

# ANNUAL REPORT



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## ON THE State of Religious Liberty in the United States

THE COMMITTEE FOR  
RELIGIOUS LIBERTY OF THE  
U.S. CONFERENCE OF  
CATHOLIC BISHOPS

JANUARY 16, 2025



United States  
Conference of  
Catholic Bishops



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# Annual Report

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The Annual Report on the State of Religious Liberty in the United States was developed by the Committee for Religious Liberty of the United States Conference of Catholic Bishops (USCCB). It was approved by Bishop Kevin Rhoades of Fort Wayne–South Bend, Chair of the Committee for Religious Liberty.

Fr. Michael Fuller, S.Th.D.  
General Secretary, USCCB

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# Executive Summary

This report summarizes developments in religious liberty at the federal or national level in the United States in 2024. In the final section, it identifies five areas of critical concern—issues where there are both threats and opportunities—for religious liberty in the coming year, with recommended actions that readers can take in response to each issue.

## Law & Policy

As was the case in the 2023–2024 Annual Report, because control of the two chambers of Congress was divided, most bills that threatened religious liberty—that is to say, immunity from coercion in religious matters—did not move forward. Legislation aiming to increase access to in vitro fertilization (IVF) was introduced in 2024. The most significant

threats to religious liberty at the federal level came in the form of finalized regulations by federal agencies, such as the Section 1557 rule, which implements the nondiscrimination provision of the Affordable Care Act (ACA).

These rules heavily focused on imposing requirements regarding abortion, sexual orientation, and gender identity. The Supreme Court did not decide any cases in 2024 that dealt primarily with a question of religious liberty. However, rights of conscience played an unexpectedly key role in two decisions about abortion: *Moyle v. United States* and *FDA v. Alliance for Hippocratic Medicine*. In *Loper Bright Enterprises v. Raimondo*, the Court limited the power of federal agencies to interpret laws passed by Congress, signaling a major change in how regulations and religious liberty

will intersect in the future. The Court heard arguments in *U.S. v. Skrmetti* regarding whether the Constitution's Equal Protection Clause bars states from prohibiting so-called gender transition procedures for minors.

## Politics & Culture

In 2024, there were several significant developments in politics and culture. Two issues that were prominent in the 2024 election have implications for religious liberty: immigration and gender identity. Immigration policy becomes a religious liberty problem when religious charities and social services are singled out for special hostility. Gender identity rules have led to religious liberty conflicts, but following the election, some Democrats seemed to signal a desire to moderate on this issue. The opening ceremony of the 2024 Olympics included a display that mocked Catholics, while the governor of Michigan appeared in a social media video in which she gave a tortilla chip to a podcast host in a manner that lewdly imitated a priest giving communion at Mass. The Committee for Religious Liberty hosted a symposium on the theme

of Religious Liberty in a Culture of Self-Invention. Religious charities serving newcomers found themselves the targets of lawfare, largely motivated by misinformation and partisan rhetoric related to the U.S.–Mexico border, while shocking reports of antisemitic incidents emerged from the campus protests that began following the October 7, 2023, terrorist attack on Israel.

### **The five areas of critical concern—threats and opportunities—for religious liberty are:**

- The targeting of faith-based immigration services
- The persistence of elevated levels of antisemitic incidents
- IVF mandates, which represent a significant threat to religious freedom, while the national discussion of IVF represents an opportunity for Catholics to share Church teaching and advocate for human dignity
- The scaling back of gender ideology in law
- Parental choice in education, one of the longest-running areas of concern for American Catholics

# Foreword

## by Bishop Kevin Rhoades

On Christmas Eve 2024, Pope Francis inaugurated the Jubilee Year of 2025, which carries the theme, “Pilgrims of Hope.” In calling for the celebration of this holy year, our Holy Father identifies two features of hope that must sustain us in our work to promote religious liberty: patience and stability.

Reflecting on the ministry of Saint Paul the Apostle, the pope says that even in the midst of difficulties, “we come to realize that evangelization is sustained by the power flowing from Christ’s cross and resurrection,” and thus “we learn to practice a virtue closely linked to hope, namely *patience*.”<sup>1</sup> He talks about our fast-

paced world, and, indeed, in our efforts to defend religious liberty, fast-paced political advocacy and rapid social change can tempt us to make unwise judgements. We can become anxious that our unpopular positions on issues such as the dignity of all human life and the nature of marriage and the human person require us to compromise our integrity in order to secure political victories. This Jubilee Year offers us a chance to reflect on the necessity of patience and long-suffering in our work to bear witness to the truth.

**Pope Francis refers to the biblical image of the anchor as a symbol of hope:**

*The image of the anchor is eloquent; it helps us to recognize the stability and security that is ours amid the troubled waters of this*

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<sup>1</sup> See Pope Francis, *Spes Non Confundit*, 9 May 2024: [www.vatican.va/content/francesco/en/bulls/documents/20240509\\_spes-non-confundit\\_bolla-giubileo2025.html](http://www.vatican.va/content/francesco/en/bulls/documents/20240509_spes-non-confundit_bolla-giubileo2025.html).

*life, provided we entrust ourselves to the Lord Jesus. The storms that buffet us will never prevail, for we are firmly anchored in the hope born of grace, which enables us to live in Christ and to overcome sin, fear, and death. This hope, which transcends life's fleeting pleasures and the achievement of our immediate goals, makes us rise above our trials and difficulties, and inspires us to keep pressing forward, never losing sight of the grandeur of the heavenly goal to which we have been called.*

In the years since the U.S. bishops established a committee to promote religious liberty, we have indeed seen troubled waters. Trends have come and gone, and political winds have shifted back and forth. The ministry of the bishops to promote our first, most precious liberty has sought to remain anchored to the truth of the gospel, and we ask for the grace of this Jubilee to continue to remain steadfast in our principles.

## Looking Back

Last year's report identified five threats that the Committee

considered most significant for 2024: attacks against houses of worship, especially in relation to the Israel-Hamas conflict; the Section 1557 regulation from the U.S. Department of Health and Human Services (HHS), which would likely impose a mandate on doctors to perform gender transition procedures and possibly abortions; threats to religious charities serving newcomers, which would likely increase as the issue of immigration gained prominence in the election; suppression of religious speech on marriage and sexual difference; and the U.S. Equal Employment Opportunity Commission's (EEOC) Pregnant Workers Fairness Act (PWFA) regulations, which attempt to require religious employers to be complicit in abortion in an unprecedented way.

In general, our concerns were well-founded. Although we can be thankful there was not a rash of attacks on houses of worship in 2024, antisemitic incidents did significantly rise following the attack on Israel in 2023. Anti-Muslim incidents also increased. Catholic churches continue to be vandalized at an alarming rate.



The final rule of the Section 1557 regulations, issued in 2024, largely conformed to the Annual Report's expectations. Campaigns against Catholic ministries to migrants took a new turn in 2024, as the Attorney General of Texas undertook a campaign against Catholic Charities and began seeking to shut down a long-running, well-respected ministry in El Paso. On April 29, 2024, the EEOC issued its guidance on harassment, requiring employers to use preferred pronouns and to provide access to single-sex facilities to persons of the opposite sex. The EEOC also issued its rules implementing the PWFA. While the USCCB supported the PWFA, which was passed by Congress with the goal of helping support women and healthy pregnancies, a goal the USCCB shares, the EEOC interpreted the law to include abortion provisions. In response to this egregious subversion of what was meant to be pro-family legislation, the USCCB filed a lawsuit against the government.

## Looking Ahead

As we look to 2025, we anticipate that long-standing concerns will continue to require our vigilance, while new concerns, and perhaps opportunities, will also present themselves. Political leaders of countries may change, and public policy priorities may shift amidst various contemporary circumstances, but our patient and steadfast commitment to Jesus Christ and the gospel must not change. I pray that this report will serve as a resource to Christians, and all people of goodwill, who seek to promote and defend religious freedom.



Bishop Kevin C. Rhoades

Chairman,  
Committee for Religious Liberty

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SECTION I:

# The Role of the Committee and the Scope of the Report

## Section I:

# The Role of the Committee and the Scope of the Report

The U.S. Conference of Catholic Bishops (USCCB) is the assembly of the Catholic bishops of the United States, and the vehicle by which they act collaboratively on vital issues confronting the Church and society. The USCCB's Committee for Religious Liberty works to strengthen and sustain religious freedom by assisting the U.S. bishops, individually and collectively, to teach about religious freedom to the faithful and the broader public, and to promote and defend religious freedom in law and policy. Resources outlining numerous aspects of the Committee's work can be found at <https://www.usccb.org/committees/religious-liberty>.

## Our Focus

The Committee focuses on religious liberty issues that fall

within certain parameters, which also define the scope of this report.

### **In the United States**

First, the Committee works on religious liberty here in the United States. This does not reflect a lack of concern by the bishops for religious liberty abroad—rather, international religious liberty issues fall under the purview of the Committee on International Justice and Peace. And the state of religious liberty in many countries is indeed dire. While religious liberty has come under increasing pressure in the United States in recent years, Americans remain blessed by our country's tradition of honoring this God-given right. The work of the Committee for Religious Liberty on domestic issues helps to ensure that the United States continues to be an example for other governments.

## **National Level**

Second, the Committee addresses religious liberty issues at the federal or national level. Primarily this consists of federal legislation, actions of the federal executive branch, and decisions by the U.S. Supreme Court. The Committee also addresses matters occurring at the state or local level when they represent national trends or are matters of national importance. State and local religious liberty issues, and religious liberty court cases that have not yet reached the Supreme Court, are generally outside the scope of the Committee's work.

## **For Every Faith**

Third, the Committee actively upholds and protects religious liberty for all faiths, but the Committee naturally has a special role, expertise, and interest in protecting the free exercise of

the Catholic religion. So, while this report includes discussion of religious liberty issues affecting other faiths, it is not intended to be an exhaustive treatment of all challenges to religious liberty in the United States.

## **Our Role**

Last, when a government infringes on the religious liberty of Catholics, it is typically in furtherance of a worldview or policy priority that is itself contrary to, or to degrees at variance with, Catholic social teaching. But governments also can advance such objectionable policies in ways that do not burden the consciences of individuals or the integrity of religious institutions. On matters of this sort, other committees of the Conference take the lead with the consultation and support of the Committee for Religious Liberty as necessary.





SECTION II:

# What is Religious Liberty?

## Section II:

# What is Religious Liberty?

“The root reason for human dignity lies in man’s call to communion with God.”  
(*Gaudium et spes*, 19)

The work of the Committee for Religious Liberty is guided by Catholic social teaching, particularly the Second Vatican Council and the teaching of its declaration on religious liberty, *Dignitatis humanae* (DH).<sup>2</sup>

Religious liberty means immunity from coercion in religious matters. The Church teaches that human persons should not be forced to act contrary to their religious convictions, “whether privately

or publicly, whether alone or in association with others, within due limits” (DH, 2). This right to religious freedom “has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself” (DH, 2).

In Catholic teaching, rights and duties are reciprocal. So, while people have a right not to be coerced on religious issues, this right carries with it the responsibility to seek the truth about God and to live in accordance with that truth.

“The root reason for human dignity lies in man’s call to communion with God.” (*Gaudium et spes*, 19) The human person—created in the image of God with intellect and free will—naturally desires to know the truth about

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<sup>2</sup> See Pope Paul VI, *Dignitatis humanae*, 7 December 1965: [www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_decl\\_19651207\\_dignitatis-humanae\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html).



matters pertaining to religion, such as: *How did everything that exists come to be? What is the Creator like? What happens when I die? How ought I to live in light of the answers to these questions?*

Religious freedom fosters the space in which both individuals and groups can ask these questions honestly. As law professor and religious liberty scholar Richard Garnett puts it, “The appropriately secular and limited state will not prescribe the path this search [for truth and for God] should take, but it will take steps—positive steps—to make sure that ‘freedom for’ religion, and the conditions necessary for the exercise of religious freedom, are nurtured.”

This point about necessary conditions indicates the importance of religious freedom for the common good. One definition of the common good is that it is the set of conditions necessary for a society to flourish. Religious freedom is one of those necessary conditions.

Since human persons naturally desire to know and adhere to religious truth, their flourishing goes hand in hand with religion and religious institutions.

**Thus, *Dignitatis humanae* teaches:**

*Government is also to help create conditions favorable to the fostering of religious life, in order that the people may be truly enabled to exercise their religious rights and to fulfill their religious duties, and also in order that society itself may profit by the moral qualities of justice and peace which have their origin in men’s faithfulness to God and to His holy will (6).*

A government that promotes the common good will recognize that religious individuals, communities, and institutions need space to flourish, and such flourishing ultimately redounds to the benefit of the broader political community. This means that the government does not force its citizens to conform to one particular religion, but neither does it treat religion as a purely private matter or religious institutions as mere voluntary associations. Religious institutions contribute to the good of the political community, and so the civil authority has a rightful interest in policies that help to support the health of religious institutions.

The Committee for Religious Liberty works to protect religious individuals and institutions from coercion in matters of religion

and seeks to promote policies that contribute to the flourishing of religious groups.



*Catholic News Service*

SECTION III:

Religious Liberty  
and Congress

## Section III:

# Religious Liberty and Congress

## The State of Play of Religious Liberty in Congress in 2024

Few bills in Congress in 2024 directly addressed religious liberty. However, some legislation that could have had the effect of burdening religion or reducing burdens on religion was proposed. Several of the issues highlighted in the 2023–2024 Annual Report continue to present concerns. However, with the government divided in 2024, Congress was not able to move on these bills.

## Ongoing Concerns

The previous Annual Report

identified several areas of concern in federal legislation that the USCCB continues to monitor.

### **The Equality Act**

The Equality Act is a sweeping bill that would amend numerous federal nondiscrimination laws to prohibit “sexual orientation and gender identity” discrimination, and impose an abortion mandate, while explicitly exempting itself from the bipartisan Religious Freedom Restoration Act. The Equality Act would bring about a number deleterious effects, including requiring taxpayers to fund elective abortions, mandating that doctors and counselors must perform and promote life-altering gender “transitions” (even when they do not think it is in the best interests of their patient), forcing women’s prisons to be open to men who self-identify as women,

and many other similar harms.

In 2021, the House passed the Equality Act, but it stalled in the Senate. The bill was re-introduced in 2023 and added 2 Senate cosponsors in 2024. It is led in the House by Rep. Mark Takano (D-CA-39) and is cosponsored by every Democrat and no Republicans; Sen. Jeff Merkley (D-OR) leads in the Senate, where it is cosponsored by 47 Democrats, 3 Independents, and no Republicans. President Biden repeatedly called for its passage. With unified Republican control of Congress and the White House, it is unlikely to move forward in 2025, while yet remaining a high priority for Democrat members.<sup>3</sup>

### **The Secure the Border Act**

The Secure the Border Act (SBA) would restrict religious organizations from accessing federal funding. Specifically, the SBA has two provisions aimed at organizations serving newcomers. Section 115(b) of the bill presents a square religious liberty issue. It would defund any organization that “facilitates or encourages

unlawful activity, including unlawful entry.”

