



## THE WASHINGTON FLYER

A PUBLICATION OF THE AMERICAN ASSOCIATION OF CHRISTIAN SCHOOLS

**The Washington Flyer**  
**December 16, 2011**

*Let us with caution indulge the supposition that morality can be maintained without religion. Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.*

**George Washington**

### **Oral Arguments Offered in Proposition 8 Case**

This week, lawyers argued the merits of a [retrial](#) of the Proposition 8 case. In 2008, California voters affirmed [Proposition 8](#) which states that marriage is between one man and one woman. Later, Judge Vaughn Walker overturned the voters' decision. In the absence of defense by the Governor and Attorney General, Proposition 8 backers sought to defend the measure in court. After being granted legal standing, oral arguments were offered this week. Defense lawyers contend that the case should be appealed for two main reasons. First, Judge Walker should have recused himself from ruling on the case since he had a personal interest in the outcome. After striking down the measure, he retired from the bench and subsequently revealed that he was in a longstanding homosexual relationship. Secondly, the Judge violated his word and a direct [order](#) from a higher court. After allowing the closed proceedings to be taped contrary to usual practice, he showed the tapes to students in a college lecture which led to their widespread [viewing](#) on national television. The unprecedented recording of the trial proceedings led some witnesses to decline to testify because of fear of harassment by homosexual activists. Pundits expect the case to eventually be decided by the Supreme Court.

### **Values Amendments Included in National Defense Authorization**

As the Congress considers the 50<sup>th</sup> [reauthorization](#) of the National Defense Authorization Act (NDAA), conservative advocacy groups have urged lawmakers to include or retain several values [provisions](#). Items such as [detainee](#) provisions stalled the bill in the Senate temporarily. The bill is now in conference between the House and the Senate, and in the conference report there are several victories for conservatives. Although language reaffirming the Defense of Marriage Act was removed in the Senate version, a conscience protection provision for chaplains was added for the first time. As a result of the repeal of the "Don't Ask, Don't Tell" language in last year's NDAA reauthorization, a plethora of [issues](#) have arisen about the accommodations provided for chaplains whose doctrinal or religious beliefs preclude them from affirming the homosexual lifestyle. A clause in section 544 allows them to abstain from performing marriages between same-sex couples. Also, sections dealing with transportation and travel benefits were amended to ensure that benefits are not extended to these couples. Finally, article 125 concerning the Uniform Military Code of Justice (which deals with the illegality of sodomy and bestiality among other issues) has been retained in the final version. In recent years, lawmakers have used the must pass NDAA bill which contains crucial troop and military funding [provisions](#) (662 billion dollars) as a vehicle to advance measures that would not be accepted as stand-alone pieces of legislation.

### **Initiative Effort to Repeal SB 48**

Earlier this year, California Governor Jerry Brown signed SB 48 which requires schools to teach students about LGBT contributions in history and bans any portrayals that could be viewed negatively. Even the liberal leaning *LA Times* concluded that "real history is richer and more complicated than feel

good depictions.” Teachers have expressed frustration with the ever increasing state mandates to include lessons on a variety of subjects. These mandates lessen creativity and produce a bulky curriculum that is geared more to social engineering rather than to substantive content needed to produce college and career-ready students. Family advocacy groups led a petition drive to collect 504,760 signatures to place a referendum [repeal](#) measure on the ballot. Signature gatherers fell short by approximately 4,000 votes. Recently, the California Attorney General has approved an [initiative](#) application led by a coalition of pro-family groups. Although the initiative effort will require the same number of signatures as the previous effort, signature gatherers feel confident that the additional time will allow them to obtain the requisite number of signatures. The next petition [drive](#) will commence at the beginning of January 2012.

### **Supreme Court Declines NY Church Case**

The New York Board of Education will [continue](#) to prohibit churches from meeting in public school facilities since the Supreme Court [declined](#) to review the Bronx Household of Faith case. This week Alliance Defense Fund along with area [pastors](#) and their congregations held a rally urging the city to remove the ban. In an article, Alliance Defense Fund senior counsel Jordan Lawrence acknowledges that despite the high court’s disappointing [decision](#) there are several important considerations for other churches that meet in public buildings. To read the article [click here](#).

### **“Plan B” Rejected by HHS Director**

In an uncharacteristic policy [reversal](#), Health and Human Services Secretary Kathleen Sebelius blocked a Food and Drug Administration decision to allow [Plan B](#) (commonly referred to as the “morning after” pill) to be available to all consumers. During the Bush administration, the FDA decided that the pill would be available to those under 17 only with a prescription. Last week, Margaret Hamburg, FDA Commissioner, issued the following statement: “There is adequate and reasonable, well-supported and science-based evidence that Plan B One-Step is safe and effective and should be approved for nonprescription use for all females of child-bearing potential.” However, Secretary Sebelius [overruled](#) this decision stating that the data submitted did not “establish that Plan-B One Step should be made available over the counter for all girls of reproductive age.” After a general outcry by pro-abortion advocates, President Obama [defended](#) Secretary Sebelius’s decision in a news conference. Family Research Council’s Jeanne Monahan [said](#), “A decision to make Plan B available for girls under the age of 17 without a prescription would not have been in the interest of young women's health. Secretary Kathleen Sebelius was right to reject the FDA recommendation to make this potent drug available over the counter to young girls. In her own words, the research submitted to the FDA did not include data for all ages for which the drug would be used.”

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

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

[World Magazine Names “Daniel of the Year”](#)

[Secretary of State Promotes LGBT Agenda Abroad](#)

[“We Saved a Life Today”](#)

[Teacher Evaluation Plans in NCLB Waiver Applications](#)

[Macy’s Controversial Policy Makes Headlines](#)

