

T H E S T A T E O F
RELIGIOUS LIBERTY
IN AMERICA

2 0 2 6 A N N U A L R E P O R T

Trends, Patterns, and Connections in U.S. Religious Liberty Case Law

Published by
ReligiousLiberty.TV
Founders' First Freedom®
religiousliberty.tv
March 2026

C O N T E N T S

Executive Summary

I. The Year in Review: 2025 at the Supreme Court

II. Landmark Decisions: Case-by-Case Analysis

III. The Emerging Doctrinal Map

IV. State-Level Trends and Legislative Patterns

V. Cases to Watch: The 2025–2026 Term

VI. Cross-Cutting Themes and Connections

VII. Looking Ahead: Forecast for 2026–2027

VIII. Methodology and About This Report

Executive Summary

The past year has been one of the most consequential periods for religious liberty law in the United States in recent memory. The Supreme Court’s 2024–2025 term delivered three major rulings directly addressing religious freedom—two decisive victories and one split decision—while the current 2025–2026 term has already accepted cases that could reshape RLUIPA enforcement and the boundaries of free speech and religious exercise.

This inaugural State of Religious Liberty report, published by ReligiousLiberty.TV, draws on our comprehensive case library—covering First Amendment, RFRA, and conscience rights litigation since 2008—to identify the patterns, connections, and emerging trends that define this moment in American religious freedom law.

Key Findings

- 1. Parental rights are the new frontier.** The Court’s 6–3 ruling in *Mahmoud v. Taylor* (2025) revived and expanded the principles of *Wisconsin v. Yoder* (1972), establishing that government actions substantially interfering with a parent’s religious upbringing of their children trigger strict scrutiny—even when the law is neutral and generally applicable.
- 2. Denominational neutrality has teeth.** The unanimous 9–0 decision in *Catholic Charities Bureau v. Wisconsin* (2025) reinforced that governments cannot distinguish among religions based on theological choices about how to carry out their missions. Justice Sotomayor’s opinion writing for the full Court underscored that serving the public without proselytizing is itself a valid religious practice.
- 3. The Establishment Clause still has limits.** The 4–4 split in *Oklahoma v. Drummond* (2025) left standing the prohibition on publicly funded religious charter schools, surprising court watchers who expected the current Court to continue its trend of expanding public funding access for religious institutions.
- 4. State legislatures are active testing grounds.** Five states have adopted new Religious Freedom Restoration Acts since 2023 (North Dakota, West Virginia, Iowa, Utah, and Georgia), and at least fourteen states introduced Ten Commandments display bills during the 2025 legislative session. The gap between top-ranked and bottom-ranked states for religious liberty protections now spans nearly 55 percentage points.
- 5. Prisoner religious rights are center stage.** *Landor v. Louisiana*, argued in November 2025, asks whether RLUIPA allows individual-capacity damages suits—a question that could determine whether statutory protections for incarcerated individuals have any meaningful enforcement mechanism.

I. The Year in Review: 2025 at the Supreme Court

The Supreme Court’s October Term 2024 (concluding in June 2025) was one of the most active terms for religious liberty in recent history. The Court issued rulings in three cases squarely addressing religious freedom and took action in a fourth that carried significant implications for the intersection of religious exercise and equal protection.

A Term of Landmark Proportions

The three direct religious liberty cases produced two clear victories for religious exercise claimants and one stalemate that effectively preserved the status quo on church-state separation in public education. Together, they touched on parental rights, denominational neutrality, religious tax exemptions, and the continuing tension between the Free Exercise and Establishment Clauses.

Perhaps most remarkable was the breadth of coalitions these cases generated. In *Mahmoud v. Taylor*, Muslim, Jewish, and Christian parents stood together to defend parental rights. In *Catholic Charities Bureau*, a unanimous Court—with Justice Sotomayor writing the opinion—rejected the notion that serving the poor without proselytizing makes an organization less “religious.” These cross-ideological alignments reflect a deeper consensus about core religious liberty principles than the popular “culture war” narrative typically suggests.

As the SCOTUSblog commentator Richard Garnett has observed, the prevailing media narrative about the Court’s religious freedom docket as uniformly “polarized and partisan” misses the significant number of cases where the justices have been unanimous or nearly so in upholding religious exercise.

II. Landmark Decisions: Case-by-Case Analysis

Mahmoud v. Taylor (Decided June 27, 2025)

Holding: 6–3. Parents have a constitutional right to opt children out of public school instruction that conflicts with their sincerely held religious beliefs. (Alito, J., writing for the majority.)