Some Republicans in Congress have made clear that they think the mere provision to migrants of basic humanitarian aid like food, water, and shelter constitutes facilitation of unlawful entry, and that the religious charities’ assistance to migrants encourages them to cross the border illegally in the first place.

This bar on funding would apply to all funds from the U.S. Department of Homeland Security, including disaster relief programs and grants to help nonprofits make their facilities safe from acts of terrorism and other extremist attacks, even if the religious charity is providing this humanitarian aid entirely out of its own pocket, outside of any government-funded program.

The other section, 115(c), defunds particular programs rather than particular charities. It would zero out any funding from the Department of Homeland Security for “transportation, lodging, or immigration legal services to inadmissible aliens.” Bishop Mark Seitz, chair of the USCCB Committee on Migration, issued

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<sup>3</sup> For more on the Equality Act, see “Truth about the Equality Act” at [www.usccb.org/equality-act](http://www.usccb.org/equality-act).

a letter opposing the bill, noting: “[T]his legislation contains such a combination of harmful measures that we believe its passage, on the whole, is beyond justification.”<sup>4</sup>

Some Republicans in Congress have made clear that they think the mere provision to migrants of basic humanitarian aid like food, water, and shelter constitutes facilitation of unlawful entry, and that the religious charities’ assistance to migrants encourages them to cross the border illegally in the first place.

The SBA passed the House in 2023 by a vote of 219-213. It is led in the House by Rep. Mario Díaz-Balart (R-FL-26) and has 21 cosponsors, all Republicans; Sen. Ted Cruz (R-TX) leads in the Senate with 32 Republican cosponsors. The Senate companion was not acted upon during the 118th Congress.

## **The Women’s Health Protection Act**

The Women’s Health Protection Act (WHPA) would impose abortion on demand nationwide at any stage of pregnancy through federal statute.

Immediately upon passage, the WHPA would invalidate state laws protecting the preborn from abortion, even late in a pregnancy, including laws that prohibit abortion based on race, sex, disability, or other characteristics. It would likely trump conscience laws, state and federal, that protect the right of health care providers and professionals, employers, and insurers not to perform, assist in, refer for, cover, or pay for abortion. WHPA expressly eliminates defenses under the Religious Freedom Restoration Act.

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<sup>4</sup> Bishop Mark Seitz, “Letter to the House of Representatives Regarding the Secure the Border Act,” 5 May 2023: [www.usccb.org/resources/letter-house-representatives-regarding-secure-border-act-may-5-2023](http://www.usccb.org/resources/letter-house-representatives-regarding-secure-border-act-may-5-2023).

The House passed the Women’s Health Protection Act in 2021 and in 2022, but it stalled in the Senate. At that time, Archbishop William Lori, then chair of the USCCB Committee on Pro-Life Activities, and Cardinal Timothy Dolan, then chair of the Committee for Religious Liberty, expressed strong opposition to the bill in a letter to the Senate.<sup>5</sup> In 2023, it was introduced by Rep. Judy Chue (D-CA-28) and Sen. Tammy Baldwin (D-WI). In 2024, the WHPA added 3 cosponsors to give it 215 cosponsors in the House (all Democrats), and it added 1 cosponsor to bring it to 49 cosponsors in the Senate—46 Democrats and 3 Independents. President Biden called for its passage. This bill is not likely to move forward in 2025.

### **The Equal Campus Access Act**

The Equal Campus Access Act, introduced by Sen. James Lankford (R-OK) and Rep. Tim Walberg (R-MI-5), would prohibit universities receiving federal funds from the U.S. Department of Education from discriminating against religious student groups. It

received USCCB support in 2019, when Bishop Robert McManus, who was chair of the Committee for Religious Liberty, joined a coalition letter calling on Senators to include the Equal Campus Act in significant legislation regarding higher education.<sup>6</sup>

The Equal Campus Access Act was included in the Accreditation for College Excellence Act of 2023, which passed the House in September 2024. The Senate did not act on the bill.

## **New Issues and Legislation**

### **IVF Bills**

Following an Alabama state supreme court ruling considering frozen embryos in IVF clinics as persons, there has been intense bipartisan interest among policymakers in legally enshrining rights or promoting access to IVF or assisted reproductive technologies (ART) more broadly.

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5 Archbishop William Lori and Cardinal Timothy Dolan, “Letter to Senators in Opposition to the Women’s Health Protection Act,” 23 February 2022: [www.usccb.org/resources/womens-health-protection-act-opposition-letter](http://www.usccb.org/resources/womens-health-protection-act-opposition-letter).

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6 Bishop McManus, “Letter to Senators Supporting Equal Campus Access Act,” 12 September 2019: [www.usccb.org/resources/bishop-mcmanus-letter-senators-supporting-equal-campus-access-act](http://www.usccb.org/resources/bishop-mcmanus-letter-senators-supporting-equal-campus-access-act).

Related bills that have been introduced include the Access to Family Building Act, the IVF Protection Act, and the Right to IVF Act, among others.

The IVF Protection Act was introduced in the Senate by Ted Cruz in May 2024. The bill ties Medicaid funding to access to IVF. Under the Act, states that prohibit IVF lose Medicaid funding.

The Access to Family Building Act and Right to IVF Act present significant problems for religious liberty, as well as human life and dignity. The act was introduced in the Senate by Tammy Duckworth (D-IL) in January 2024. It creates a statutory right to access ARTs and preempts state laws that could impede access. While the USCCB opposes this bill primarily because IVF violates human dignity—as it involves the destruction of unborn children at a massive scale—the USCCB also noted in its opposition that the bill would exempt itself from the Religious Freedom Restoration Act. Since the bill orders that private entities cannot interfere with access to these technologies, it would attempt to seek to force Catholic institutions to facilitate these immoral procedures.

The Access to Family Building Act and Right to IVF Act present significant problems for religious liberty, as well as human life and dignity.

The Right to IVF Act was introduced by Tammy Duckworth in the Senate in June 2024. Like the other Duckworth bill, this Act would preempt state laws that could hinder access to IVF. Moreover, it requires insurance companies to cover IVF. In short, these bills represent the introduction of an IVF mandate into Congress, a mandate with which Catholic institutions cannot comply.

The USCCB opposed these Acts.<sup>7</sup> Thus far, they have failed to clear procedural votes.

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<sup>7</sup> Archbishop Boris Gudziak, Bishop Michael Burbidge, Bishop Robert Barron, and Bishop Kevin Rhoades, “Letter to the Senate opposing the Access to Family Building Act,” 28 February 2024: [www.usccb.org/resources/letter-senate-opposing-access-family-building-act](http://www.usccb.org/resources/letter-senate-opposing-access-family-building-act); Bishop Michael Burbidge and Bishop Robert Barron, “Letter to the Senate opposing the IVF Protection Act,” 7 June 2024: [www.usccb.org/resources/letter-senate-opposing-ivf-protection-act-june-7-2024](http://www.usccb.org/resources/letter-senate-opposing-ivf-protection-act-june-7-2024); Bishop Robert Barron, Bishop Michael Burbidge, and Bishop Kevin Rhoades, “Letter to the Senate supporting the RESTORE Act and opposing the Right to IVF Act,” 13 June 2024: [www.usccb.org/resources/letter-senate-supporting-restore-act-and-opposing-right-ivf-act](http://www.usccb.org/resources/letter-senate-supporting-restore-act-and-opposing-right-ivf-act).



The RESTORE Act represents an alternative approach to the problem that pro-IVF bills attempt to solve. It is certainly true that many couples who desire to conceive a child suffer obstacles. The Catholic Church has long supported evidence-based therapies that seek to help these couples while respecting the dignity of human life.

The RESTORE Act, introduced by Cindy Hyde-Smith (R-MS) in the Senate in June 2024, aims to expand and promote research and data collection on reproductive health conditions, and to provide training opportunities for medical professionals to learn how to diagnose and treat reproductive health conditions with an ethical restorative approach.

### **Conscience Protection Act**

The Conscience Protection Act (CPA) aims to ensure that people and organizations who provide health care or coverage can do so without being forced to violate their consciences by participating in abortion. While there are a number of laws protecting conscience rights, they can only be enforced by HHS. However, too often, HHS has refused to enforce the law.

The CPA addresses the lack of enforcement of existing laws, most notably by establishing a private right of action allowing victims of discrimination to defend their own rights in federal court. Lawsuits do not guarantee that every plaintiff wins his or her case, but the ability to seek relief in the courts would at least allow victims to make their case and puts discriminators on notice that rampant disregard for conscience rights must stop, or there will be real costs.

CPA also clarifies current law, such as by articulating that health plans and employer sponsors cannot be forced to pay for abortion, and by authorizing penalties separate from legally unsettled government funding conditions.

The CPA was introduced in both chambers in June 2024, led by Sen. James Lankford in the Senate with 20 Republican cosponsors, and led by Rep. Jim Banks (R-IN-3) in the House with 44 Republican cosponsors. The USCCB has long supported the CPA.<sup>8</sup>

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8 Most recently, see Bishop Michael Burbidge and Bishop Kevin Rhoades, “Letter to Senate renewing support for Conscience Protection Act,” 18 June 2024: [www.usccb.org/resources/letter-senate-renewing-support-conscience-protection-act](http://www.usccb.org/resources/letter-senate-renewing-support-conscience-protection-act).

## **Safeguarding Charity Act**

In response to two courts that ruled that tax-exempt status constitutes federal financial assistance, the Safeguarding Charity Act makes clear that federal financial assistance does not include tax-exempt status. The bill was introduced in both chambers in January 2024, led by Sen. Marco Rubio (R-FL) in the Senate with 9 cosponsors, and led by Rep. Gregory Steube (R-FL-17) in the House with 19 cosponsors. As of this writing, the USCCB has not taken a position on the Safeguarding Charity Act.

## **Antisemitism Awareness Act**

The Antisemitism Awareness Act (AAA) was introduced in 2023 in response to antisemitic incidents on college campuses. It would direct the Department of Education (USDE) to use the definition of antisemitism put forward by the International Holocaust Remembrance Alliance (IHRA) in its enforcement of anti-discrimination laws. Per IHRA, “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or

non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.” The bill would also direct the USDE to adopt IHRA’s examples of antisemitism.

The AAA passed the House in May 2024. It was introduced in the Senate in April 2024 by Sen. Tim Scott (R-SC) and has 30 cosponsors—14 Democrats, 1 Independent, and 15 Republicans. As of this writing, the USCCB has not taken a position on the AAA.

## **Stop Terror-Financing and Tax Penalties on American Hostages Act**

The Stop Terror-Financing and Tax Penalties on American Hostages Act was introduced in the House by Claudia Tenney (R-NY-24) in September 2024. The bill gives the Secretary of the Treasury the power to designate nonprofits as terrorist-supporting organizations and remove their tax-exempt status at his or her discretion. It has raised concerns among nonprofits, including religious nonprofits, that an administration could target nonprofit organizations it opposes. It has 4 cosponsors—2 Democrats and 2 Republicans—and passed the House in November 2024 with a vote of 219-184. The USCCB

has not taken a position on this bill.

### **Investigation of Faith-Based Investors**

This year, the House Judiciary Committee, led by Jim Jordan (R-OH-4), announced its investigation into the activities of investment companies who seek to achieve climate goals through various forms of shareholder activism. The Committee claims that these investment groups are colluding to bring about the reduction of goods and services, adversely affecting trade and thus violating antitrust laws.

The groups under investigation are members of Climate Action 100+, a coalition of investors who work to reduce emissions. The Committee sent a letter to all members ordering document holds and warning of possible subpoenas. Many of the groups facing this investigation are faith-based. Several of the companies are Catholic and follow the USCCB's investment guidelines.<sup>9</sup> These guidelines lay out a range of

concerns to consider when making investment decisions. They are rooted in Catholic principles: Protecting Human Life; Promoting Human Dignity; Enhancing the Common Good; Pursuing Economic Justice; and Saving Our Global Common Home. While it does not seem that this investigation is targeting religious groups, it is concerning that the freedom of religious groups to make investment decisions informed by their faith appears not to be taken into account. The groups may suffer reputational harm, and many of them are small, mission-driven organizations that do not have the capacity to defend themselves against attacks by the federal government.

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<sup>9</sup> See "Socially Responsible Investment Guidelines for the United States Conference of Catholic Bishops," November 2021: [www.usccb.org/resources/socially-responsible-investment-guidelines-2021-united-states-conference-catholic-bishops](http://www.usccb.org/resources/socially-responsible-investment-guidelines-2021-united-states-conference-catholic-bishops).





*Getty Images*

#### SECTION IV:

# Religious Liberty and the Executive Branch

## Section IV:

# Religious Liberty and the Executive Branch

In a political environment where bipartisan cooperation in Congress to pass legislation is rare, especially on bills that implicate religious liberty, it has been the Executive Branch—the White House and federal agencies—that has taken the most consequential actions on religious liberty.

This is mainly done through regulations. Regulations are how federal agencies establish and enforce binding interpretations of laws passed by Congress, and they are the most common way that federal agencies infringe upon religious liberty.

Regulations are the most common way that federal agencies infringe upon religious liberty.

In some cases, an agency’s authority to issue regulations about a law is explicitly established in the law itself. In others, an agency may argue that the law gives the agency implicit authority to issue regulations. A particular set of regulations issued by an agency is often called a “rule.”

In many cases, regulations follow a pattern in which each new presidential administration reverses the position taken by the previous administration. For example, the Conscience Rule, discussed below, was first issued by President George W. Bush’s administration in 2008, essentially revoked by President Obama’s administration in 2009, reinstated and expanded by President Trump’s administration in 2019, and scaled back under President Biden’s administration in January of 2024.

The process of drafting a proposed rule, receiving comments from the public on it, and drafting a final rule takes months, sometimes over a year. In 2024—and in particular, during a sprint of regulatory activity in the first half of the year—federal agencies finalized many of the proposed rules that had been issued in 2022 and 2023 and proposed a handful of new rules implicating religious liberty.

