



**INTERFAITH
ALLIANCE**
OF COLORADO
ACHIEVING DEMOCRACY TOGETHER



SUPREME COURT DIGEST

- 2025 -



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ABOUT US

As a longstanding interfaith public policy and advocacy organization, the Interfaith Alliance of Colorado promotes justice, religious liberty, and interfaith understanding. We do this by building relationships in order to educate, advocate, and catalyze positive social change.



The Interfaith Team

In 2025, we are debuting a new strategic plan with three important pillars:

Protecting Democracy

When we protect democracy, we ensure the protection of religious freedom. We promote active resistance to the erosion of democracy and the protection of our democratic systems and infrastructure.

Protecting Religious Freedom

We strive to eliminate the use of religious freedom to promote discrimination and further marginalization of vulnerable communities.

Protecting Vulnerable Communities

We aim to reduce the vulnerability of marginalized and disadvantaged communities by advocating for systemic change.

Our work reflects the interconnectedness of those pillars and the project of “achieving democracy together.” It is in that spirit that the Interfaith Alliance of Colorado is offering our first Supreme Court Digest.





US Supreme Court Building

WHY DOES THIS MATTER?

The legal pronouncements from the U.S. Supreme Court have an impact on law and policy in Colorado and throughout the United States. Understanding the cases and opinions helps us stay engaged in – and respond to – a shifting legal landscape. Included in this digest are selected cases that impact people of faith and vulnerable communities, and resources for further reading and analysis. Our goal is to summarize these selected Supreme Court opinions, condensing the key concepts and conclusions for quick understanding of the developments in case law and their impact.

In many cases, an opinion is authored by one justice on behalf of the majority, and that opinion will include the court's holding, which is the final decision of the court and which forms precedent for future cases. Other justices may file separate concurring or dissenting opinions that provide additional analysis but are not binding. The following summaries discuss the majority opinion and, where applicable, summarize dissenting opinions. The complete text of the opinions for the 2024 term year, including concurrences and dissents, can be read by going to the U.S. Supreme Court website using this URL or QR Code:
<https://www.supremecourt.gov/opinions/slipopinion/24>



CASES IN THIS DIGEST:

St. Isidore of Seville Catholic Virtual School v. Drummond
Catholic Charities Bureau, Inc. v. Wisconsin Labor & Industry Review
Mahmoud v. Taylor
United States v. Skrmetti
Medina v. Planned Parenthood South Atlantic



US Supreme Court Justices

Seated from left are Justices Sonia Sotomayor, Clarence Thomas, Chief Justice John G. Roberts, Jr., Justices Samuel A. Alito & Elena Kagan.

Standing from left are Justices Amy Coney Barrett, Neil M. Gorsuch, Brett M. Kavanaugh, & Ketanji Brown Jackson.



CURRENT JUSTICES:

John G. Roberts, Jr., Chief Justice of the United States, appointed 2005
Clarence Thomas, Associate Justice, appointed 1991
Samuel A. Alito, Jr., Associate Justice, appointed 2006
Sonia Sotomayor, Associate Justice, appointed 2009
Elena Kagan, Associate Justice, appointed 2010
Neil M. Gorsuch, Associate Justice, appointed 2017
Brett M. Kavanaugh, Associate Justice, appointed 2018
Amy Coney Barrett, Associate Justice, appointed 2020
Ketanji Brown Jackson, Associate Justice, appointed 2022



St. Isidore of Seville Catholic Virtual School v. Drummond



Argued April 30, 2025

Opinion Published May 22, 2025

St. Isidore of Seville Catholic Virtual School v. Drummond involves the invalidation of the establishment of a religious online charter school in Oklahoma. The school, a virtual Catholic school, would have become the first publicly funded religious charter school in the U.S..