Mahmoud v. Taylor arose from Montgomery County, Maryland, where the public school district introduced LGBTQ-inclusive storybooks into its pre-K through fifth-grade curriculum during the 2022–2023 school year. The district initially allowed parents to receive advance notice and opt their children out, but reversed course in March 2023, eliminating the opt-out for any reason.

Parents from Muslim, Jewish, and Christian backgrounds challenged the policy as a violation of their right to direct the religious upbringing of their children. The district court denied a preliminary injunction, and the Fourth Circuit affirmed. The Supreme Court reversed.

The Yoder Revival

Justice Alito’s majority opinion grounded the decision squarely in *Wisconsin v. Yoder* (1972), treating it not as a narrow exception but as a statement of general principles. The Court held that when a government action substantially interferes with the religious development of a child, or poses a real threat of undermining the religious beliefs parents wish to instill, strict scrutiny applies—regardless of whether the government action is neutral or generally applicable.

This represents a meaningful doctrinal development. Since *Employment Division v. Smith* (1990), the general rule has been that neutral, generally applicable laws survive Free Exercise challenges without triggering strict scrutiny. Mahmoud carves out a significant exception for the parent-child religious formation context, joining the “hybrid rights” category that Smith itself acknowledged but never fully developed.

Connections to the Case Library

Mahmoud fits within a line of cases ReligiousLiberty.TV has been tracking for years: the gradual expansion of parental religious rights in the education context. The case connects directly to *Kennedy v. Bremerton School District* (2022), which addressed religious expression by public school employees; to *Carson v. Makin* (2022), which struck down Maine’s exclusion of religious schools from a tuition program; and ultimately back to Yoder itself. The pattern reveals a Court that is systematically strengthening the free exercise rights of families in the educational sphere.

Catholic Charities Bureau v. Wisconsin (Decided June 5, 2025)

Holding: 9–0. Wisconsin’s denial of a religious tax exemption to Catholic Charities violated the First Amendment’s prohibition on denominational preferences. (Sotomayor, J., writing for a unanimous Court.)

Catholic Charities Bureau of the Diocese of Superior, Wisconsin, sought an exemption from the state’s unemployment compensation tax under a statute covering nonprofits “operated primarily for religious purposes” and church-controlled. The Wisconsin Supreme Court denied the exemption, reasoning that Catholic Charities’ work—serving the poor and disabled regardless of faith—was “wholly secular.”

The U.S. Supreme Court unanimously reversed. Justice Sotomayor held that Wisconsin’s approach created an unconstitutional denominational preference by favoring religious organizations that proselytize or serve only their own members over those whose theology calls them to serve all people without distinction. The opinion described this as a “textbook” violation of the principle that the government must maintain neutrality between religions.

Why This Case Matters

The unanimity of the decision is striking. In an era of sharp ideological divisions on the Court, Catholic Charities Bureau produced a coalition spanning from Justice Thomas to Justice Jackson, with concurring opinions from both. Justice Thomas emphasized church autonomy doctrine, arguing that Wisconsin improperly second-guessed the Diocese’s organizational structure. Justice Jackson offered a statutory interpretation, focusing on what the organization does rather than how or why it does it.

For our case library, this ruling connects powerfully to the ministerial exception line of cases (*Our Lady of Guadalupe School v. Morrissey-Berru*, *Hosanna-Tabor v. EEOC*) and the broader church autonomy tradition. It also builds on *Fulton v. City of Philadelphia* (2021) in reinforcing that religious organizations cannot be penalized for their theological approach to serving the public.

Oklahoma v. Drummond (Decided May 22, 2025)

Holding: 4–4 (per curiam). Judgment affirmed by an equally divided Court. (Barrett, J., recused.) No precedential value.

Oklahoma Statewide Charter School Board v. Drummond asked whether the state could prohibit a Catholic institution, St. Isidore of Seville Catholic Virtual School, from operating as a publicly funded charter school. The Oklahoma Supreme Court had ruled that such an arrangement would violate the Establishment Clause, state constitutional provisions, and Oklahoma’s charter school statute requiring nonsectarian operations.

With Justice Barrett recused (likely due to her prior ties to the Notre Dame Law School religious liberty clinic involved in the case), the remaining eight justices split evenly. The 4–4 tie affirmed the Oklahoma court’s ruling without setting a national precedent.