## Regulations on Life Issues

### HHS Contraceptive Mandate Rules

The HHS contraceptive mandate has a long and tortured history. At its core, the controversy has been over whether employers who believe that contraception, sterilization, and abortion-inducing drugs are wrong can be forced to facilitate their use through the health insurance plans they provide for their employees. The rules surrounding this mandate have been changed with each succeeding administration, and they have been litigated up to the Supreme Court twice.<sup>10</sup>

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<sup>10</sup> *Zubik v. Burwell*, 578 U.S. 403

In February 2023, HHS proposed new contraceptive mandate regulations that appear to finally relieve religious employers of any requirement to be involved in the provision of contraceptives, sterilization procedures, and abortion-inducing drugs.<sup>11</sup> The proposal retained the existing exemption for religious employers and identifies a way for employees of religious employers to obtain those things without the employers' involvement.<sup>12</sup> This mechanism, called the individual contraceptive arrangement, involved a chain of reimbursements through the Affordable Care Act's insurance architecture. However, in December of 2024, HHS withdrew the proposed rule.<sup>13</sup>

HHS also proposed new, separate revisions to the contraceptive mandate in October of 2024: requiring coverage of contraceptives purchased over-the-counter, rather than only those

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(2016); *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 591 U.S. 657 (2020).

<sup>11</sup> 88 FR 7236 (Feb. 2, 2023).

<sup>12</sup> However, for no coherent reason, it eliminates the Trump administration regulations' exemption for employers with non-religious, moral objections to the mandate.

<sup>13</sup> 89 FR 106393 (Dec. 30, 2024).

prescribed by a physician.<sup>14</sup> On its face, the new proposed rule would not affect religious liberty—it specifies that it does not amend the current religious and moral exemptions that were the subject of the withdrawn January 2023 proposed rule.

### **EEOC Pregnant Workers Fairness Act Regulations**

The Pregnant Workers Fairness Act of 2023 (PWFA) has the commendable goal of advancing the well-being of pregnant women and their preborn children and ameliorating challenges associated with having children. Specifically, the PWFA requires employers to grant pregnant women reasonable workplace accommodations for “pregnancy, childbirth, or related medical conditions,” while incorporating the exemption for religious employers from Title VII, an employment discrimination statute. The USCCB supported the PWFA. The Act delegates authority to the Equal Employment Opportunity Commission (EEOC) to issue implementing regulations.

In August 2024, in complete disregard of the text of the statute

and the intent of Congress, the EEOC issued final regulations for PWFA that construe it to require accommodations for abortion, in vitro fertilization, and contraception, and possibly other procedures or arrangements that go against the beliefs of Catholics and other faith groups, such as sterilization and surrogacy.<sup>15</sup>

These requirements would most typically arise in the case of employees’ requests for leave to obtain and recover from such procedures.

The PWFA final rule also effectively nullifies the Act’s religious exemption. The EEOC argues that the exemption only protects against claims of discrimination on the basis of an employee’s religion. But nothing in PWFA prohibits discrimination on the basis of religion, so an exemption from such claims would be wholly inapplicable to PWFA’s requirements.

In May of 2024, the USCCB, together with the Dioceses of Lafayette and Lake Charles, filed a lawsuit in the Western District of Louisiana against the objectionable aspects of the PWFA

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14 89 FR 85750 (Oct. 28, 2024).

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15 88 FR 54714 (Aug. 8, 2023).



regulations. The lawsuit argues that the EEOC's interpretation of PWFA exceeds its authority under the law, unlawfully misconstrues Title VII's religious employer exemption, and violates religious liberty protections secured under the First Amendment and the Religious Freedom Restoration Act.

As of this writing, of the four lawsuits filed against the rule's requirement to accommodate abortion,<sup>16</sup> three—the USCCB's and Louisiana's lawsuit (consolidated together), and the Catholic Benefits Association's lawsuit—have resulted in preliminary injunctions against enforcement of abortion-related aspects of the rule.<sup>17</sup> The fourth—brought by seventeen states—was dismissed for lack of standing, and is on appeal to the Eighth Circuit.<sup>18</sup>

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<sup>16</sup> Excluding lawsuits filed against PWFA itself, and by extension its implementing regulations, based on a claim that the law is invalid because Congress lacked a quorum when it passed the law.

<sup>17</sup> *Louisiana v. Equal Emp. Opportunity Comm'n*, No. 2:24-CV-00629, 2024 WL 4016381 (W.D. La. Aug. 13, 2024); *Cath. Benefits Ass'n v. Burrows*, 732 F. Supp. 3d 1014 (D.N.D. 2024).

<sup>18</sup> *Tennessee v. Equal Emp. Opportunity Comm'n*, No. 2:24-CV-84-DPM, 2024 WL 3012823 (E.D. Ark. June 14, 2024).

## Regulations on Human Sexuality Issues

### HHS Section 1557 Rule

Section 1557 is the nondiscrimination provision of the Affordable Care Act (ACA). Via reference to Title IX of the Education Amendments of 1972, it prohibits discrimination on the basis of sex in any health program or activity of an entity receiving federal financial assistance from the HHS. On May 6, 2024, HHS's Office for Civil Rights (OCR) issued its final rule revising the HHS regulations implementing Section 1557—a rule identified in the previous Annual Report as one of the top threats to religious liberty in 2024.<sup>19</sup>

The rule interprets Section 1557's prohibition on discrimination on the basis of sex to include nondiscrimination requirements for sexual orientation, gender identity, and, to some uncertain degree, abortion.

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<sup>19</sup> 89 FR 37522 (May 6, 2024).

This entails a general requirement to perform gender transition procedures when they are within a provider's scope of practice—for example, a surgeon who performs hysterectomies for uterine cancer patients must also perform the procedure for the purposes of gender transition. It also entails an analogous requirement to cover such procedures in health insurance plans.

The rule applies to all health care programs or activities receiving federal financial assistance from HHS—that means, for example, nearly every medical office or organization in the country, many health insurance entities, and any health plan participating in the federally subsidized health care exchanges under the ACA.

Nearly all Catholic hospitals are presumably subject to the rule, and some diocesan health care ministries may be as well. Although many diocesan health plans will not be directly subject to the rule, its application to health insurance issuers, third-party administrators, and other entities involved in the administration of diocesan health plans may pose significant practical challenges in maintaining diocesan health plans

that are consistent with Catholic teaching.

The rule declines to incorporate Title IX's robust exemption for religious entities. Instead, the rule text sets out a process by which an entity may claim a religious or conscience exemption to any requirement of the rule. That claim may be asserted under the First Amendment, the Religious Freedom Restoration Act, or any applicable federal conscience statute, such as the Weldon Amendment or the Church Amendments.

OCR has signaled, in the rule and elsewhere, that it will take a narrow view of the protections these laws provide, based in part on what it perceives as a compelling governmental interest in ensuring that any given patient be able to obtain gender transition procedures.

The rule interprets Section 1557's prohibition on discrimination on the basis of sex to include nondiscrimination requirements for sexual orientation, gender identity, and, to some uncertain degree, abortion.

A religious entity that requests an exemption will be regarded as temporarily exempt from the requirements identified in the request pending OCR's disposition of the request. The process is optional, and the preamble to the rule assures religious entities that OCR will not punish good-faith reliance on legal rights to religious freedom. In such an instance, OCR says it will not seek "backward-looking relief"—presumably meaning that, if an entity acts on a good-faith understanding that it is exempt from the rule, but OCR determines that it is not, OCR will not attempt to claw back federal funds already received by the entity. But OCR would likely impose a forward-looking compliance agreement as a condition for continued receipt of federal funds.

Although these provisions improve upon the protections for religious liberty in the proposed rule, the conflict the rule creates for Catholic hospitals and health care workers is clear, yet the rule's protections for religious liberty remain ambiguous.

The rule also interprets Section 1557 to prohibit discrimination on the basis of pregnancy or related

Although these provisions improve upon the protections for religious liberty in the proposed rule, the conflict the rule creates for Catholic hospitals and health care workers is clear, yet the rule's protections for religious liberty remain ambiguous.

conditions. The rule text itself does not specifically include the phrase "termination of pregnancy" in its description of types of sex discrimination, but the preamble says that OCR nonetheless regards discrimination on the basis of termination of pregnancy as sex discrimination. The rule declines to incorporate Title IX's abortion neutrality clause.

The rule's treatment of the issue of abortion is especially opaque. While in one breath the rule appears to establish a general requirement to perform abortions and cover them in health plans, in the next it sets out exceptions that would appear to negate that requirement, at least for Catholic health care entities (or other health care entities with religious objections to abortion). There are

ways in which HHS could construe these assurances narrowly. The scope of the rule's abortion requirements depends largely on whether OCR intends to adhere to the plain meaning of the text it chose to describe the scope of the exceptions to those requirements, and on whether courts will apply that plain meaning.

As of this writing, of the six lawsuits filed against the Section 1557 rule, courts have rendered initial judgment in four. All four have granted some form of relief to the plaintiffs, and two—in *Texas v. Becerra* and *Tennessee v. Becerra*—have entered nationwide injunctions against enforcement of the rule's objectionable provisions.<sup>20</sup>

## USDE Title IX Rule

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in educational programs and activities receiving federal

financial assistance (FFA).

Generally, each federal agency that disburses funding for educational purposes has its own regulations implementing Title IX; funding from a particular agency is governed by that agency's Title IX regulations (among others). On April 29, 2024, USDE issued a final rule revising its Title IX regulations.<sup>21</sup>

The main change the rule made is to interpret Title IX to prohibit discrimination on the basis of sexual orientation and gender identity, based on a misapplication of *Bostock v. Clayton County, Georgia* and its progeny.<sup>22</sup> The rule also prohibits discrimination on the basis that a woman sought or obtained an abortion.

Because the rule does not narrow the existing regulatory provisions implementing Title IX's robust exemption for religious schools, it should have little direct impact on religious schools. Under the rule, religious schools that receive FFA from USDE may seek written assurance of their exemption from USDE, but they are not required to do so.

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20 *Tennessee v. Becerra*, No. 1:24CV161-LG-BWR, 2024 WL 3283887 (S.D. Miss. July 3, 2024); *Texas v. Becerra*, No. 6:24-CV-211-JDK, 2024 WL 4490621 (E.D. Tex. Aug. 30, 2024); *Fla. v. Dep't of Health & Hum. Servs.*, No. 8:24-CV-1080-WFJ-TGW, 2024 WL 3537510 (M.D. Fla. July 3, 2024); *Christian Emps. All. v. United States Equal Opportunity Comm'n*, 719 F. Supp. 3d 912 (D.N.D. 2024).

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21 89 FR 33474 (Apr. 29, 2024).

22 *Bostock v. Clayton Cnty., Georgia*, 590 U.S. 644 (2020).

Despite comments from the USCCB and others urging the Department to be clear about what is required of recipients, the rule offers little in the way of concrete guidance about what exactly a prohibition on gender identity discrimination entails.

However, the rule's impact on religious students and staff in public schools is substantial. It may also influence how other agencies interpret their own Title IX regulations, and it may be of persuasive authority for Title IX claims made on the basis of receipt of FFA from another agency.

The rule does not define "sex." Rather, it includes various protected characteristics within its description of the scope of discrimination "on the basis of sex": sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Despite comments from the USCCB and others urging the Department to be clear about what is required of recipients, the rule offers little in the way of concrete

guidance about what exactly a prohibition on gender identity discrimination entails.

The preamble suggests that failure to use a student's preferred pronouns could violate the rule's prohibitions on sex-based harassment depending on the facts and circumstances. Regarding use of bathrooms and locker rooms, the rule emerging from the preamble seems to be that students must be allowed to use bathrooms consistent with their gender identity unless they agree to some alternative arrangement.

The rule interprets sex discrimination to include discrimination on the basis of termination of pregnancy, including abortion. The rule adopts a strict reading of Title IX's abortion neutrality clause, and reasons that Title IX prohibits discrimination on the basis of abortion except as delineated in that clause.

So, for example, Title IX does not require a campus-run hospital or health center to provide abortions or a school that offers student health insurance to cover abortion under its plan. But it does prohibit "depriv[ation of] any [woman's]

right or privilege because [she is] considering, want[s] to have, or ha[s] had a legal abortion, provided that the right or privilege [she] seeks to exercise does not require the recipient to provide or pay for a benefit or service related to an abortion.”<sup>23</sup>

The rule also prohibits “sex-based harassment.” While the preamble explains that “a statement of one’s point of view on an issue of debate and with which another person disagrees, even strongly so, is not the kind or degree of conduct that implicates the regulations,” the rule’s sex-based harassment standard will foreseeably be construed as prohibiting, in certain circumstances, expressions of or actions in conformance with Catholic teaching on the nature of the human person.<sup>24</sup>

The rule disclaims any application to athletics. USDE had issued a separate proposed rule governing athletics under Title IX, but withdrew it in December of 2024.<sup>25</sup>

As of this writing, of the ten

lawsuits filed against the rule, courts have rendered initial judgment in nine.<sup>26</sup> All nine have granted some form of relief to the plaintiffs, although none entered a nationwide injunction. In *Tennessee v. Cardona* and *Louisiana v. Department of Education*, the district courts enjoined the Department from enforcing the entire rule against the plaintiffs, rather than just the provisions interpreting Title IX to prohibit discrimination on the basis of sexual orientation and gender identity. The Department of Justice asked the Supreme Court to narrow the injunctions in order to allow the rest of the rule to be enforced in the meantime, but the Court denied the request over a dissent from Justices Sotomayor,

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26 *Alabama v. U.S. Sec’y of Educ.*, No. 24-12444, 2024 WL 3981994 (11th Cir. Aug. 22, 2024); *Tennessee v. Cardona*, No. 24-5588, 2024 WL 3453880 (6th Cir. July 17, 2024); *Louisiana by & through Murrill v. United States Dep’t of Educ.*, No. 24-30399, 2024 WL 3452887 (5th Cir. July 17, 2024); *Texas v. Cardona*, No. 4:23-CV-00604-O, 2024 WL 3658767 (N.D. Tex. Aug. 5, 2024); *Carroll Indep. Sch. Dist. v. United States Dep’t of Educ.*, No. 4:24-CV-00461-O, 2024 WL 3381901 (N.D. Tex. July 11, 2024); *Oklahoma v. Cardona*, No. CIV-24-00461-JD, 2024 WL 3609109 (W.D. Okla. July 31, 2024); *Arkansas v. United States Dep’t of Educ.*, No. 4:24 CV 636 RWS, 2024 WL 3518588 (E.D. Mo. July 24, 2024); *Kansas v. United States Dep’t of Educ.*, No. 24-4041-JWB, 2024 WL 3273285 (D. Kan. July 2, 2024).

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23 89 FR at 33758.

24 89 FR at 33508.

25 89 FR 104936 (Dec. 26, 2024); *see* 88 FR 22860 (Apr. 13, 2023).

Kagan, Gorsuch, and Jackson.<sup>27</sup>

## HHS Grants Rule

The HHS Grants Rule is a particular provision embedded within the sprawling regulations that govern grants, contracts, and other financial assistance from HHS. It was the subject of rulemaking under both the Obama and the first Trump administrations.

