Focus on Religious Freedom

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Impact of Recent Supreme Court Rulings on Religious Liberty

The U.S. Supreme Court delivered several important victories for religious freedom in its recent term, but issued one ruling with dangerous implications for religious autonomy, according to Andrea M. Picciotti-Bayer, legal analyst for EWTN News and director of the Conscience Project.

On the positive side, the Court struck another blow against Colorado's "ideological compulsion" aimed at religious believers, Picciotti-Bayer wrote in the National Catholic Register. By an 8-1 majority, the justices held that the state may not prohibit a Christian therapist from "discussing her clients' faith in counseling sessions with minors struggling with gender confusion." Previously, the Court had ruled against Colorado's mandate that a cakeshop owner and web designer must create a wedding cake and wedding website for same-sex weddings, in violation of their religious beliefs.

The Court also intervened in favor of parents challenging a California policy "permitting public schools to socially transition children by changing their names, pronouns, and presentation without parental knowledge or consent," Picciotti-Bayer reported. Reinstating a permanent injunction that blocked enforcement of that policy while the parents' legal challenge proceeds, the Court found that "the parents who seek religious exemptions are likely to succeed on the merits" of their First Amendment claims.

The Court also, however, "declined to stop judicial review of a challenge to Peter's Pence donations" brought by a Rhode Island Catholic parishioner who claims he was misled about how his donation would be used.

By allowing such "judicial scrutiny" of "a church's internal decisions," Picciotti-Bayer explained, the Court has endangered "(t)he foundational principle of church autonomy."

"The stakes extend far beyond Catholics," she warned. "Every faith community in America would face the same threat whenever a disgruntled donor decided he did not like how his offering was ultimately spent. It is no wonder that dozens of religious organizations across traditions have filed in support of the (U.S.) bishops' conference. This is not a Catholic problem alone; it is an American problem."

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