A Surprising Check on Momentum

Most court watchers had predicted a victory for religious charter school advocates, given the Court’s recent trajectory in *Espinoza v. Montana* (2020), *Carson v. Makin* (2022), and *Trinity Lutheran Church v. Comer* (2017)—all of which struck down barriers to public funding for religious

institutions. The split decision suggests the state-action question (whether charter schools are government entities) may present a harder doctrinal problem for the Court than the funding-exclusion question it has repeatedly resolved in favor of religious institutions.

Because the split creates no binding precedent, the underlying question remains live. Another case on this issue will almost certainly reach the Court, and when it does—with a full nine-justice bench—the outcome may be different.

III. The Emerging Doctrinal Map

Analyzing these decisions alongside the broader trajectory of the Roberts Court’s religious liberty jurisprudence reveals an emerging doctrinal framework built on several pillars.

Pillar 1: Denominational Neutrality

Catholic Charities Bureau reinforces the principle that the government cannot prefer some religions over others based on theological content. When combined with *Masterpiece Cakeshop v. Colorado* (2018)—which turned on governmental hostility toward religious beliefs—and *Church of Lukumi Babalu Aye v. Hialeah* (1993), a clear rule emerges: the government must treat all sincere religious exercises with equal respect, regardless of how those exercises manifest.

Pillar 2: Parental Religious Formation

Mahmoud v. Taylor establishes that parental rights to direct the religious upbringing of children enjoy robust constitutional protection, even against neutral, generally applicable government programs. This revitalizes a line of doctrine stretching from *Pierce v. Society of Sisters* (1925) through *Yoder* and now *Mahmoud*. The practical implication is that public schools must accommodate parental religious objections to curricular content through notice-and-opt-out mechanisms.

Pillar 3: Equal Access to Public Programs

The trilogy of *Trinity Lutheran* (2017), *Espinoza* (2020), and *Carson* (2022) has established that religious organizations generally cannot be excluded from otherwise-available public benefits solely because they are religious. *Oklahoma v. Drummond*’s non-result leaves open the question of whether this principle extends to charter schools—entities that function as part of the public school system rather than as independent participants in a benefits program.

Pillar 4: Meaningful Remedies

The pending *Landor v. Louisiana* case will test whether statutory protections like RLUIPA have teeth. Without individual-capacity damages, the Court’s landmark ruling in *Tanzin v. Tanvir* (2020)—which recognized damages under RFRA—would be limited to federal officials. A ruling for *Landor* would close the enforcement gap and complete the remedial framework for both of Congress’s twin religious liberty statutes.

IV. State-Level Trends and Legislative Patterns

While the Supreme Court sets the constitutional floor, state legislatures and courts are increasingly active in shaping the practical landscape of religious liberty protections. The data reveals several notable trends.

The RFRA Expansion Wave

Five states have enacted new Religious Freedom Restoration Acts since 2023: North Dakota and West Virginia in 2023, Iowa and Utah in 2024, and Georgia in 2025. These state-level RFRA provide protections beyond the federal RFRA, which after *City of Boerne v. Flores* (1997) applies only to federal actions. The trend shows no sign of slowing, with additional states considering similar legislation.

The Religious Liberty Scorecard: A Widening Gap

The 2025 Religious Liberty in the States index, published by the Center for Religion, Culture and Democracy and First Liberty Institute, evaluates 47 distinct legal protections across all 50 states. The results reveal stark disparities:

Category	States	Score Range
Top 5	FL, MT, IL, SC, MS	62–75%
Middle Tier	Most states	30–60%
Bottom 5	WV, WY, MI, NE, VT	Under 30%

The nearly 55-point gap between Florida’s top-ranked score of 75% and West Virginia’s bottom-ranked 19.6% underscores that religious liberty protections vary enormously by geography. Montana showed the most dramatic improvement since 2022, with a 30.8% score increase driven largely by new conscience protections for healthcare workers.

Religion in Public Schools: A Legislative Surge

State legislatures increasingly are enacting measures to include religious elements in public education. During 2025, at least fourteen states introduced bills requiring Ten Commandments displays in public school classrooms. Texas passed a comprehensive school voucher program with potential to direct significant public funds to religious schools. These legislative efforts operate against the backdrop of a Supreme Court that has grown more receptive to religious expression in public settings (*Kennedy v. Bremerton*, 2022) while leaving some questions unresolved (*Oklahoma v. Drummond*, 2025).