In May of 2024, HHS issued a final rule imposing a prohibition on “sexual orientation and gender identity” (SOGI) discrimination on any funds from HHS that are governed by a statute that prohibits sex discrimination.<sup>28</sup> The rule argues that the Supreme Court’s decision in *Bostock v. Clayton County, Georgia*, means that any sex discrimination law also prohibits sexual orientation and gender identity discrimination.

Catholic health and social service organizations either already receive funding or may plausibly seek funding under virtually every statute subject to the proposed rule. Their operation of these

charitable ministries presents numerous fact-patterns that could create conflicts between the proposed rule’s requirements and Catholic teaching.

For example, Catholic charitable agencies provide emergency shelter for victims of domestic violence. Some of those shelters are single-sex facilities for women in order to offer an environment that is as safe and comfortable as possible for women who have been abused by men. Instead of offering agencies that operate these shelters flexibility to respond to the unique circumstances and needs of those in their care, the final rule would arguably mandate them to house biological men who identify as women in single-sex facilities. Catholic charitable agencies will continue endeavoring to meet the needs of all who come to their doors and should be allowed the flexibility to provide shelter in a way that best serves those in their care and honors their Catholic beliefs, which include both the call to shelter those in need and the recognition of the immutable difference between, and dignity of, men and women.

Similar situations may arise in the context of the placement of

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<sup>27</sup> *Dep’t of Educ. v. Louisiana*, 603 U.S. 866, 144 S. Ct. 2507 (2024).

<sup>28</sup> 89 FR 36684 (May 3, 2024).

unaccompanied migrant children (UCs) and unaccompanied refugee minors (URMs). A UC or URM who identifies as the opposite of his or her biological sex may be referred for placement in a shelter designated for children of the child's non-biological sex. The final rule could require Catholic agencies serving UCs and URMs to accept that referral, even when appropriate accommodations cannot be made, and thereby endorse a view of human embodiment and sexual difference contrary to Catholic teaching.

The final rule adopts religious exemption provisions that parallel those in the Section 1557 final rule. As there, the rule provides no outright exemption for religious entities, but instead creates a process by which religious organizations may seek, but not necessarily receive, an exemption.

Catholic charities serve everyone in need—no one is turned away because of their self-determined sexual orientation or gender identity, or any other characteristic. The final rule, given its uncertain protections for religious exercise, could drive Catholic charities and other religious organizations out of service to their communities,

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not because they want to be able to discriminate, but because they do not want to be forced to violate their beliefs.

### **HHS Section 504 Rule**

Section 504 of the Rehabilitation Act of 1973 prohibits recipients of federal funds from discriminating on the basis of disability. Unlike the Americans with Disabilities Act, Section 504 has no exemption for religious organizations.

In May of 2024, HHS finalized various revisions to their regulations that implement Section 504.<sup>29</sup> Most of the proposed changes are positive. By enhancing nondiscrimination requirements and emphasizing safeguards for particularly vulnerable populations, the final rule protects the dignity of the human person and counteracts societal tendencies

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89 FR 40066 (May 9, 2024).



to discredit the value of the lives of persons with disabilities.

However, HHS also finalized its interpretation that Section 504 prohibits discrimination on the basis of gender identity, under the theory that gender dysphoria qualifies as a disability. In response to public comments expressing concern about how this interpretation could burden religious liberty, HHS declined to add any protections for religious exercise in the final rule, instead saying it will comply with applicable laws, citing the HHS Conscience Rule as an example.

### **HHS Adoption and Foster Care Rule**

In April of 2024, HHS’s Administration for Children and Families (ACF) published a final rule governing how adoption and foster care agencies receiving funding from HHS handle the placement of children who suffer from gender dysphoria or experience same-sex attraction.<sup>30</sup> In some respects, the final regulations establish laudable norms.

The regulations would, for example, require an environment free of “harassment,” “mistreatment,” and “abuse,” and access to services that support the child’s “health” and “well-being.” Of course, this should be the case for *all* children.

However, other provisions of the regulations are problematic because they assert, incorrectly, that unquestioning affirmance is the only way to support the health and well-being of a child who experiences same-sex attraction or gender dysphoria.

The regulations would therefore require agencies to ensure that “LGBTQI+ children” have access to “services that are supportive of their sexual orientation and gender identity, including clinically appropriate mental and behavioral health supports.”<sup>31</sup> At the same time, the regulations would prohibit attempts to “undermine, suppress, change, or stigmatize a child’s sexual orientation or gender identity or expression through ‘conversion therapy.’”<sup>32</sup> The rule does not define “conversion therapy” but, in its preamble,

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30 88 FR 66752 (Sep. 28, 2023).

31 45 CFR 1355.22(e); 88 FR at 34860.

32 45 CFR 1355.22(d)(2)(ii); 88 FR at 34860.

circularly describes it as “efforts to change or suppress a child’s sexual orientation, gender identity, or gender expression.”<sup>33</sup>

These provisions, read together, mean not that children as persons must be affirmed and supported, as they should, but that specific inclinations or behaviors with respect to SOGI must be affirmed.

The final rule improves on how the proposed rule would have affected religious liberty, but it remains problematic. It repeats the proposed rule’s assurances of ACF’s commitment to constitutional and statutory protections for religious freedom. Unlike the proposed rule, the final rule defines a category of providers, known as designated placements, that abide by these rules of affirmation of such inclinations and behaviors.

It does not require religious organizations to apply to be listed as designated placements, and it says that the rule does not require or authorize states to penalize providers who choose not to seek classification as designated placements. However, that is not the same as *prohibiting* states from

penalizing providers who, for religious reasons, do not do so. In this sense, the final rule essentially shunts the responsibility to protect providers’ religious liberty from ACF onto the states.

### **OMB Guidance on Federal Award Requirements**

The White House’s Office of Management and Budget (OMB) plays a major role overseeing the operations of the various federal agencies. As part of that role, it publishes model regulations for federal agencies’ use in setting the requirements for administration of awards of federal grants and contracts. In October of 2023, OMB published proposed changes to a section of those model regulations that establishes public policy requirements that federal agencies must adhere to in the administration of federal awards.<sup>34</sup>

From a list of public policy requirements, the proposal would have deleted “protecting free speech, religious liberty, public welfare [and] the environment,” leaving only a general reference to nondiscrimination. And it would have added two new paragraphs emphasizing prohibitions on SOGI

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33 88 FR at 34836.

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34 88 FR 69390 (Oct. 5, 2023).

discrimination in particular—first, a requirement to construe applicable sex nondiscrimination statutes to prohibit SOGI discrimination; second, a requirement that federal agencies administering awards must “take account of the heightened constitutional scrutiny that may apply under the Constitution’s Equal Protection clause for governmental action that provides differential treatment based on sexual orientation or gender identity.”

In the final model regulations issued in April of 2024, OMB retreated somewhat from this approach of elevating SOGI nondiscrimination above other policy interests. It retained the existing reference to free speech, religious liberty, and other public policy interests.<sup>35</sup> And it revised the paragraph about equal protection concerns to refer to differential treatment based on protected characteristics generally, not SOGI specifically.

## Rules on Other Subjects

### HHS Conscience Rule

Numerous federal laws protect the right of organizations and individuals engaged in health care to follow their conscience. Chief among those statutes are the Weldon Amendment, prohibiting discrimination against individuals and entities that do not provide, cover, pay for, or refer for abortions; the Church Amendments, protecting religious and moral objections to abortions, sterilizations, and in some cases any other religious or moral objection (such as to gender identity interventions); and the Coats-Snowe Amendment, protecting religious and moral objections to abortion in medical school and training programs. Courts have held that these statutes do not authorize a private right of action, meaning that health care workers cannot go to court to enforce their own rights under the statutes. The only way they can be enforced is by the HHS Office for Civil Rights (OCR), through a regulation known as the Conscience Rule.

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35 89 FR 30046 (Apr. 22, 2024).

The version of the Conscience Rule published under the first Trump administration implemented not only Weldon, Church, and Coats-Snowe, but over a dozen other federal conscience statutes.<sup>36</sup>

The rule had two main parts—a set of definitions for terms used in the statutes, in order to ensure that the statutes are properly understood to provide broad protections for conscience rights; and a set of provisions that gave HHS the tools necessary to enforce the statutes effectively, such as a requirement that entities under investigation for violating conscience rights must respond to HHS’s requests for information. The Conscience Rule was immediately challenged in court and was struck down in its entirety.

The new Conscience Rule, finalized under the Biden administration in January of 2024, has positive and negative aspects.<sup>37</sup> On the one hand, it retains reference to all of the statutes implemented under the Trump-era rule, and still provides mechanisms for enforcement,

albeit less robust than before. It also notes that protecting conscience rights benefits liberty, human dignity, and the medical profession. On the other hand, it does not define any of the statutes’ terms, thus offering no guidance on what the statutes mean; its enforcement mechanisms have significant gaps; and it appears to suggest that conscience rights can be overridden by a patient’s desire to receive a particular procedure.

## **EEOC Harassment Guidance**

The EEOC enforces the employment nondiscrimination provisions of Title VII of the Civil Rights Act, which prohibits discrimination on the basis of sex, among other things. In April of 2024, the EEOC finalized new guidance—a nonbinding notice to the public of what the EEOC understands the law to mean—regarding what constitutes harassment that is prohibited under Title VII.<sup>38</sup> The guidance states that sex-based harassment includes harassment based on a decision to have (or not to have) an abortion, and on sexual orientation and gender identity.

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36 84 FR 23170 (May 21, 2019).  
37 89 FR 2078 (Jan. 11, 2024).

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38 89 FR 30046 (Apr. 22, 2024).

The new guidance chills or prohibits speech that upholds the sanctity of life, the nature of conjugal relationships, and the created, bodily reality of human beings, such as by requiring the use of “preferred pronouns.”

It also requires employers, in the name of prohibiting harassment, to allow employees who identify as transgender to use bathrooms, locker rooms, and other private spaces reserved for members of the opposite sex.

Aside from being an improper interpretation of the text of Title VII, the guidance likely runs afoul of constitutional rights of speech, expressive association, and religious exercise. Consistent with the approach taken in other agencies’ rulemakings in 2024, the EEOC responded to these concerns by acknowledging that the guidance implicates religious liberty and saying the EEOC will address such conflicts on a case-by-case basis.

The new guidance chills or prohibits speech that upholds the sanctity of life, the nature of conjugal relationships, and the created, bodily reality of human beings, such as by requiring the use of “preferred pronouns.”

### **Department of Justice/Multi-Agency Rule on Faith-Based Partnerships**

#### ***The Final Rule***

The Equal Treatment for Faith-Based Organizations regulations were first promulgated in the first term of the George W. Bush administration and have been the subject of back-and-forth revisions by successive administrations.<sup>39</sup>

In March of 2024, in a joint rulemaking helmed by the U.S. Department of Justice, nine federal agencies published final rules setting out each agency’s separate but mostly identical protections and conditions for faith-based organizations’ participation in

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<sup>39</sup> See, for example, 69 FR 42586 (Jul. 16, 2004).

federally funded social service programs.<sup>40</sup>

Throughout their various iterations, the Equal Treatment regulations have stood for the basic proposition that faith-based social service providers must be eligible for federal awards on equal terms with secular providers. Part of the disagreement has been about what that equality looks like.

When HHS revised its Equal Treatment regulations in 2020 to better facilitate faith-based organizations' involvement, it made a few main changes to the previous regulations, aimed at removing requirements that the regulations imposed only on faith-based providers but not secular providers—such as an obligation to refer beneficiaries to a secular provider upon request, even though secular providers bore no obligation to refer beneficiaries to religious providers upon request. With some tinkering around the edges, the new rule generally reinstates those requirements.

A particular concern of the requirements is to ensure that those

in need of social services are not coerced by religious providers into engaging in religious worship or being subject to proselytization. Another area of disagreement has been on the right of religious providers who receive federal awards to ensure that their employees are faithful to the providers' religious beliefs. The new rule reinstates a restrictive view of the scope of the Title VII religious exemption—under the rule, providers are only protected in cases where they prefer to hire individuals of the same religion, and not in cases where employment decisions motivated by the providers' religious beliefs are characterized as discrimination on the basis of another protected class, like sex.

### ***Attempted Application to Religious Schools***

One of the agencies that participated in the joint rulemaking was the U.S. Department of Agriculture (USDA), which operates the National School Lunch Program.

Shortly before the start of the 2024 school year, a number of

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40 89 FR 15671 (Mar. 4, 2024).

state agencies sent a directive to schools participating in the National School Lunch Program—including Catholic and other religious schools—saying that, under the new Equal Treatment rule, schools must post notices informing students that the school may not subject them to religious discrimination, may not make them attend or participate in explicitly religious activities like worship or religious instruction, and must conduct explicitly religious activities at a separate time or location from the funded program.

This conflicted squarely with a provision in the USDA’s version of the Equal Treatment rule that clarifies that these sorts of restrictions do not apply to religious schools.

USCCB staff alerted administration officials to this problem and obtained a prompt response from the USDA, which told states to retract the directive (or, if a state had not yet sent the directive, not to do so).

### ***HHS Rule on Unaccompanied Refugee Minors***

In April of 2024, HHS’s Office of Refugee Resettlement (ORR) finalized numerous changes to the foundational rule governing treatment of unaccompanied refugee and migrant children in ORR’s Unaccompanied Children (UC) Program.<sup>41</sup> The final rule’s approach to abortion, in the context of female UCs who are pregnant, raises significant religious liberty concerns, as does its ambiguity on the subject of UCs who have gender dysphoria or who experience same-sex attraction.

On abortion, the rule prioritizes the taking of preborn human life by defining “medical services requiring heightened ORR involvement” to specifically include abortion and then, *inter alia*, requiring the provision of interstate transportation for such “services.” The rule argues that using federal tax dollars to pay for such transportation is consistent with the Hyde Amendment, a prohibition against using federal funds for certain types of abortions.

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41 89 FR 34384 (Apr. 30, 2024).

The regulations continue and formalize ORR's practice of transferring pregnant minors to ORR facilities in states that allow abortion, circumventing state laws that protect preborn human life. On gender dysphoria and same-sex attraction, the final rule uses language that could be construed to impose requirements with regard to so-called "gender affirming care." It also lists "gender" and "LGBTQI+ status" as factors relevant to placement of UCs.

The rule's preamble acknowledges that certain aspects of the rule may raise religious liberty concerns, asserting that ORR runs the UC program in compliance with the Religious Freedom Restoration Act and federal conscience protection laws, and noting that ORR "may" (but not "must") make accommodations for religious providers on a case-by-case basis.





