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A well-instructed people alone can be permanently a free people.

James Madison

Religious Liberty Victory: Supreme Court Issues Unanimous Decision in Religious Hiring Case

On January 11, the Supreme Court unanimously [overturned](#) a lower court ruling in the *Hosanna Tabor Evangelical Lutheran v. Equal Employment Opportunity Commission* [case](#). Chief Justice John Roberts, along with Justices Thomas, Alito, and Kagan, authored favorable [opinions](#) in the case. The case centered on the applicability of the “ministerial exception” (prohibition that precludes clergy from suing their employers) which has been recognized for over forty years by lower courts. In the *Hosanna* case, a Lutheran school teacher brought a lawsuit alleging that her dismissal violated her rights under the Americans with Disabilities Act. Since the teacher was a commissioned minister in the Lutheran Church, taught religious classes, and performed various duties in chapel, the school argued that she was covered by the “ministerial exception” and was therefore unable to bring suit. The American Association of Christian Schools had submitted an [amicus brief](#) in this case, arguing that the Free Exercise and Establishment Clauses of the First Amendment protected religious organizations from government interference in their daily operations which included employment practices. During the presentation of oral arguments, the Justices expressed disbelief at the Justice Department lawyer’s “extreme” position. The Justices rejected the Department’s assertion and stated that “requiring a church to accept or retain an unwanted minister, or punishing a church for failing to do so, intrudes upon more than a mere employment decision.” As pundits have rightly asserted, this case was one of the most [important](#) religious liberty cases in the past twenty years. To view the amicus brief submitted by AACCS [click here](#).

Race to the Top Winners Struggle with Implementation

Although states rushed to compete for a portion of the \$4.35 billion dollar Race to the Top [funding](#), the twelve winners (11 states and the District of Columbia) are all facing serious [challenges](#) as they seek to implement their reform proposals. This week, the Department of Education (DOE) released the Congressionally mandated annual report. The state by state [reports](#) highlight an array of legal challenges and administrative issues. Issues such as the following: [hiring](#) and vendor procurement, court challenges from teachers unions, staff changes, local resistance, and crafting palatable teacher evaluation systems based on student outcomes. Hawaii, New York, and [Florida](#) have been flagged as the states facing the biggest hurdles. In contrast, Maryland, Michigan and Ohio have made the most significant progress with implementation. Secretary of Education Arne Duncan issued a reprimand to [New York](#) education officials whose school system received \$700 million dollars in funding; NY Governor Andrew Cuomo has acknowledged that the goals of the state plan have not yet come to fruition. Education officials in the District of Columbia are dealing with implementing a grant proposal although none of the current officials helped develop the proposal. The DOE has threatened to withhold \$70 million dollars of funding if Hawaii continues to struggle with enacting several components of its plan. Key aspects of the promised reforms have been blocked by the courts in several states. Intra-state differences over interpretation have also slowed the process significantly. Despite these reports, the Administration has

continued to authorize new rounds of funding and push for the inclusion of Race to the Top in the Senate ESEA reauthorization proposal.

National School Choice Week

The second annual National School Choice Week will be held on January 22-28, 2012. The purpose of the week is to highlight the need for “effective education [options](#) for every child.” Events will be held across the country. To find additional information about this initiative [click here](#).

NYC Churches Fight for Equal Access

In the wake of the Supreme Court’s refusal to review a Fourth Circuit court ruling barring churches from meeting in public school facilities after hours, the Alliance Defense Fund has teamed up with local pastors, their congregations, and a New York City Councilman to oppose the discriminatory ruling. Although many other groups are allowed to use the school facilities, NYC education officials have barred the use of the facilities for religious purposes. Several pastors were arrested for trespassing at last week’s [protest](#) of the decision. The pastors hoped to highlight the inequity of the ruling. As religious liberty advocates predicted, the New York Housing Authority signaled that it too would begin to prohibit churches from conducting religious services at public housing project community centers. As the Alliance Defense Fund [blog](#) notes, “in the Bronx Household of Faith case, the appeals court did not give a comprehensive blank check to City officials to eradicate private religious worship services from every public forum in New York City.” This week, the Housing Authority caved to public pressure and offered the displaced churches long term agreements that will allow them to use community center facilities. A prayer rally was held on January 12 during Mayor Michael Bloomberg’s State of the City address. Alliance Defense Fund applauds this [victory](#) for equal access. To read additional information about the implications of this case [click here](#).

Texas Ultrasound Law Upheld

Pro-life advocates in Texas have won a crucial [victory](#) requiring doctors who perform abortions to disclose pertinent information to women seeking abortions. One member of the three judge panel opined that “the required disclosures of a sonogram, the fetal heartbeat, and their medical descriptions are the epitome of truthful, non-misleading information. The appellees failed to demonstrate constitutional flaws.” Although the patient can decline the information, the Fifth Circuit ruled that the information should be made available to them.

March for Life Update

The 39th annual March for Life rally will be held on January 23, 2012 in Washington, D.C. This nonprofit, nonpartisan event has been held to commemorate the unborn children whose lives have been ended since the *Roe v. Wade* decision in 1973. The march has grown from over 20,000 participants at its inception to over 200,000 participants. Virginia Attorney General Ken Cuccinelli will be the keynote speaker at this year’s banquet. For more information, [click here](#).

In Case You Missed It:

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

[The Fed Is Tracking Your Kid](#)

[Liberty Counsel Launches “Day of Purity” Initiative](#)

[Pro-Life Advocate to Step Up Legal Fight Against Abortion](#)

[Revised Autism Guidelines Cause Concern](#)



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