In 4-4 *per curiam* opinion (from the court, no author specified), the court affirmed the lower court's ruling that invalidated a virtual Catholic charter school, St. Isidore of Seville Catholic Virtual School. The charter school would have had an explicitly religious and evangelizing character, and the Oklahoma Attorney General asked the Oklahoma Supreme Court to invalidate it because state law required the school to be non-sectarian (not involving or relating to a specific religious group). Represented by Notre Dame Law School, the school appealed to the U.S. Supreme Court. Justice Barrett recused herself from the case, and the remaining justices were divided – ultimately resolving the case in favor of the state of Oklahoma.

While the opinion provided some finality on the question of whether St. Isidore would become the first religious public charter school, commentators have noted that the brief *per curiam* opinion failed to provide analysis or a holding that might answer some of the key questions considered by the court in the case.



Catholic Charities Bureau, Inc. v. Wisconsin Labor & Industry Review



Argued March 31, 2025

Opinion Published June 5, 2025

Catholic Charities Bureau, Inc. v. Wisconsin Labor & Industry Review involves a First Amendment claim where the state denied a tax exemption to a religious organization because they found it did not meet its criteria for an organization that is "operated primarily for religious purposes".

In a 9-0 opinion authored by Justice Sotomayor, the court held that denying Catholic Charities Bureau an unemployment tax exemption available to religious organizations because they were not operated "primarily for religious purposes" violated the 1st Amendment, which "mandates government neutrality between religions". The opinion affirmed that it is "fundamental to our constitutional order" that the government remain neutral between religions and that the denial amounted to "denominational discrimination". The state's rationale focused on how Catholic Charities carried out its service and to whom, questioning the religious nature of the activities, but the court notes that, ultimately, whether and the extent to which religious doctrine is integrated into charitable work are matters of religious and theological decision-making, triggering strict scrutiny. Strict scrutiny requires that the application of the law in this case be "narrowly tailored to further a compelling government interest", a burden that the state must carry, and in this case, did not.



Mahmoud v. Taylor



Argued April 22, 2025

Opinion Published June 27, 2025

Mahmoud v. Taylor involves students receiving LGBTQIA+ inclusive information at school and parents who had a religious objection to the content were no longer notified or given an opportunity to opt their children out. Parents filed suit alleging that their 1st Amendment and due process rights were violated.

In a 6-3 opinion authored by Justice Alito, the court held that parents were entitled to a preliminary injunction. The injunction will allow the parents to be notified and have their children excused from the curriculum in question while the lawsuit goes forward. The case will be remanded to the lower court, where the underlying lawsuit will be litigated.

In order to get an injunction, the parents must show, among other factors, that they are “likely to succeed on the merits”. The court notes that the parents are likely to succeed on the merits because the policies involved “unconstitutionally burden their religious exercise.” Explaining that the “normative messaging on the subject of sex and gender” involved in this case would “impose upon children a set of values and beliefs that are ‘hostile’ to their parents’ religious beliefs” and that it would pressure children to conform to those values, the court finds that the books involved threaten free exercise in a similar manner to the case *Wisconsin v. Yoder*, which the court reads more expansively than the lower court.

Justice Sotomayor filed a dissenting opinion, in which she emphasizes the lack of a “limiting principle” in the majority’s holding and reliance on a selective interpretation of the facts, cautioning that to avoid conflicts like those in this case, an “impossible administrative burden” will be borne by schools, and that this will have the impact of chilling efforts to provide inclusive curriculum and self-censorship.



United States v. Skrmetti



Argued December 4, 2024

Opinion Published June 18, 2025

United States v. Skrmetti involves a legal challenge to a Tennessee law prohibiting gender affirming medical care for minors with a diagnosis of gender dysphoria. Plaintiffs filed suit, alleging that the law discriminates on the basis of sex and thus violates the equal protection guarantee of the 14th Amendment.