*Catholic News Service*

SECTION V:

# Religious Liberty and the Supreme Court

## Section V:

# Religious Liberty and the Supreme Court

The Supreme Court did not decide any cases in 2024 that dealt primarily with a question of religious liberty. However, rights of conscience played an unexpectedly key role in two decisions about abortion, and the Court reined in the power of federal agencies to interpret laws passed by Congress, signaling a major change in how regulations and religious liberty will intersect in the future. Meanwhile, the Court heard arguments in a blockbuster case with far-reaching implications for religious liberty, regarding whether the Constitution's Equal Protection Clause prohibits gender identity discrimination.

## Rulings

### Conscience Rights in Abortion Cases

In June of 2024, the Supreme Court issued rulings in two cases about abortion. In *Moyle v. United States*, Idaho challenged guidance issued by HHS that seemed to construe the Emergency Medical Treatment and Active Labor Act (EMTALA) to require hospitals to perform abortions in emergency scenarios, inconsistent with Idaho's law restricting abortions in the state.<sup>42</sup> *Food and Drug Administration v. Alliance for Hippocratic Medicine* sought to reverse the Food and Drug Administration's loosening of requirements for the prescription of mifepristone, a chemical abortion drug.<sup>43</sup>

In both cases, the federal government argued that federal

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<sup>42</sup> *Moyle v. United States*, 603 U.S. 324, (2024).

<sup>43</sup> *Food & Drug Admin. v. All. for Hippocratic Med.*, 602 U.S. 367 (2024).

conscience statutes provide robust protection for both religious hospitals and religious health care workers, so they could not be required to perform abortions—either in emergency scenarios, in *Moyle*, or as a result of complications from mifepristone, in *Alliance for Hippocratic Medicine*. And in both cases, the Supreme Court relied on these representations from the federal government to dismiss the challenges.<sup>44</sup>

Considering that HHS had, earlier in 2024, issued a revised Conscience Rule that declined to construe the terms of the federal conscience statutes, the breadth of the federal government’s understanding of their protections expressed in oral arguments was encouraging. For example, the Solicitor General said that, because of the conscience statutes, EMTALA could not require a doctor to perform an emergency abortion even if no other doctor were available. In its rulemaking process on the Conscience Rule, HHS had studiously avoided suggesting such an absolute, bright-line rule.<sup>45</sup>

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44 *Moyle*, 603 U.S. at 335, 337-338; *Alliance for Hippocratic Medicine*, 602 U.S. at 386-390.

45 *Alliance for Hippocratic Medicine*, 602 U.S. at 388.

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### ***Loper Bright Enterprises v. Raimondo* (U.S. No. 22-451)**

As discussed earlier in this report, it is regulations issued by federal agencies, much more so than laws passed by Congress, that have threatened religious liberty in recent years. While the balance of power between the judiciary and executive branches naturally implicates issues other than religious freedom, if federal agencies’ authority to interpret the law is significantly limited, religious freedom problems created by federal regulation will likely diminish.

While enhanced judicial constraints on regulatory overreach will benefit religious liberty in the long run, a quirk of timing makes *Loper Bright* a double-edged sword.

In *Loper Bright Enterprises v. Raimondo*, the Supreme Court overturned *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, the case that established *Chevron* deference, a legal doctrine that directs courts to defer to federal agencies’ interpretations of laws passed

by Congress.<sup>46</sup> Rather than defer to federal agencies, the Court said, courts must independently interpret the laws passed by Congress.

While enhanced judicial constraints on regulatory overreach will benefit religious liberty in the long run, a quirk of timing makes *Loper Bright* a double-edged sword. In the event the incoming Trump administration seeks to revise and replace the various problematic regulations issued under the Biden administration, litigants will rely on *Loper Bright* to challenge those rulemakings.

## Oral Arguments

### ***U.S. v. Skrametti* (U.S. No. 23-477)**

Tennessee, like 23 other states, passed a law prohibiting the performance of gender transition interventions on children. The federal government sued, arguing that the law constitutes sex-based discrimination that is prohibited under the Equal Protection Clause. The Sixth Circuit upheld the law, finding that it draws no

A ruling against Tennessee in *Skrametti* could upend that dynamic by establishing a constitutional presumption that the teachings of the Catholic Church on this issue are bigoted.

impermissible distinctions among classes of people, but rather treats similarly situated individuals similarly. The Supreme Court took the case, holding oral arguments in December.

Historically, in conflicts between religious liberty and gender ideology, religious liberty has generally had the advantage of being a right secured in the Constitution, whereas rights associated with the concept of gender identity have been creations of statute. A ruling against Tennessee in *Skrametti* could upend that dynamic by establishing a constitutional presumption that the teachings of the Catholic Church on this issue are bigoted.

Based on the justices' questioning at oral arguments, most observers concluded that a majority of the Court would likely uphold Tennessee's law. However, Justice Gorsuch—the author of *Bostock v.*

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<sup>46</sup> *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024); *Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984).

*Clayton County, Georgia*, which held that Title VII, a federal employment nondiscrimination statute, prohibits sexual orientation and gender identity discrimination — was notably silent.

## Grants and Denials of Certiorari

***Catholic Charities Bureau v. Wisconsin Labor & Industry Review Commission***  
**(U.S. No. 24-154) (cert. granted)**

The Catholic Charities agency of the Diocese of Superior, Wisconsin, applied for an exemption for religious employers from the state’s unemployment tax program, in order to participate instead in a church-run program that offers the same level of benefits. The state denied the application, concluding that Catholic Charities was not sufficiently religious, but rather merely a secular charity, because it employs and serves non-Catholics and does not try to convert those whom it serves. The Wisconsin Supreme Court upheld the denial, under a standard that required

Catholic Charities to prove the unconstitutionality of the denial “beyond a reasonable doubt.”

The Supreme Court took the case to determine whether a state violates the First Amendment’s religion clauses by denying a religious organization an otherwise-available tax exemption because the organization does not meet the state’s criteria for religious behavior.

***Missouri Department of Corrections v. Finney***  
**(U.S. No. 23-203) (cert. denied)**

Jean Finney sued her employer, the Missouri Department of Corrections, for discrimination on the basis of sexual orientation. During jury selection, her attorney asked potential jurors about their religious beliefs about homosexuality and moved to strike two jurors who expressed traditional beliefs. The Missouri Supreme Court upheld the jurors’ exclusion, reasoning that their beliefs were a sound basis for concluding that they could not impartially serve on the jury.

While agreeing with the Court’s denial of certiorari on technical grounds, Justice Alito wrote that

the Missouri Supreme Court’s reasoning “exemplifies the danger that I anticipated in *Obergefell v. Hodges*, namely, that Americans who do not hide their adherence to traditional religious beliefs about homosexual conduct will be ‘labeled as bigots and treated

as such’ by the government. The opinion of the Court in that case made it clear that the decision should not be used in that way, but I am afraid that this admonition is not being heeded by our society.”<sup>47</sup>

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<sup>47</sup> *Missouri Dep’t of Corr. v. Finney*, 218 L. Ed. 2d 69 (Feb. 20, 2024).



*Getty Images*

SECTION VI:

# National Trends in Politics, Culture, and Law

## Section VI:

# National Trends in Politics, Culture, and Law

## Politics

### The Election

Religious liberty itself does not seem to have been one of the key issues for voters in the 2024 election. However, two significant issues that were prominent in the election have implications for religious liberty: immigration and gender identity.

Exit polls show that immigration was one of the top concerns for many Americans.<sup>48</sup> A central part of President-elect Trump's campaign was his promise to secure the southern border and to carry out mass deportations of illegal immigrants. Vice

President-elect Vance also played a significant role in the proliferation of the false rumor that migrants were eating pets. Although immigration policy is not itself a religious liberty issue, it becomes a religious liberty problem when religious charities and social services are singled out for special hostility, or when their bona fide religious motivations are impugned as pretextual for self-interest. Moreover, the climate engendered by overheated rhetoric can put religious workers in danger.<sup>49</sup>

Gender identity represents another issue that intersects with religious liberty. President-elect Trump ran ads on and drew attention

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<sup>48</sup> See, for example, Monica Potts, "Why voters chose Trump," ABC News, 14 November 2024: [abcnews.go.com/538/voters-chose-trump/story?id=115827243](https://abcnews.go.com/538/voters-chose-trump/story?id=115827243).

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<sup>49</sup> See Miriam Jordan, "Faith-Based Groups That Assist Migrants Become Targets of Extremists," New York Times, 2 June 2024: [www.nytimes.com/2024/06/02/us/migrants-charities-shelters-threats.html](https://www.nytimes.com/2024/06/02/us/migrants-charities-shelters-threats.html).



After the election, some Democrats seemed to signal a desire to moderate on issues of gender identity, such as in the context of whether males who identify as female should be allowed to play on female sports teams.<sup>50</sup>

to Kamala Harris's record on this issue. Although there is insufficient data to conclude that the ads influenced the outcome of the election, some reports have suggested that they were effective. The discussion occasioned by the ads has revealed what appears to be an increase in willingness to publicly confront the claims of gender ideology.

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50 See, for example, Adam Nagourney and Nicholas Neamas, "Harris Loss Has Democrats Fighting Over How to Talk About Transgender Rights," *New York Times*, 20 November 2024: [www.nytimes.com/2024/11/20/us/politics/presidential-campaign-transgender-rights.html](https://www.nytimes.com/2024/11/20/us/politics/presidential-campaign-transgender-rights.html).

## Debanking

In recent years, individuals have raised concerns that banks are discriminating on the basis of political and religious viewpoints.

Perhaps the most prominent instance of potentially politically motivated debanking took place with Ambassador Sam Brownback.<sup>51</sup>

According to Ambassador Brownback, when he learned that his bank account had been closed in 2022, he received little and sometimes conflicting explanations, and at one point, the bank indicated that there was concern about possible exposure to terrorist networks. More recently, Memphis-based Indigenous Advance Ministries, a Christian charity that works in Uganda, has claimed that it was debanked. In this case, the bank offered the explanation that the charity violated the bank's "debt

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51 Kevin Williamson, "Debanking Is Just a Tax on Dissent," *The Dispatch*, 31 July 2024: [thedispatch.com/article/debanking-tax-dissent/](https://thedispatch.com/article/debanking-tax-dissent/). Mr. Brownback has served as a Republican governor of Kansas and as Ambassador-at-Large for Religious Freedom in the Donald Trump administration. He is now the president of the National Committee for Religious Liberty.

collection” policy. Indigenous Advance Ministries claims that they do not engage in debt collection but simply remind the people they serve to pay their bills. In 2024, Indigenous Advance Ministries, with help from Alliance Defending Freedom, addressed a Bank of America shareholders meeting, urging increased transparency regarding debanking decisions.<sup>52</sup>

In response to incidents like these, some states have begun passing laws intended to prevent politically motivated debanking. However, the U.S. government argues that these laws hamstring banks, who need to be able to account for potential customers’ exposure to foreign actors.<sup>53</sup> The lack of

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52 See Alliance Defending Freedom [news release], “De-banking victim Steve Happ of Indigenous Advance Ministries to Bank of America: ‘I don’t want it to happen to anyone else’,” 23 April 2024: [adfflegal.org/press-release/de-banking-victim-steve-happ-indigenous-advance-ministries-bank-america-i-dont-want/](https://adfflegal.org/press-release/de-banking-victim-steve-happ-indigenous-advance-ministries-bank-america-i-dont-want/); Jeremy Tedesco, “Bank of America Needs To Come Clean About ‘De-Banking’ Practices,” RealClearMarkets, 13 May 2024: [www.realclearmarkets.com/articles/2024/05/13/bank\\_of\\_america\\_needs\\_to\\_come\\_clean\\_about\\_de-banking\\_practices\\_1030907.html](https://www.realclearmarkets.com/articles/2024/05/13/bank_of_america_needs_to_come_clean_about_de-banking_practices_1030907.html).

53 Michael Stratford, “The looming battle over ‘debanking’,” Politico, 3 July 2024: [www.politico.com/newsletters/morning-money/2024/07/03/the-looming-battle-over-debanking-00166402](https://www.politico.com/newsletters/morning-money/2024/07/03/the-looming-battle-over-debanking-00166402). See also Richard Vanderford, “State Laws Barring ‘Debanking’ Could Harm

transparency, though, makes it difficult to ascertain why someone like Ambassador Brownback would be debanked. The USCCB is monitoring this issue but has not taken a position on it.

## Culture

### Blasphemy and Sacrilege

The ideal of the modern Olympics is that people can come together for friendly competition in a spirit of mutual respect.<sup>54</sup> The 2024 Paris Olympics failed to live up to that ideal when the opening ceremony featured a display that mocked Catholic Christians.

The French bishops noted the contradiction between claiming to celebrate inclusivity while at the same time mocking people of faith.<sup>55</sup> Their response sought to lift up the positive ideals of the

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National Security, Treasury Says,” Wall Street Journal, 19 July 2024: [www.wsj.com/articles/state-laws-barring-debanking-could-harm-national-security-treasury-says-ca30503a](https://www.wsj.com/articles/state-laws-barring-debanking-could-harm-national-security-treasury-says-ca30503a).

54 See “Olympic Values - Excellence, Respect and Friendship” at [olympics.com/ioc/olympic-values](https://olympics.com/ioc/olympic-values).

55 Jean-Benoît Harel, “French Bishops lament ‘scenes mocking Christianity’ at Olympic Ceremony,” Vatican News, 28 July 2024: [www.vaticannews.va/en/church/news/2024-07/french-bishops-lament-scenes-mocking-christianity-at-olympics.html](https://www.vaticannews.va/en/church/news/2024-07/french-bishops-lament-scenes-mocking-christianity-at-olympics.html).

Games while lamenting the way the organizers came up short. The Holy See also expressed sadness at the offensive display.<sup>56</sup>

Individual bishops also responded. Bishop Robert Barron, a member of the Committee for Religious Liberty, offered his thoughts, stating that these events target the Catholic Church, because the organizers know that the Catholic Church is the most significant opponent of their materialist, relativist worldview.<sup>57</sup>

Thomas Jolly, the artistic director of the opening ceremony, claimed that the scene was not meant to evoke the image of the Last Supper, but that “[t]he idea was instead to have a grand pagan festival connected to the gods of Olympus, Olympism.” However, “The idea of the central figure with a halo and a group of followers on either side—it’s so typical of ‘The Last Supper’ iconography that to read it in any other way might be a little foolhardy,” said Sasha Grishin, an art historian

and professor emeritus at the Australian National University.<sup>58</sup>

Senator James Lankford issued a letter to the President of the International Olympic Committee decrying the blatantly offensive mockery of the Christian faith.<sup>59</sup> Several members of Congress joined the letter.