Emerging Battlegrounds

Seal of the confessional: In 2025, Washington State amended its mandatory reporting law to eliminate the clergy privilege specifically for information received during confession, while leaving other professional privileges intact. A federal court issued a preliminary injunction finding the law likely violated the Free Exercise Clause, and the state ultimately agreed to a permanent injunction.

Nondiscrimination conditions on school funding: Both Maine and Colorado have imposed sexual orientation and gender identity nondiscrimination requirements as conditions for religious schools to participate in state funding programs. These cases, now in active litigation, test the limits of the *Carson v. Makin* framework and ask whether states can accomplish indirectly what the Supreme Court has prohibited directly.

The Johnson Amendment challenge: *National Religious Broadcasters v. IRS* challenges the constitutionality of the 1954 regulation barring nonprofits, including houses of worship, from participating in partisan political campaigns. A consent decree between the plaintiffs and the Trump administration's IRS is pending judicial approval in the Eastern District of Texas, with a potential path to the Supreme Court.

V. Cases to Watch: The 2025–2026 Term

The current Supreme Court term has already accepted several cases with major implications for religious liberty, and more may be added before the term concludes.

Case	Issue	Significance
Landor v. Louisiana	Individual-capacity damages under RLUIPA	Determines whether statutory prisoner religious rights have meaningful enforcement
Chiles v. Salazar	Colorado’s ban on conversion therapy for minors	Tests boundary between religious exercise, free speech, and professional regulation
Olivier v. [City]	Evangelist banned from sharing faith in public park	Free speech and religious expression in public forums; access to federal courts
First Choice v. AG	NJ subpoena of faith-based pregnancy center’s donors	First Amendment donor privacy for religious organizations

Landor v. Louisiana: Completing the RLUIPA Framework

The Landor case presents facts so compelling they border on the paradigmatic. Damon Landor, a devout Rastafarian who had maintained his dreadlocks for nearly twenty years in accordance with a Nazarite vow, was transferred to a Louisiana prison where guards threw away his copy of a prior Fifth Circuit decision protecting his right to keep his hair, then restrained him and shaved his head.

The legal question—whether RLUIPA authorizes individual-capacity damages—follows directly from the Court’s unanimous 2020 decision in *Tanzin v. Tanvir*, which held that RFRA’s identical “appropriate relief” language includes monetary damages. Our case library tracks both RFRA and RLUIPA as “twin statutes,” and a ruling for Landor would confirm what the textual parallel has long suggested: Congress intended both statutes to carry the same remedial force.

Chiles v. Salazar: Speech, Religion, and Professional Licensing

Kaley Chiles, a Christian counselor in Colorado, challenges the state’s ban on counseling conversations with minors that aim to align sexual orientation or gender identity with the client’s religious convictions. The case sits at the intersection of free speech, religious exercise, and state authority to regulate licensed professionals—a convergence that could produce one of the term’s most doctrinally complex opinions.

VI. Cross-Cutting Themes and Connections

ReligiousLiberty.TV’s case library is designed to surface connections that a traditional index might miss. Analyzing the 2025 landscape across cases and categories reveals several cross-cutting themes.

Theme 1: The Interfaith Coalition

One of the most striking developments in recent religious liberty litigation is the breadth of interfaith coalitions supporting free exercise claims. In *Mahmoud*, Muslim, Jewish, and Christian families stood together. In *Catholic Charities Bureau*, amicus briefs came from across the religious spectrum. In *Landor*, the case of a Rastafarian’s rights has drawn support from organizations traditionally associated with Christian advocacy, including the Becket Fund. This pattern challenges the narrative that religious liberty claims serve only majority faiths and underscores the universal nature of First Amendment protections.

Theme 2: The Enforcement Question

A recurring theme in recent terms is whether constitutional and statutory protections have meaningful enforcement mechanisms. *Tanzin* addressed this for RFRA; *Landor* tests it for RLUIPA. The Washington State seal-of-the-confessional case illustrates the enforcement challenge at the state level. Without robust remedial frameworks, rights declared on paper risk becoming rights denied in practice.

Theme 3: Education as the Central Arena

Of the three major Supreme Court decisions in 2025, two directly involved education (*Mahmoud* and *Drummond*). The current term’s docket includes *Chiles v. Salazar*, which touches on therapeutic contexts often involving young people. Meanwhile, state legislatures are passing school voucher programs, Ten Commandments bills, and religious education requirements at a rapid pace. Education has become the primary arena where competing visions of religious liberty, establishment concerns, and parental rights collide.

