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The problem isn't that Johnny can't read. The problem isn't even that Johnny can't think. The problem is that Johnny doesn't know what thinking is; he confuses it with feeling.

Thomas Sowell

Supreme Court Considers the Healthcare Law

The eyes of the nation were on the Supreme Court this week as the Justices [heard](#) the oral arguments in the case against the Patient Protection and Affordable Care Act (Obamacare). The Court set aside an unprecedented amount of time to consider whether a challenge to the law was barred by the Anti-Injunction Act (AIA—an 1867 tax law), whether Congress has the authority to enact the individual mandate, and whether the individual mandate can be “severed” from the rest of the law (the “severability” issue). On the [first](#) day, lawyers on both sides of the cases argued that the AIA was not applicable in this case and that the lawsuit should be allowed to proceed. If the fines included in the law were deemed to be a tax, then no challenge could be brought until 2015. On the second day, the constitutionality of the [individual mandate](#) was brought into question. Legal experts opined that several statements by Justice Anthony Kennedy (the Court’s proverbial swing vote) seemed to indicate that he had serious concerns about the unlimited authority of the federal government that is set forth through the individual mandate. On the last day of arguments, the Justices [considered](#) whether the law would be able to stand if the individual mandate was severed from the document and if the expansion of Medicare presents an unfunded mandate on the states. In light of the inability of Solicitor General Donald Verrilli to adequately defend the government’s justification for the individual mandate, legal analysts seem cautiously optimistic that the individual mandate component and possibly the entire law will be ruled unconstitutional. The Supreme Court is expected to issue the final decision in late June.

Religious Freedom Rallies Against HHS Mandate

Over 143 [rallies](#) were held around the country in opposition to the unconstitutional Health and Human Services (HHS) “preventive services” mandate. On March 23, over 60,000 grassroots activists held “Stand Up for Religious Freedom” rallies to protest the infringement on religious liberty that has resulted from the healthcare law. At the main rally held at the HHS headquarters in Washington, D.C, speakers (Rev. Pat Mahoney, Star Parker, Lyla Rose, and Kristan Hawkins) spoke passionately about the HHS rules that require employers to include contraceptives, sterilization, and abortion-inducing drugs in employee health insurance plans or pay excessive fines. Five lawsuits have been filed on the behalf of [Catholic](#) universities, a Christian university, a Catholic broadcasting network and a private religious employer. The event’s [organizers](#) hope to build on the momentum of these rallies to build a coalition to oppose these unconstitutional rules.

Secretary Duncan Questioned by House Education Committee

On Wednesday, Secretary of Education Arne Duncan was the sole [witness](#) at a House Education and the Workforce Committee hearing. The hearing entitled "Reviewing the President's Fiscal Year 2013 Budget Proposal for the U.S. Department of Education" was held to ascertain whether the Secretary’s [rhetoric](#) matches reality. The Secretary was [questioned](#) about a number of proposals including a \$1.8 billion discretionary funding request for the controversial Race to the Top competitive grant program.

The budget allocates several billion dollars in funding for school construction and duplicative teacher programs. Republican lawmakers also questioned why programs, such as the DC Opportunity Scholarship program, with a proven track record of success were designated as “lower priority activities.” While the Secretary testified before appropriators that his goal was to “encourage reform and innovation,” several lawmakers contended that the proliferation of new spending programs, burdensome requirements, and conditional waivers force school officials to divert limited time and resources away from the classroom and towards compliance related issues.

Education Officials Caution Against District Level Waivers

On Monday, members of the Council of Chief State School Officers participated in a dialogue with Secretary of Education Arne Duncan. Several state education superintendents articulated serious concerns about the wisdom of extending “No Child Left Behind” waiver relief directly to districts, bypassing state authority. Last week, Michael Yudin, high ranking DOE aide, alluded to the Department’s plan to offer waiver relief directly to districts located in states that declined to apply for waivers. In a post-meeting interview, Pennsylvania Education Secretary Ron Tomalis stated that “to allow districts to go directly to the feds to get waivers...it would be difficult to see who is exactly responsible for accountability and reforms in their states.” Gene Wilhoit, CCSO executive director, stated that the group will not support [district](#) waivers unless state education officials are involved in the process.

Initiative to Repeal Controversial History Bill

Values groups have begun to collect signatures to overturn California’s controversial SB 48 legislation. The law stipulates that students must be taught “about the role and contribution of LGBT individuals historically with particular emphasis on portraying the role of these groups in contemporary society.” Teachers are required to include favorable LGBT lessons and supplemental materials in their lesson plans for all K-12 students. Opponents of the law contend that the legislation will have a detrimental effect on textbook offerings throughout the country and undermines the parental role in discussing sensitive topics with their children. The CLASS Act effort seeks to repeal SB 48 and replace it with a measure that focuses on an accurate account of history. The [initiative](#) will be placed on the 2014 ballot if signature gatherers collect 700,000 valid signatures by July 11, 2012.

In Case You Missed It:

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

[New York’s Food Police](#)

[Ethicists Argue for the Right to Kill Newborns](#)

[State Online Gambling Bills Headed to the Graveyard](#)

[Trust Us, We’re Not Nationalizing Curriculum](#)