In October, Michigan governor Gretchen Whitmer appeared in a social media video in which she gave a tortilla chip to a podcast host in a manner that lewdly imitated a priest giving communion at Mass. Governor Whitmer apologized, saying that the video “had been misconstrued.”<sup>60</sup>

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56 “Vatican says it was ‘saddened’ by Olympics’ opening ceremony,” Catholic News Service, 4 August 2024: [www.usccb.org/news/2024/vatican-says-it-was-saddened-olympics-opening-ceremony](http://www.usccb.org/news/2024/vatican-says-it-was-saddened-olympics-opening-ceremony).

57 Bishop Robert Barron, “Bishop Barron’s Olympics Commentary,” Word on Fire: [www.wordonfire.org/bishop-barron-olympics/](http://www.wordonfire.org/bishop-barron-olympics/).

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58 Yan Zhuang, “An Olympics Scene Draws Scorn. Did It Really Parody ‘The Last Supper’?” New York Times, 28 July 2024: [www.nytimes.com/2024/07/28/sports/olympics-opening-ceremony-last-supper-paris.html](https://www.nytimes.com/2024/07/28/sports/olympics-opening-ceremony-last-supper-paris.html).

59 Senator James Lankford [news release], “Lankford Calls Out Olympic Committee for Mocking Christian Faith,” 30 July 2024: [www.lankford.senate.gov/news/press-releases/lankford-calls-out-olympic-committee-for-mocking-christian-faith/](https://www.lankford.senate.gov/news/press-releases/lankford-calls-out-olympic-committee-for-mocking-christian-faith/).

60 Kate Quiñones, “Michigan’s Gov. Whitmer apologizes for how Dorito video was ‘construed,’” Catholic News Agency, 14 October 2024: [www.catholicnewsagency.com/news/259835/michigans-gov-whitmer-apologizes-for-how-dorito-video-was-construed](https://www.catholicnewsagency.com/news/259835/michigans-gov-whitmer-apologizes-for-how-dorito-video-was-construed).

The Michigan Catholic Bishops Conference issued a statement, saying, “The skit goes further than the viral online trend that inspired it, specifically imitating the posture and gestures of Catholics receiving the Holy Eucharist, in which we believe that Jesus Christ is truly present... It is not just distasteful or ‘strange;’ it is an all-too-familiar example of an elected official mocking religious persons and their practices.”<sup>61</sup>

### **Bishop Rhoades Speech on Depolarizing Religious Liberty**

July 9–11, 2024, the University of Notre Dame held its Religious Liberty Summit on the theme of Depolarizing Religious Liberty.<sup>62</sup> The summit was sponsored by the Notre Dame Religious Liberty Clinic. Bishop Kevin Rhoades

was invited to deliver a keynote address.

The summit brought together scholars, advocates, and experts from a variety of fields and perspectives to reflect on the meaning of religious freedom both here in the United States and abroad. Bishop Rhoades addressed the issue of truth in his keynote. He remarked that religious liberty in itself should not be polarizing, since there is widespread agreement amongst Americans that religious freedom is important.

However, we do have deep disagreements around religion and issues of ultimate concern, and our polarized discourse about religious liberty often concerns where the limits of religious freedom lie.

According to Bishop Rhoades, we struggle to bridge our divides because our politics is not rooted in truth. Rather than seek to reason with others, we attempt to impose our will on those with whom we disagree. The purpose of politics has become a matter of self-assertion and opposing perceived enemies. Indeed, this is what it means to say that politics are polarized—it is a matter of groups identifying themselves in opposition to others.

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61 Michigan Catholic Conference [news release], “Gov. Whitmer’s Social Media Skit Prompts Catholic Bishops Conference to Urge Greater Respect for Religion in Public Life,” 11 October 2024: [www.micatholic.org/advocacy/news-room/news-releases/2024/whitmers-social-media-skit-prompts-catholic-bishops-conference-to-urge-greater-respect-for-religion-in-public-life/](http://www.micatholic.org/advocacy/news-room/news-releases/2024/whitmers-social-media-skit-prompts-catholic-bishops-conference-to-urge-greater-respect-for-religion-in-public-life/).

62 Sarah Doerr, “Experts from across the globe convene at fourth annual Notre Dame Religious Liberty Summit, seeking to promote and depolarize religious liberty,” University of Notre Dame Law School, 22 July 2024: <https://law.nd.edu/news-events/news/experts-from-across-the-globe-convene-at-fourth-annual-notre-dame-religious-liberty-summit-seeking-to-promote-and-depolarize-religious-liberty/>.

Bishop Rhoades concluded by discussing the work of the USCCB to promote religious liberty, and how the Committee for Religious Liberty works to address polarization by not becoming polarized itself. For example, while the Committee often finds itself working with conservatives in order to defend the right of people of faith to live and work truthfully with respect to marriage and sexuality, the Committee also defends the rights of Catholic ministries to migrants and refugees, even as those ministries have come under attack by groups with whom it has worked.

In order to promote religious liberty without being polarized, the Committee puts truth over post-truth politics.

### **Symposium: Religious Liberty in a Culture of Self-Invention**

On September 9, 2024, the Committee brought together scholars, advocates, and Church leaders to reflect on the current culture of self-invention in our nation—a culture that views the self as the center of meaning, and that regards personal identity as a matter entirely of our own creation. Participants explored

how that culture presents unique challenges to religious freedom and what the Catholic Church in the United States can do to meet those challenges. Speakers included Bishop Kevin Rhoades, Mary Rice Hasson, D. C. Schindler, Abigail Favale, Marc DeGirolami, Melissa Moschella, Anthony Picarello, Helen Alvaré, and Paul Scherz.

### **Themes at the Symposium**

During the panel discussion, several themes were raised. Five stood out as especially significant for the Committee:

1. The prevalent understanding of freedom in the United States today is that the sheer capacity to choose among contraries is authentic freedom. In the traditional Catholic understanding, the capacity to choose the good constitutes true freedom.
2. The dominant understanding of freedom entails even the freedom to choose, rather than receive, one's identity. A culture of self-invention, then, grows, in part, from the idea of freedom as sheer choice. However, the self-invented identity is unstable, as it can come into conflict with

reality. For example, while I may use the language of “family” to refer to the people I choose to consider as family, I cannot really choose my family. These kinds of identities come into conflict with nature. Hence, persons who expend significant energy asserting a chosen identity require others to affirm that identity. And this pressure on others to affirm one’s chosen identity leads to religious liberty problems, particularly in the area of gender identity.

3. In a culture of self-invention, religion can be viewed as a matter of personal identity rather than a response to the Creator. To be sure, religion does involve identity, but it has traditionally been understood primarily as an obligation to God, and so the right to religious freedom protects persons who seek to carry out their obligations. If religion is considered to be primarily a matter of the identity that one chooses for oneself, then it is difficult to see why it would deserve special protection. It also potentially pits religious freedom against the common good.

4. Religious liberty advocacy needs a definition of religion. In the current climate, some groups make spurious religious liberty

claims, using religious freedom arguments to claim immunity from legitimate laws. Religious liberty advocates could serve the common good by helping the law to develop a definition of religion.

5. Catholic religious liberty advocacy needs to be rooted in Catholic tradition. Faith and reason work together in Catholic tradition, but the tendency in religious liberty advocacy is to lead with reason. For example, in defending the rights of Catholic schools to hire people who support the mission of Catholic education, rather than talk about the issue in terms of choice or the integrity of mission-driven organizations, we might begin by talking about how Jesus Christ calls us to self-sacrificial love and what that love looks like. We should use the opportunities afforded by political and legal advocacy to clearly articulate what we believe and why. In that sense, our advocacy can also be a work of evangelization.

### **Antisemitism on College Campuses**

Following the Hamas attack on Israel on October 7, 2023, pro-Palestinian demonstrations broke

out across the country. One of the prominent sites for protests in 2024 was the American university. Crowd Counting Consortium identified 3,220 protest actions in the spring semester and 1,151 actions in the fall semester.<sup>63</sup> While many of these demonstrations aimed primarily to express solidarity with suffering Palestinians, some were reported to include antisemitic elements, such as comparing Israeli policy to that of the Nazis and rejecting the right of the state of Israel to exist.

Columbia University formed a task force to investigate antisemitism on campus following the protests that dominated the campus in the 2024 spring semester. Those protests were influential on the campus protest movement across the country, as it was the attempt by the university to restrict encampments there that helped to inspire encampments at other universities.

The task force's second report presents some shocking findings.<sup>64</sup>

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63 Johanna Alonso, "Massive Decline in Protests from Spring to Fall 2024," Inside Higher Ed, 19 December 2024: [www.insidehighered.com/news/students/free-speech/2024/12/19/2000-fewer-pro-palestinian-protests-fall-spring-2024](https://www.insidehighered.com/news/students/free-speech/2024/12/19/2000-fewer-pro-palestinian-protests-fall-spring-2024)

64 Columbia University Task Force on Antisemitism, "Report #2: Columbia University

Jewish students were assaulted, spit on, and verbally abused. Jewish students were discriminated against by their teachers. Professors held class at the very encampments where Jewish students were being harassed. Jewish students were excluded from clubs.

When Jewish students reported problems to campus authorities, their concerns were regularly dismissed. The task force describes a campus where Jewish students suffered real harm and leadership not only failed to stop the antisemitic activity but in many cases abetted it.

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Student Experiences of Antisemitism and Recommendations for Promoting Shared Values and Inclusion," August 2024: [president.columbia.edu/sites/default/files/content/Announcements/Report-2-Task-Force-on-Antisemitism.pdf](https://president.columbia.edu/sites/default/files/content/Announcements/Report-2-Task-Force-on-Antisemitism.pdf).

Events at the University of California in Los Angeles (UCLA) have prompted a lawsuit. During the protests, demonstrators set up encampments that blocked access to public facilities, including the library. The protesters essentially set up checkpoints, where they prevented Jewish students from entering school buildings.

Demonstrators set up a “Jew Exclusion Zone,” and chanted “death to Jews.” Students have filed a lawsuit against the school, saying UCLA failed to adequately protect Jewish students.<sup>65</sup> As the district court put it:

*In the year 2024, in the United States of America, in the State of California, in the City of Los Angeles, Jewish students were excluded from portions of the UCLA campus because they refused to denounce their faith. This fact is so unimaginable and so abhorrent to our constitutional guarantee of religious freedom that it bears repeating, Jewish students were excluded from portions of the*

*UCLA campus because they refused to denounce their faith.*

UCLA is not the only school facing a lawsuit. Over 20 schools, including Harvard, Northwestern, Haverford, and others, have faced legal actions for failing to protect Jewish students.

## Law and Litigation

### Challenges to Recently Issued Federal Regulations

As federal agencies finalized numerous regulations harmful to religious liberty this year (see Section IV above), they were met with a wave of lawsuits. The heaviest litigation centered around the Title IX, Section 1557, and PWFA final rules, and all but a handful of the cases that had reached initial judgment as of the time of this writing had achieved some form of relief against the rule in question. Injunctions against enforcement of the Title IX rule are in place in numerous states, and the problematic components of the Section 1557 rule are enjoined nationwide.

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<sup>65</sup> Becket [news release], “Federal court orders UCLA to stop helping antisemitic activists target Jews,” 13 August 2024: [www.becketlaw.org/media/breaking-federal-court-orders-ucla-to-stop-helping-antisemitic-activists-target-jews/](https://www.becketlaw.org/media/breaking-federal-court-orders-ucla-to-stop-helping-antisemitic-activists-target-jews/).



Republican state attorneys general brought the majority of these cases, which, because of the nature of a state as a claimant, could not assert religious liberty claims against the rules. However, religious liberty claims brought against the PWFA regulations by the USCCB and the Catholic Benefits Association found success, as did the CBA's claims against the EEOC's Workplace Harassment Guidance.<sup>66</sup>

### **Lawfare Against Catholic Service to Migrants**

As political tensions mounted over the situation at the southern border, the Attorney General of Texas, Ken Paxton, brought the weight of his office to bear on the efforts of Texan Catholic ministries that serve migrants, sparking a controversy that garnered national attention.

In February of 2024, officials from the attorney general's office arrived at Annunciation House, an independent Catholic ministry in El Paso, and demanded to inspect their records. After Annunciation House sought a court order allowing them time

to verify what records could be disclosed, Attorney General Paxton countersued Annunciation House for violation of a Texas business statute requiring that his office be given "immediate" access to the records of any entity registered to operate in the state. The suit sought outright closure of Annunciation House under the same statute.

Bishop Rhoades expressed solidarity with ministries to migrants, saying, "As the tragic situation along our border with Mexico increasingly poses challenges for American communities and vulnerable persons alike, we must especially preserve the freedom of Catholics and other people of faith to assist their communities and meet migrants' basic human needs."<sup>67</sup>

Weighing Annunciation House's request for a temporary injunction, the court wrote:

*The Attorney General's efforts to run roughshod over Annunciation House, without*

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<sup>66</sup> *Cath. Benefits Ass'n v. Burrows*, 732 F. Supp. 3d 1014 (D.N.D. 2024).

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<sup>67</sup> USCCB [news release], "Freedom to Meet Migrants' Basic Human Needs Must be Preserved, says Bishop Rhoades," 26 February 2024: [www.usccb.org/news/2024/freedom-meet-migrants-basic-human-needs-must-be-preserved-says-bishop-rhoades](http://www.usccb.org/news/2024/freedom-meet-migrants-basic-human-needs-must-be-preserved-says-bishop-rhoades).

*regard to due process or fair play, call into question the true motivation for the Attorney General's attempt to prevent Annunciation House from providing the humanitarian and social services that it provides. There is a real and credible concern that the attempt to prevent Annunciation House from conducting business in Texas was predetermined.*<sup>68</sup>

In response to Annunciation House's argument that Attorney General Paxton's actions violated the organization's religious freedom, Attorney General Paxton argued that the charity is not religious:

*For starters, it is highly doubtful whether Annunciation House, as an institution, even has any bona fide religious component. [One deponent stated] that Annunciation House goes periods of "nine, ten months" without offering Catholic Mass, does not offer confessions, does not offer baptisms, does not offer communion, and makes "no*

*efforts to evangelize or convert its guests to Catholicism[.]. By its House Director's own admission, "probably only about half" of its volunteers subscribe to any particular religion. Instead, Annunciation House's members appear to subscribe to a more Bohemian set of "seven commandments," including commandments to "visit" people when "incarcerated" and "care [for them] when they're sick."*<sup>69</sup>

Attorney General Paxton has appealed the case up to the Texas Supreme Court. Meanwhile, he began investigations of Catholic Charities of the Rio Grande Valley, seeking to depose its staff.

## **Religion and Religious Exercise in Public Schools**

Public schools remained a battleground in the confrontation between gender ideology and religious liberty, freedom of speech, and parental rights. Numerous teachers and students either filed or continued to pursue lawsuits challenging school district policies that required

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<sup>68</sup> *Annunciation House v. Paxton*, No. 2024-DCV-0616 (Tex. Dist. Ct., El Paso County, Mar. 10, 2024).