In a 6-3 opinion authored by Chief Justice Roberts, the court held that the law did not discriminate on the basis of sex, and therefore need only survive rational basis review by the court. In explaining the court's analysis, Chief Justice Roberts states that the law does not rely upon sex based classifications because "the law does not prohibit conduct for one sex that it permits for the other" and that it "does not rest on impermissible sex stereotypes". Generally, laws involving sex classifications are subject to "heightened scrutiny", which is a more deferential standard than strict scrutiny, but more stringent than rational basis review. According to the court, the classifications in the case were not related to sex or transgender status but age and medical condition, and they found the law rationally related to the state's objective of protecting minors.

Justice Sotomayor and Justice Kagan both filed dissenting opinions. In her dissent, Justice Sotomayor emphasized that the prohibition is "expressly classified on the basis of sex and transgender status" and therefore should be subject to heightened or "intermediate" scrutiny. Ultimately, Justice Sotomayor argues, a sex based classification exists because the law conditions the availability of medications on a person's sex; "Male (but not female) adolescents can receive medicines that help them look like boys, and female (but not male) adolescents can receive medicines that help them look like girls." Justice Sotomayor also notes the harmful consequences of failing to address gender dysphoria in adolescents, the support for gender affirming care among pediatric and mental health professionals, and the law's disregard for parent and doctor input.

In her separate dissent, Justice Kagan "takes no view on how SBI would fare under heightened scrutiny," but writes briefly to join the first four parts of Justice Sotomayor's dissent, and to emphasize that "both the plaintiffs and the Government asked this Court not to itself apply heightened scrutiny, but only to remand that inquiry to the lower courts." So for Justice Kagan, the majority and Justice Sotomayor's application of the standard goes beyond the court's mandate, but she is in agreement that the heightened scrutiny is the applicable standard of review, for the reasons Justice Sotomayor stated.



Medina v. Planned Parenthood South Atlantic

Argued April 2, 2025

Opinion Published June 26, 2025

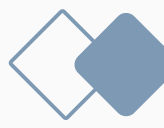


Medina v. Planned Parenthood South Atlantic involves whether a private right of action exists with regard to enforcing the ability to use "any qualified provider" under the Medicaid program. Plaintiffs challenged South Carolina's removal of Planned Parenthood from the state Medicaid program, her preferred provider for reproductive healthcare, filing under §1983 of the Civil Rights Act, which allows individuals to file suit against government actors in their official capacity for violating rights under federal law and the U.S. Constitution. The key question in the case is whether the language in the Medicaid Act afforded plaintiffs a "private right of action" – meaning that a plaintiff can sue to enforce a right, instead of relying on other mechanisms like government agency enforcement.

In a 6-3 opinion authored by Justice Gorsuch, the court held that the "any qualified provider" language in the Medicaid Act did not afford a private right of action for recipients. The court explained that a private right of action exists only when Congress "clearly and unambiguously" meant to provide an enforceable individual right, and concluded that, in this case, the statutory language does not provide that right, and therefore, the summary judgment granted by the lower courts is vacated (canceled). Justice Gorsuch's analysis focused on the relative rarity of a private right, particularly for cases involving Congressional spending power, where termination of funds is the "typical remedy" for violating the conditions for receiving federal funding, and the relationship is more akin to a contract. He also focused on the need for unambiguous "rights creating" language and the public policy questions raised by the private enforcement of a "new statutory right"; recipients of federal funding should have some understanding of the litigation risks they are taking on when they accept federal funding.

Justice Jackson authored a dissenting opinion, arguing that the majority opinion continues "the project of stymying" §1983 through its "ahistorical" and narrow reading. Justice Jackson takes a different approach to applying the rule and its application to the facts in the case, arguing that "under a faithful application of our unambiguous-conferral test, the Medicaid Act's free-choice-of-provider provision readily creates an enforceable right" citing examples of "rights creating" language and the focus not on what the state must do, but what Medicaid recipients are entitled to – namely to select their providers.





US Supreme Court Building

The cases outlined above have significant implications for 1st Amendment rights and access to healthcare, underscoring the complex nature of the 1st Amendment's balancing between free exercise and establishment and the important connection between standards of judicial review and protecting vulnerable groups of people.