Theme 4: The ‘Twin Statutes’ Symmetry

Congress enacted RFRA (1993) and RLUIPA (2000) as complementary protections for religious exercise. The Supreme Court’s jurisprudence has increasingly treated them as mirror statutes. *Tanzin* interpreted RFRA’s remedies provision; *Landor* asks the same question about RLUIPA’s identical text. *Burwell v. Hobby Lobby* (2014) expanded RFRA’s reach to closely held corporations; future cases may test whether RLUIPA’s protections similarly extend. Our case library tracks these parallels, making the “twin statute” relationship visible across hundreds of cases.

VII. Looking Ahead: Forecast for 2026–2027

Based on patterns in our case library and the trajectory of pending litigation, we identify the following areas most likely to generate significant religious liberty developments in the coming year.

1. RLUIPA’s Remedial Framework

The Landor decision, expected by June 2026, will determine whether RLUIPA allows damages against individual state officials. A ruling for Landor would strengthen protections for incarcerated individuals and confirm the textual unity of RFRA and RLUIPA. A ruling against him would leave a significant enforcement gap.

2. Religious Charter Schools: Round Two

Oklahoma v. Drummond produced no precedent due to the 4–4 split. A new case presenting the same question—likely from a different state—is all but certain to reach the Court. The state-action determination for charter schools remains the pivotal unresolved question.

3. Nondiscrimination Conditions on Public Funding

Active litigation in Maine and Colorado tests whether states can impose sexual orientation and gender identity nondiscrimination requirements as conditions for religious schools to receive state funding. These cases will determine whether the principles of Carson v. Makin extend to prevent condition-based exclusions as well as status-based exclusions.

4. The Johnson Amendment’s Future

The NRB v. IRS consent decree, if approved, could fundamentally alter the relationship between houses of worship and electoral politics. Whether through this case or future litigation, the constitutional status of the Johnson Amendment is likely to be tested before the Supreme Court within the next few years.

5. Continuing State Legislative Activity

We expect continued state-level RFRA adoptions, expanded school voucher programs, and new battles over conscience protections in healthcare. The post-Mahmoud landscape will also prompt many school districts to revise their opt-out policies, which in turn may generate new litigation as the boundaries of the ruling are tested.

6. Immigration and Religious Exercise

Emerging conflicts over access to sacraments for ICE detainees and immigration enforcement at houses of worship represent a new category of religious liberty claims with limited precedent. The USCCB has identified these issues as among the most pressing challenges for the coming year.

VIII. Methodology and About This Report

About ReligiousLiberty.TV

ReligiousLiberty.TV has operated since 2008 as the most comprehensive online resource for tracking connections and patterns in U.S. religious liberty case law. The site covers First Amendment free exercise and establishment clause litigation, RFRA and RLUIPA cases, conscience rights, and related legal developments.

The site's case library is organized using AI analysis of the full site content to surface patterns and connections that traditional legal indexes might miss. This organizational approach is a work in progress and should be used as a research starting point rather than an authoritative legal citation source. For primary legal research, readers should consult Westlaw, LexisNexis, or official court records.

Methodology

This report synthesizes data from multiple sources: the ReligiousLiberty.TV case library's pattern-detection analysis, published Supreme Court opinions and oral argument transcripts, the 2025 Religious Liberty in the States index from the Center for Religion, Culture and Democracy and First Liberty Institute, annual reports from the U.S. Conference of Catholic Bishops Committee for Religious Liberty, and reporting from SCOTUSblog, the Becket Fund, and other legal research organizations.

Case connections identified in this report reflect patterns surfaced by our AI-assisted analysis, reviewed for accuracy against primary legal sources. We have endeavored to present these connections even-handedly, noting areas of genuine legal disagreement and acknowledging that many of the issues discussed remain actively contested.

How to Use This Report

This report is designed to be a research aid. Readers interested in exploring the case connections discussed here in greater depth can visit our interactive case library at religiousliberty.tv/cases/. Each case page includes links to related cases, topical categories, and the underlying articles that form the basis of our analysis.

For weekly updates on religious liberty developments, subscribe to our newsletter at religiouslibertytv.substack.com.

Citation

“The State of Religious Liberty in America: 2026 Annual Report.” *ReligiousLiberty.TV*. March 2026. <https://religiousliberty.tv/state-of-religious-liberty-2026>

ReligiousLiberty.TV

*The most comprehensive online resource for tracking connections
and patterns in U.S. religious liberty case law.*

religiousliberty.tv | religiouslibertytv.substack.com