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<sup>69</sup> Application for Temporary Injunction, *Annunciation House v. Paxton*, No. 2024-DCV-0616 (Tex. Dist. Ct., El Paso County), filed May 8, 2024.

them to use students' preferred pronouns. Coalitions of parents have challenged school policies and curricula that promote gender ideology in the classroom. These cases have had mixed results. In 2023, the Seventh Circuit had remanded a case to an Indiana district court to reconsider, under *Groff v. DeJoy*'s clarified standard for religious accommodations under Title VII, whether a teacher named John Kluge should be permitted to refer to students by their last names instead of their preferred pronouns.<sup>70</sup> Yet in April of 2024, the district court nonetheless found that the school was within its rights to deny Kluge that accommodation for his religious beliefs.<sup>71</sup>

In Massachusetts, a public school student was told he could not wear a t-shirt that said "there are only two genders" because it violated a provision in the school dress code that prohibits hate speech. The First Circuit sided with the school, and the case is on petition to the Supreme Court.

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70 *Kluge v. Brownsburg Cmty. Sch. Corp.*, No. 21-2475, 2023 WL 4842324 (7th Cir. July 28, 2023).

71 *Kluge v. Brownsburg Cmty. Sch. Corp.*, 732 F. Supp. 3d 943 (S.D. Ind. 2024).

Parent coalitions have advanced different causes of action against school policies that promote gender ideology. In *Parents Protecting Our Children, UA v. Eau Claire Area School District, Wisconsin*, the Supreme Court denied review of the Seventh Circuit's rejection of a claim, based on the fundamental right of parents to direct the upbringing of their own children, brought against a school policy of concealing students' asserted gender identities from their parents.<sup>72</sup> Another, *Mahmoud v. Taylor*, asserts that a Maryland school district's inclusion of pro-gender-ideology content in the elementary school curriculum violates the parents' religious freedom.<sup>73</sup> A petition seeking review of the parents' loss before the Fourth Circuit remains pending before the Supreme Court.

Conversely, a teacher in Ohio filed a lawsuit claiming that her religious liberty was violated when she was prohibited from keeping books in her classroom that promote gender ideology.<sup>74</sup>

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72 *Parents Protecting Our Child., UA v. Eau Claire Area Sch. Dist., Wisconsin*, 95 F.4th 501 (7th Cir. 2024), cert. denied, No. 23-1280, 2024 WL 5036271 (U.S. Dec. 9, 2024).

73 *Mahmoud v. McKnight*, 102 F.4th 191 (4th Cir. 2024).

74 *Cahall v. New Richmond Exempted Village School District Board of Education, et*

2024 also saw challenges brought against state efforts to make public schools *more* religious.

A group of parents in Louisiana obtained a preliminary injunction against implementation of a state bill requiring display of a Protestant version of the Ten Commandments in public school classrooms, finding that the bill likely violates the Free Exercise and Establishment Clauses.<sup>75</sup> And a coalition in Oklahoma argued that the Oklahoma state constitution's religious freedom provisions prohibit the state superintendent from requiring that the King James Bible be incorporated into public school curricula.<sup>76</sup>

2024 also saw challenges brought against state efforts to make public schools *more* religious.

## The Relationship of Religious Schools to the State

Last year saw further developments in the long-running line of cases probing the degree to which religious schools can maintain their autonomy while receiving generally available public benefits.

Title IX, a federal statute prohibiting sex discrimination in any school that receives federal funds, contains a robust religious exemption. That exemption has been particularly operative, and subject to scrutiny, since Title IX began to be interpreted to prohibit sexual orientation and gender identity discrimination as well. In August of 2024, the Ninth Circuit affirmed the constitutionality of the exemption, finding that it violates neither the Equal Protection Clause nor the Establishment Clause.<sup>77</sup>

Exclusion of religious schools from government programs based on their religious character or exercise remained a prominent theme in 2024.

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*al.*, No. 1:24-cv-00688-DRC, Complaint (S.D. Ohio, filed Dec. 2, 2024).

<sup>75</sup> *Roake v. Brumley*, No. CV 24-517-JWD-SDJ, 2024 WL 4746342 (M.D. La. Nov. 12, 2024).

<sup>76</sup> *Walke v. Walters*, No. [Case Number Pending], Complaint (Okla. Sup. Ct. filed Oct. 17, 2024).

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<sup>77</sup> *Hunter v. U.S. Dep't of Educ.*, 115 F.4th 955 (9th Cir. 2024).

Exclusion of religious schools from government programs based on their religious character or exercise remained a prominent theme in 2024. The two successor cases to *Carson v. Makin* went on appeal to the First Circuit, after Maine district courts ruled against religious schools challenging Maine's most recent attempt to exclude them from the state's tuition assistance program.<sup>78</sup> In California, Jewish parents won a victory at the Ninth Circuit in a case challenging California's exclusion of "sectarian" schools from eligibility for federal funds meant to help students with disabilities.<sup>79</sup>

While Oklahoma's state superintendent sought to have the Bible read in public school classrooms, its attorney general worked to quash a state board's approval of the state's first religious charter school: St. Isidore of Seville Virtual Charter School, a joint project of the Archdiocese of Oklahoma City and the Diocese of Tulsa. St. Isidore's has sought

Supreme Court review of the Oklahoma Supreme Court's ruling that the school would be a government entity and therefore prohibited from conducting itself according to Catholic teaching.<sup>80</sup>

### **The Ministerial Exception and Title VII's Religious Employer Exemption**

The ministerial exception—a constitutional principle that secures religious organizations' right to select who ministers their faith—remains an active area of litigation. Under the doctrine, religious organizations are generally immune from claims of employment discrimination from individuals employed as ministers. Since the Supreme Court first recognized the ministerial exception in the landmark *Hosanna Tabor v. EEOC* case in 2012, legal battles large and small have been fought over the scope of the doctrine—who counts as a "minister," and how broad are the protections afforded by the doctrine.

Courts in 2024 continued to disagree on the boundaries of

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78 *St. Dominic Acad. v. Makin*, No. 2:23-CV-00246-JAW, 2024 WL 3718386 (D. Me. Aug. 8, 2024); *Crosspoint Church v. Makin*, 719 F. Supp. 3d 99 (D. Me. 2024), judgment entered, No. 1:23-CV-00146-JAW, 2024 WL 2830931 (D. Me. June 4, 2024).

79 *Loffman v. California Dep't of Educ.*, 119 F.4th 1147 (9th Cir. 2024).

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80 *Drummond ex rel. State v. Oklahoma Statewide Virtual Charter Sch. Bd.*, 2024 OK 53, 558 P.3d 1.

the exception. For instance, the Supreme Court of Nebraska found that the exception shielded the Archdiocese of Omaha from a defamation claim brought by a priest,<sup>81</sup> while a federal district court in New Jersey found that the exception did not bar a defamation claim.<sup>82</sup>

Title VII's exemption for religious employers, properly understood, protects religious organizations for employment decisions motivated by their religious beliefs. The exemption is in a sense a mirror image of the ministerial exception—while the ministerial exception covers only certain employees who qualify as ministers, it applies regardless of the employer's motivation, whereas the Title VII exemption applies to all employees but turns on the employer's reasons for the adverse employment action.

Curiously, recent debate over the meaning of the Title VII religious employer exemption may create pressure to expand the scope of the ministerial exception. In the past three years, several courts have begun to embrace the

correct reading of the exemption, rather than a narrow view that it only protects against claims of discrimination on the basis of the employee's religion. Some who wish to keep the Title VII exemption narrow may prefer that a case be resolved under the ministerial exception instead.

This appears to be what happened in *Billard v. Charlotte Catholic High School*, a May 2024 ruling from the Fourth Circuit in which the school had defenses under the ministerial exception and the Title VII religious employer exemption. The ACLU attorney representing the teacher told the Fourth Circuit at oral argument that, if his client were to lose, it would be better to lose under the ministerial exception. The court obliged, ruling in favor of the school on the grounds of the ministerial exception instead of Title VII.<sup>83</sup>

### **Religious Beliefs at Issue in Adoption, Foster Care, and Child Custody**

Religious individuals seeking to adopt or become foster parents sought relief in court when state agencies concluded their religious

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81 *Syring v. Archdiocese of Omaha*, 317 Neb. 195, 9 N.W.3d 445 (2024).

82 *Uzomechina v. Episcopal Diocese of New Jersey*, No. CV 23-2914 (MAS) (TJB), 2024 WL 197752 (D.N.J. Jan. 18, 2024).

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83 *Billard v. Charlotte Cath. High Sch.*, 101 F.4th 316 (4th Cir. 2024).

beliefs on matters of human sexuality made them unfit to be parents.

For instance, a prospective foster mother in Oregon appealed a district court's ruling that her religious liberty was not violated when the state excluded her based on its requirement that all parents in the state's foster care program agree to affirm a child's asserted sexual orientation or gender identity.<sup>84</sup>

Chillingly, states have even removed children from their parents' custody based on the parents' religious beliefs. The Supreme Court denied review of an Indiana case in which the state took custody of a child because the parents' religious beliefs prevented them from affirming their son's assertions that he is a girl.<sup>85</sup> In Montana, state child protective services seized a child from her parents when she expressed suicidal ideation because her parents would not affirm, contrary to their religious beliefs, that she is a boy.<sup>86</sup>

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84 *Bates v. Pakseresht*, No. 23-4169, Appellant's Opening Brief (9th Cir. filed Jan. 11, 2024); *Bates v. Pakseresht*, No. 2:23-CV-00474-AN, 2023 WL 7546002 (D. Or. Nov. 14, 2023).

85 *M. C. v. Indiana Dep't of Child Servs.*, 144 S. Ct. 1084, 218 L. Ed. 2d 255 (2024).

86 *Kolstad v. Baillargeon, et al.*, No.

Chillingly, states have even removed children from their parents' custody based on the parents' religious beliefs.

## FACE Act Convictions

The Freedom of Access to Clinic Entrances Act, or FACE Act, is a 1994 law that criminalizes 1) certain kinds of interference with access to reproductive health services or churches, and 2) intentional damage to the property of reproductive health clinics or churches. The term "reproductive health" has long been understood to refer to abortion clinics, although it can also apply to pro-life pregnancy resource centers.

Historically, the FACE Act has been used almost exclusively to protect abortion clinics and has never been used to protect a church. Certainly, some prosecutions under the FACE Act have been just—for arson or for bomb threats, for example—but in other cases the penalties have seemed disproportionate to the conduct in question—for example, peacefully sitting and praying in

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1:24-cv-00055-SPW-TJC, Complaint (D. Mont. filed May 20, 2024).

front of the doors of an abortion clinic.

The lopsided enforcement of the FACE Act has long been noted but has received renewed attention in recent years, as increasing attacks on pro-life pregnancy resource centers have gone largely unpunished, while some actions brought against protesters outside abortion clinics seemed unjustifiably severe.

While one way to address this disparity is to advocate for the repeal of the FACE Act, another way is to more fairly enforce it.

The lopsided enforcement of the FACE Act has long been noted.

To that end, the Florida Attorney General charged four people in 2023 under the FACE Act for vandalism on pro-life pregnancy centers. Following the Supreme Court’s overturning of *Roe v. Wade* in 2022, they had spraypainted threatening messages on the centers, such as, “If abortions aren’t safe than niether [sic] are you,” “WE’RE COMING for U,” and “We are everywhere.” Three of the defendants pleaded guilty.<sup>87</sup> One was sentenced to 1 year and 1 day in prison, while the others were sentenced to 30 days in prison and 60 days in home detention. The fourth defendant was convicted on December 19, 2024.<sup>88</sup>

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<sup>87</sup> U.S. Department of Justice Office of Public Affairs [news release], “Three Defendants Plead Guilty to a Civil Rights Conspiracy Targeting Pregnancy Resource Centers,” 14 June 2024: [www.justice.gov/opa/pr/three-defendants-plead-guilty-civil-rights-conspiracy-targeting-pregnancy-resource-centers](https://www.justice.gov/opa/pr/three-defendants-plead-guilty-civil-rights-conspiracy-targeting-pregnancy-resource-centers).

<sup>88</sup> U.S. Department of Justice Office of Public Affairs [news release], “Florida Woman Convicted of Civil Rights Conspiracy Targeting Pregnancy Resource Centers,” 20 December 2024: [www.justice.gov/opa/pr/florida-woman-convicted-civil-rights-conspiracy-targeting-pregnancy-resource-centers](https://www.justice.gov/opa/pr/florida-woman-convicted-civil-rights-conspiracy-targeting-pregnancy-resource-centers).





*Getty Images*

SECTION VII:

Areas of Critical  
Concern

## Section VII:

# Areas of Critical Concern

Immigration was one of the prominent issues of the presidential election. The Trump campaign relied heavily on messaging about immigration. With the Republican Party finding electoral success with this kind of messaging, efforts to restrict the ability of Catholic ministries serving migrants will likely receive new momentum. The Trump transition team indicated intentions to rescind a policy against performing immigration enforcement raids in “sensitive locations,” such as churches.<sup>89</sup>

The concern here is not limited to legislation and executive action. As the USCCB warned in 2024, beyond legal threats to

religious liberty, the physical safety of staff, volunteers, and clients of Catholic ministries and institutions that serve newcomers may be jeopardized by extremists motivated by false and misleading claims made against the Church’s ministries.

In 2025, the role of Catholics in political life will continue to be a hotly debated subject in the national discourse. Vice President-elect J. D. Vance has spoken openly about his conversion to the Catholic faith,<sup>90</sup> and he has said that his views are motivated by Catholic social teaching.<sup>91</sup> In addition to the vice president, it

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<sup>89</sup> Julia Ainsley and Didi Martinez, “Trump plans to scrap policy restricting ICE arrests at churches, schools and hospitals,” NBC News, 11 December 2024: [www.nbcnews.com/investigations/trump-scrap-restriction-ice-arrests-churches-schools-rcna183688](https://www.nbcnews.com/investigations/trump-scrap-restriction-ice-arrests-churches-schools-rcna183688).

<sup>90</sup> J. D. Vance, “How I Joined the Resistance,” *The Lamp*, 1 April 2020: [thelamp-magazine.com/blog/how-i-joined-the-resistance](https://thelamp-magazine.com/blog/how-i-joined-the-resistance).

