

GUIDE TO KEY REMAINING HIGH COURT RULINGS

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On June 26, the U.S. Supreme Court is expected to rule on three outstanding cases that involve restrictions on parental rights, access to pornography and abortion funding. Here is an outline of what these cases are about. In one way or another, they have grave implications for religious liberty.

Mahmoud v. Taylor

In 2022, Montgomery County Schools in Maryland approved the usage of pro-LGBT books as part of their elementary school curriculum. Initially, an opt-out program was implemented for parents who did not want to expose their children to these kinds of books. However, in 2023 the opt-out program was reversed by the school board. As a result, parents of several different religious faiths sued the school district, arguing that the opt-out reversal was a violation of their religious rights; both the U.S. District Court and the U.S. Court of Appeals ruled against the parents. The parents petitioned the Supreme Court and it agreed to hear their case.

The question before court is: Does Montgomery County Schools' refusal to allow an opt-out for LGBT curriculum infringe on the religious rights of parents?

The parents argued that:

- Their children being exposed to LGBT themed books burdens the free exercise of their religion. By exposing children to these types of books in school, it would make it more difficult for parents to raise their

children according to the tenets of their religion. In addition, it would also create confusion among students whose parents and teachers are teaching opposite things.

- The School Board showed religious animus against the parents by stating that the parents who opposed the books were xenophobic and showed “ignorance and hate.”
- The Board showed religious bias by removing the opt-out for the books while keeping in place other opt-outs for middle and high school sex education classes.
- The purpose of the books was to influence children towards LGBT issues because the books were part of the English curriculum as opposed to curriculum on sexuality.

Free Speech Coalition v. Paxton

In January 2023, the state of Texas passed H.B. 1181, which would require all websites whose makeup is at least one-third sexually explicit material to install age-verification software in order to access the site. Websites and companies that fail to do so could be subject to fines and lawsuits.

After the law was passed, several adult websites under the umbrella group Free Speech Coalition sued in U.S. District Court seeking to strike down the law. The District Court struck the law down. The state of Texas appealed the ruling in the U.S. Court of Appeals and the law was reinstated. In response, Free Speech Coalition petitioned the U.S. Supreme Court to hear their case.

The question before the court is: Does the Texas law requiring age-verification on porn websites violate the First Amendment rights of users?

Those against the Texas law argue that:

- Age verification harms the privacy of users because it stores a permanent record of their identification. This has the potential to be targeted by hackers.

- By requiring age verification, the government can have access to and track personal information of the intimate and personal life of users.
- The law would discriminate against those who do not have a valid ID.

Those in favor of the Texas law argue that:

- Age verification protects minors, particularly children, from accessing sexually explicit and obscene websites.
- The viewing of pornographic images by minors can cause negative effects to brain development and can also lead to addiction.
- Advances in technology and the rise of the internet have meant that minors have easier access to pornographic websites than in previous years.

Medina v. Planned Parenthood South Atlantic

In 2018, South Carolina Governor Henry McMaster signed an executive order that prohibited abortion providers from being funded by the state's Medicaid program. As a result Planned Parenthood South Atlantic, which operates in the state, was removed from Medicaid funding. Planned Parenthood, along with a Medicaid beneficiary, sued the state arguing that the executive order violates Medicaid's "any qualified provider" provision. The provision allows a beneficiary to obtain services from any qualified medical provider. In 2020, a U.S. District Court granted an injunction to Planned Parenthood, allowing it to be covered. In response, South Carolina petitioned the Supreme Court in 2023.

The question before court is: Does Medicaid's "any qualified provider" provision allow a beneficiary to choose a specific provider?

South Carolina argued that:

- The language in the provision lacks specific language

referring to rights. Therefore, it does not guarantee that Medicaid beneficiaries have the right to choose any provider they wish.

- Only the state can decide which providers can be covered under Medicaid rather than the patient.