



# THE WASHINGTON FLYER

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*I am only one, but still I am one. I cannot do everything, but still I can do something; and because I cannot do everything, I will not refuse to do something that I can do.*

**Helen Keller**

## **HHS Mandate Takes Effect**

On August 1, the unconstitutional HHS preventive services mandate went into [effect](#). Employers, with a few exceptions, are now required to provide free abortion-inducing drugs, contraceptives, and sterilization to their employees or face stiff penalties. According to the Congressional Research Service, fines could total \$100 per day, per employee. After proposing a hypothetical [accommodation](#) in March, the Administration proceeded to publish the mandate in the Federal Register without change. After continued outcry, HHS set up a public comment period to elicit feedback. Over 200,000 comments, mostly unfavorable, were submitted by June 19. Later in the month, the Supreme Court's nuanced ruling in *NFIB v. Sebelius* (Obamacare decision) left the HHS mandate in place. Presently, twenty-four cases with fifty-four plaintiffs have been filed against the HHS preventive services mandate. Rep. Jeff Fortenberry has continued to call for a vote on H.R. 1179, the Respect for Rights of Conscience Act, which would protect those with moral and religious objections to the mandate.

Last Friday, Senior Judge John L. Kane issued a preliminary injunction in the *Newland v. Sebelius* case, one of the cases filed against the HHS mandate. For now, the devoutly Catholic Newland family will not have to provide an employee health plan that is in compliance with the Health and Human Services mandate. The Judge agreed with the plaintiff's assertion that the mandate violated the Religious Freedom Restoration Act of 1993 (RFRA). According to the law, the government may not "substantially burden a person's exercise of religion even if the burden results from a rule of general applicability" unless it can demonstrate that doing so "(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest." Judge Kane agreed with the Alliance Defending Freedom lawyer's argument that the government already provides free contraceptives and could therefore expand those programs without forcing religious employers to violate their conscience. Furthermore, he rejected several of the government lawyer's claims that the plaintiffs had no right to sue, that for-profit businesses have no free exercise protections, and that the need for free contraception essentially trumps religious liberty concerns. To read more about this critical victory, [click here](#).

## **Louisiana Voucher Program Doubles Religious School Enrollment**

Earlier this year, Louisiana Governor Bobby Jindal introduced several comprehensive education reform plans that have been widely celebrated by school choice advocates. The three voucher programs allow over 3,000 students to attend 64 private schools in the state. In a recent article, *One News Now* [reports](#) that at least nine religiously affiliated schools will receive \$3.6 million dollars through the voucher programs. Of the 5600 students who will be selected to attend private schools, about 13% will attend religiously affiliated schools. These taxpayer funded subsidies will allow the aforementioned schools to double enrollment for the upcoming school year. LA State Superintendent of Education John White has [indicated](#) that the participating private schools will be held accountable for academic achievement, not

their curriculum or teaching methods. *Education Week* ranks Louisiana 48<sup>th</sup> in student achievement. In school choice program evaluations, parental satisfaction is at an impressive 90% level.

### **Race to the Top Left Out**

Reports note that further Race to the Top competitive grant funding is not included in the Republican 2013 budget proposal. The President's signature education reform plan was initially funded at 4.3 billion dollars under the American Recovery and Reinvestment Act of 2009. Currently, Congress is faced with looming sequestration military cuts and crafting credible proposals to address the nation's debt crisis. Neal McCluskey, the associate director of Cato's Center for Educational Freedom, conjectures that Republican opposition to the plan combined with resistance from several prominent teachers unions predicate the budget omission. After the August recess, both chambers are expected to produce a short-term continuing resolution that will avert a government shutdown.

### **D.C. Pain-Capable Unborn Child Protection Act**

At the urging of The National Right to Life and other pro-life groups, the U.S. House of Representatives voted 220 -154 in favor of the District of Columbia Pain-Capable Unborn Child Protection Act this week. Although the measure, H.R. 3803, has 203 co-sponsors and bipartisan support, it failed to garner the 2/3 majority required for suspension bills (bills not voted on in regular order). Several pro-life groups criticized House leadership for failing to bring the bill up for a vote when a simple majority would have sufficed for passage. As the [Associated Press](#) has noted, the District of Columbia has no restrictions on abortion until the moment of birth. This bill would ban abortions in D.C. after 20 weeks gestation with an exception for cases where the life of the mother is in danger. Research has conclusively shown that babies can feel pain at 20 weeks. Rep. Trent Franks and his pro-life colleagues will reintroduce similar legislation in future sessions.

### **400 Million Missing Chinese**

For over three decades, China has implemented the brutal "one child" policy with catastrophic results. A website has [confirmed](#) that the much maligned policy has resulted in the deaths of over 400 million babies. According to China's National Population and Family Planning Commission, this policy has delayed the dreaded "Day of 7 Billion" for five years. The website also admitted that the "the traditional function of the family is weakening. . . . Families composed only of elderly people and single-child families are accounting for larger proportions." Horrific stories and pictures of forced abortion victims have been leaked in recent months. In June, the heart wrenching pictures of [Feng Jianmei](#) and her forcibly aborted baby received worldwide denunciations and led to the suspension of three officials. Advocate Bob Fu maintains that although the aging Chinese population and projected economic malaise are worth noting, the main issue is the sanctity of human life. He also encourages American citizens to call for the defunding of the United Nations Population Fund ([UNFPA](#)) which is given millions annually in taxpayer funding.

### **In Case You Missed It:**

[Weekly Market Update](#) provided by Jeff Beach of the [AACS Investment Team at Merrill Lynch](#)

[HHS Mandate Dealt Serious Blow in Court](#)

[Bleak Future for Unpopular Education Program?](#)

[Remembering Milton Friedman's School Choice Legacy](#)

[International Religious Freedom Report for 2011](#)



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