<sup>91</sup> Matthew Schmitz, “Catholic Converts Like JD Vance Are Reshaping Republican Politics,” *New York Times*, 14 August 2024: [www.nytimes.com/2024/08/14/opinion/jd-vance-catholic-convert-republican.html](https://www.nytimes.com/2024/08/14/opinion/jd-vance-catholic-convert-republican.html).

appears there will be a significant Catholic presence in the Trump administration.<sup>92</sup> Both supporters and opponents of the Trump administration can be expected to highlight the role of Catholicism in the administration, which may be a fresh source of partisan division among Catholics. As last year's Annual Report noted:

*Catholics tend to regard their political affiliation as a more integral aspect of their identities than their Catholic faith. The positions of the two political parties, and the rhetoric on liberal and conservative media outlets, often form Catholics' opinions on matters of faith more than Church teaching. The Church cannot offer an effective witness to religious liberty if we are beholden more to a political party than to God and the teaching of the Church, and if our beliefs are more political than religious.*

In this sense, the long-running trend of political polarization

within the Catholic Church in the United States seems likely to persist into 2025.

As reported in Section III, there is bipartisan interest in passing legislation that increases access to IVF procedures. Additionally, during the presidential campaign, President-elect Trump indicated his support for a nationwide IVF insurance coverage mandate.<sup>93</sup> It is unclear what kinds of exemptions for conscientious objectors the Trump administration will include in its plan. While much remains unknown, IVF mandates could pose religious liberty problems, as well as life and dignity problems, in 2025.

In 2024, attacks on the Jewish community rose precipitously. Anti-Muslim hate crimes also increased. When FBI hate crime statistics for 2023 were released in September 2024,<sup>94</sup> they revealed a sharp rise in antisemitic incidents in October, which continued through the remainder of 2023.

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92 Megan Messerly, "The Catholics in Trump's administration could take GOP in whole new direction," Politico, 15 December 2024: [www.politico.com/news/2024/12/15/conservative-catholics-second-trump-administration-000917](https://www.politico.com/news/2024/12/15/conservative-catholics-second-trump-administration-000917).

93 See, for example, Meridith McGraw, "Trump calls himself 'the father of IVF' at Fox News town hall," Politico, 16 October 2024: [www.politico.com/live-updates/2024/10/16/2024-elections-live-coverage-updates-analysis/trump-father-of-ivf-enemy-within-00183982](https://www.politico.com/live-updates/2024/10/16/2024-elections-live-coverage-updates-analysis/trump-father-of-ivf-enemy-within-00183982).

94 U.S. Department of Justice, "FBI Releases 2023 Hate Crimes Statistics," 23 September 2024: [www.justice.gov/hatecrimes/hate-crime-statistics](https://www.justice.gov/hatecrimes/hate-crime-statistics).

Statistics for 2024 were not available at the time of publication for this report, but it is reasonable to believe those numbers remained elevated throughout 2024. While it seems most likely that the risk for continued elevated levels of anti-Jewish hate is especially high, it is possible that in 2025, members of the Muslim community could also suffer higher levels of attacks.

As the conflict in the Middle East persists, antisemitic and anti-Muslim incidents will likely remain at elevated levels.

Gender ideology has corroded religious liberty in recent years. However, there is reason to think that 2025 may mark a shift in this area. Arguments for things like “gender affirming care” increasingly face scrutiny. Following the 2024 election, Democratic strategists publicly questioned whether their party had become too extreme with some claims, such as the idea that biological males should be permitted to participate in women’s sports. Religious liberty advocates might find new openness on this issue.

Recent years have witnessed surging interest in different forms

of religious education, including parochial schools, classical schools, and homeschooling. Experiments in school choice programs have attained success at the state level. President-elect Trump supported school choice in his first term and in his campaign. In 2025, there may be an opportunity to help parents choose what is best for their children by promoting universal school choice proposals.

## Threats and Opportunities

### 1. Targeting of Immigration Services

The Catholic Church carries out ministries of service and charity in obedience to Our Lord, who has taught us that we will be judged on the basis of how we treated the stranger and the prisoner, the hungry and the thirsty (Matthew 25:31–46).<sup>95</sup> It is for this reason that the Church can be found serving people in need at our country’s borders and beyond. It

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<sup>95</sup> See also Bishop Mario Dorsonville, “Migration and the Judgement of Nations,” USCCB, 18 October 2022: [www.usccb.org/resources/migration-and-judgement-nations](http://www.usccb.org/resources/migration-and-judgement-nations).

is true that a nation has a right to regulate its borders and safeguard the communities within them. And it is true that religious liberty is not a license to injure the common good. However, it does not follow from these truths that Christian ministries can be prevented from serving immigrants and refugees.

When a person in need comes before us, we don't check their papers before serving them as Christ taught us. Rather, we recognize their inherent God-given dignity and the reality that "[e]very migrant is a human person who, as such, possesses fundamental, inalienable rights that must be respected by everyone and in every circumstance" (*Caritas in veritate*, 62).

Ministry to migrants is not peripheral to the work of the Church. It is central. It institutionalizes those corporal works of mercy which are an expression of the love of Christ.

A profound commitment to this expression of faith has been exhibited time and again throughout the history of the U.S. Catholic Church, even when anti-Catholic sentiment was more prevalent than it is

today. In fact, the first American citizen to be canonized a saint by the Church was Mother Frances Xavier Cabrini, who was herself naturalized after arriving from Italy in 1889. Mother Cabrini devoted most of her life to serving her fellow immigrants and other vulnerable people "in order to communicate the love of Jesus to those who do not know Him or have forgotten Him."

Over one hundred years later, consistent with these same demands of Christian discipleship, the bishops of the United States and Mexico, in their joint pastoral letter from 2003, specifically called for "both a comprehensive network of social services and advocacy for migrant families."<sup>96</sup>

For these reasons, the targeting of faith-based immigration services constitutes a significant threat to religious liberty in 2025.

## How to Respond

Catholic Charities and other religious service providers carry

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<sup>96</sup> See United States Conference of Catholic Bishops and Conferencia del Episcopado Mexicano, "Strangers No Longer: Together on the Journey of Hope," 22 January 2003: [www.usccb.org/issues-and-action/human-life-and-dignity/immigration/strangers-no-longer-together-on-the-journey-of-hope](http://www.usccb.org/issues-and-action/human-life-and-dignity/immigration/strangers-no-longer-together-on-the-journey-of-hope).

out the corporal works of mercy, regardless of the legal status of the people they serve. The USCCB is active in advocating for the rights of religious organizations, including religious charities that serve migrants. In the coming year, the USCCB may have the opportunity to urge Congress to clarify that merely serving vulnerable persons does not constitute “harboring” and that religious charities have the freedom to serve without discriminating on the basis of immigration status.

Join the USCCB in these efforts by signing up for action alerts at [www.votervoice.net/USCCB/register](http://www.votervoice.net/USCCB/register).

## 2. Antisemitism

Religious freedom is not simply a matter of government policy. It is also a matter of culture. A political community does not have a culture of religious freedom when people are attacked for their faith.

Widespread antisemitism is an affront to religious freedom. Even prior to October 7, 2023, the Jewish community suffered hate crimes at a shockingly high rate. The volume and viciousness of

the antisemitic attacks that have been taking place in this country—and all over the world—is unconscionable. No community—whether Jewish, Muslim, or Christian—should be persecuted because of its faith. No individual should be attacked because of his or her religion.

Due to our common patrimony,<sup>97</sup> it is especially important that Christians express their solidarity with the Jewish people. As the Church and recent popes have acknowledged, over the centuries, Christians have often had turbulent relations with our Jewish sisters and brothers. We should be all the more willing to stand up to antisemitism.

As the elevated level of antisemitic incidents persists, the Church must be clear in her condemnation of attacks on Jewish communities and individuals. Antisemitism is one of the top threats to religious liberty in 2025.

## How to Respond

A first step toward confronting antisemitism, both in our country

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<sup>97</sup> See Pope Paul VI, *Nostra aetate*, 28 October 1965: [www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_decl\\_19651028\\_nostra-aetate\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651028_nostra-aetate_en.html).

and among Catholics, is to learn how antisemitic thinking can insinuate itself in people's thinking. The USCCB has partnered with the American Jewish Committee on a project called "Translate Hate: Catholic Edition," which helps readers better understand how different words, symbols, and images communicate antisemitic ideas, and how the Catholic Church responds. The project also features ways you can make a difference by reporting antisemitic incidents to proper authorities.

Learn more at [www.usccb.org/resources/translate-hate-catholic-edition](http://www.usccb.org/resources/translate-hate-catholic-edition).

### **3. IVF Mandates**

The demand for IVF that has been expressed recently is understandable. Couples who suffer fertility challenges desire to grow their families, a good and holy desire, and IVF is presented as the solution to the problem. However, IVF procedures fail to uphold the dignity of the human person in multiple ways, most especially in the destruction of human life required by the procedure. IVF is inseparable from abortion, and it behooves

Christians to find ways other than IVF to address fertility challenges in a way that respects human dignity.

The Catholic Church is committed to promoting and defending the dignity of all human life. Therefore, the Church opposes efforts to make IVF more accessible. Some of the proposed IVF bills have not only tried to expand access to IVF but have indicated that those who conscientiously object to these procedures could be forced to participate in them.

The Catholic Church will resist these attempts to force people to participate in these procedures. IVF mandates represent a significant threat to religious freedom. But the national discussion of IVF also represents an opportunity for Catholics to evangelize and advocate for human dignity.

### **How to Respond**

The USCCB advocates for policies that respect the dignity of all human life. In 2024, the USCCB was active in opposing IVF legislation.

Sign up to receive action alerts at [www.votervoice.net/USCCB/](http://www.votervoice.net/USCCB/) register and use your voice to advocate for legislation that defends human life and promotes an ethical restorative approach to reproductive medicine.

#### **4. Scaling Back Gender Ideology in Law**

As part of its 2022–2023 Do No Harm campaign, the USCCB worked on generating grassroots opposition to threats posed to religious liberty by new federal regulations. In 2024, most of the final versions of those regulations were released. These regulations impose severe burdens on people of faith. For example, under this regulatory regime, a Catholic hospital could be forced to participate in harmful gender transition procedures.

These regulations are bad for the people who would be harmed by the procedures they require. They are bad for the persons and institutions who would be coerced into participation in those procedures.

These regulations were proposed and finalized by the previous administration. A new administration presents the

opportunity for the winding down of harmful regulations. In 2025, there may be occasion to take further action to ensure that religious liberty and conscience rights are protected in federal regulations.

In terms of the judicial branch, the Supreme Court will decide on a case with significant ramifications for the place of gender ideology in law. In *U.S. v. Skrametti*, petitioners claim that the Equal Protection Clause of the Fourteenth Amendment should be interpreted to prohibit discrimination on the basis of gender identity, and thus invalidate the Tennessee law prohibiting the performance of gender transition interventions on children. As the USCCB argues in its amicus brief:

*A ruling for Petitioner would... constitutionalize the view that the Catholic Church's teachings are presumptively unlawful and undercut Obergefell's guarantee that those who adhere to the Catholic and traditional understandings of marriage and the human body are "reasonable and sincere people" who do so "in good faith," ... based on "decent*



*and honorable religious” convictions... The fallout would have wide-ranging effects across various social, economic, and professional contexts—including in Catholic hospitals, Catholic schools, Catholic shelters, Catholic charities, and even within Catholic churches themselves. And if the Court holds that classifications based on gender identity or sexual orientation are inherently suspect, there can be little doubt that the tax-exempt status of the Catholic Church as a whole will be questioned.*

This case presents both a threat and an opportunity. As the USCCB brief notes, a ruling for the petitioners could be catastrophic for religious liberty. On the other hand, a favorable ruling could curtail some of the constant litigation religious groups have faced in recent years.

## How to Respond

The USCCB actively engages in the rulemaking process, and the voice of advocates can make a difference. USCCB advocates have submitted significant numbers of comments in previous campaigns,

and they helped. As the new administration considers changes to regulations, the USCCB will continue to advocate for religious freedom.

Sign up to receive alerts at [www.votervoice.net/USCCB/register](http://www.votervoice.net/USCCB/register) and make your voice heard.

## 5. Parental Choice in Education

One of longest-running areas of concern for the Catholic Church in the United States has been the right of parents to direct the education of their children. Blaine Amendments—provisions in state laws that prevent religious institutions from receiving public funds—were developed by anti-Catholics in New England who sought to counter the efforts of Catholics to give their children a Catholic education when the public schools were essentially Protestant.

Today, although public education is now secular, it can still be hostile to some religious groups. In Montgomery County, Maryland, for example, Muslim and other religious parents are engaged in litigation with the school district, which refuses to allow them to opt out of classes on sex and gender

that are offensive to their faith.<sup>98</sup>

The Catholic Church is clear on this issue: parents have the right to direct the education of their children. That may mean something as simple as allowing parents to opt out of instruction that clashes with their religious beliefs. As *Dignitatis humanae* teaches:

*Parents... have the right to determine, in accordance with their own religious beliefs, the kind of religious education that their children are to receive. Government, in consequence, must acknowledge the right of parents to make a genuinely free choice of schools and of other means of education, and the use of this freedom of choice is not to be made a reason for imposing unjust burdens on parents, whether directly or indirectly. Besides, the rights of parents are violated, if their children are forced to attend lessons or instructions which are not in agreement with their religious*

*beliefs, or if a single system of education, from which all religious formation is excluded, is imposed upon all. (5)*

This right may also entail that the government provide parents with the means to educate their children in accordance with their religion. The Church teaches that it is not enough for the government to merely allow parents to choose the right education for their children. The government should support parents.

*Public authorities must see to it that “public subsidies are so allocated that parents are truly free to exercise this right without incurring unjust burdens. Parents should not have to sustain, directly or indirectly, extra charges which would deny or unjustly limit the exercise of this freedom.” The refusal to provide public economic support to non-public schools that need assistance and that render a service to civil society is to be considered an injustice. “Whenever the State lays claim to an educational*

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98 Becket [news release], “Religious parents to Supreme Court: restore opt-outs for instruction on gender and sexuality,” 13 September 2024: [www.becketlaw.org/media/religious-parents-to-supreme-court-restore-opt-outs-for-instruction-on-gender-and-sexuality/](http://www.becketlaw.org/media/religious-parents-to-supreme-court-restore-opt-outs-for-instruction-on-gender-and-sexuality/).

*monopoly, it oversteps its rights and offends justice. ...The State cannot without injustice merely tolerate so-called private schools. Such schools render a public service and therefore have a right to financial assistance.” (Compendium, 241)*

In 2025, there may be opportunities to expand school choice programs across the United States.

## How to Respond

The USCCB Secretariat for Catholic Education is a leader in advocacy for the rights of parents to make authentically free choices regarding the education of their children. In the coming year, the Secretariat will be engaged in efforts to promote robust school choice policies.

Get involved by [subscribing to Catholic Ed Monthly](#), the newsletter of the Secretariat for Catholic Education.



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