For additional information and analysis, including the digest companion videos, visit our website at: <https://InterfaithAllianceCO.org>

RESOURCES

<https://www.supremecourt.gov/>

<https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/about>

<https://www.scotusblog.com/supreme-court-procedure/>

<https://supreme.justia.com/>

As we invite valued partners and community members to join us in “achieving democracy together,” we understand the importance of providing education and context on developments in law and policy and what they mean for people of faith and conscience in Colorado. Our hope is that you’ve found the information helpful to your understanding of this impactful Supreme Court term. Thank you for your support of the Interfaith Alliance of Colorado and working alongside us.



GLOSSARY

Litigation: Refers to the process of taking formal legal action through the courts, like in a lawsuit.

Opinion: A written explanation of a court decision, the opinion will include the final judgment on the issue before the court, will often include a statement of the facts and an explanation of the law and how it is applied in the case. At the U.S. Supreme Court, a single justice authors an opinion, and others justices may join. The majority opinion is the opinion that the majority of the justices have joined. A concurring opinion is authored by a justice who agrees with the majority opinion, but will have a different or more in-depth analysis. A dissenting opinion is authored by a justice who disagrees with the majority opinion. A single case may have multiple concurring or dissenting opinions, but the majority opinion is the sole opinion that controls.

Per curiam: Latin for “by the court”, a per curiam opinion is not attributed to a specific justice but offered on behalf of the whole court. Per curiam opinions are usually brief and do not contain detailed explanation or analysis.

Holding: The holding in a case is the final ruling on the specific legal question before the court. A holding may establish or build upon previous rulings and provides guidance for future cases.

Free Exercise: An important concept in the First Amendment, free exercise is the legal principle that protects individuals’ right to practice their religion without government interference. Together with the establishment clause, the free exercise clause constitutes the First Amendment’s guarantee of religious liberty.

Limiting Principle: Refers to a rule or principle that narrows or limits the scope of a more general legal principle, ensuring a legal principle is not applied too expansively. If the application of a legal principle provides absurd or unjust results, a limiting principle can provide important guardrails.

Standard of Review: The standard of review relates to the deference a court must give when reviewing a lower court’s ruling. Which standard of review applies depends on the nature of the case. In the context of the Supreme Court, standard of review can also refer to the standards, or “scrutiny” that applies when evaluating questions of constitutionality and the deference the court must give to policymakers.



GLOSSARY

Rational Basis Review: The general standard for evaluating constitutionality, this is the lowest standard of review when the case involves a question of constitutionality. The court must determine whether a law, policy, or government action is *rationally related* to a *legitimate government* interest.

Intermediate Scrutiny: This is the standard applied when the case involves a “quasi-suspect” classification. Sex classifications, for example, are evaluated under this standard, which requires that the law, policy, or government action be *substantially related* to an *important* government interest. As its name suggests, intermediate scrutiny is more rigorous than Rational Basis Review but less rigorous than Strict Scrutiny.

Strict Scrutiny: This is the standard applied when a case involves a fundamental right or a “suspect” classification. Racial and national origin classifications, for example, are evaluated under this standard, which requires that the law, policy, or government action be *narrowly tailored* to further a *compelling* government interest.

Affirm: If the court hearing an appeal agrees with the lower court’s ruling, it will affirm, meaning the lower court’s ruling remains.

Reverse: If the court hearing an appeal disagrees with the lower court’s ruling, it can reverse the ruling, meaning that the lower court’s opinion is undone by the appellate court’s ruling. When a ruling is reversed, the appellate court will “remand” and direct the lower court on how to proceed in light of the new ruling.

Vacature: Voiding or setting aside the ruling or order of a lower court, so that it no longer has any legal effect.

Injunction: Refers to an order by a court that either restrains action that violates the legal rights of another occurring or continuing, or compels action. A preliminary injunction allows the court to stop an action or ensure it takes place while the underlying case is litigated. An injunction may also be the final relief in a case; the court will order the other party to stop or to do a particular thing.

