁵ *Fulton v. City of Philadelphia*, 593 U.S. 522 (2021) (unanimous).

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

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



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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.⁹
- **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.¹⁰
- **Little Sisters of the Poor (2020):** Conscience exemptions. The Court upheld the Trump administration's conscience exemptions to the contraceptive mandate.¹¹
- **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.¹²
- **Espinoza (2020):** Religious participation in an educational scholarship program. The Court upheld the rights of religious families to participate in a school scholarship program.¹³
- **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.¹⁴
- **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.¹⁵



LIFE (Additional Cases)

- **Whole Women's Health (2021):** Texas Heartbeat Bill. The Court allowed the Texas Heartbeat Bill to go into effect.¹⁶
- **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.¹⁷

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

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

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

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

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

¹⁴ *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 584 U.S. 617 (2018) (decided 7-2).

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

¹⁶ *Whole Women's Health v. Jackson*, 595 U.S. 30 (2021) (decided 8-1).

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

ABOUT FIRST LIBERTY

First Liberty Institute is the nation's largest legal organization dedicated exclusively to defending religious liberty for all Americans.

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