



**The Washington Flyer**  
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*“The patriot who feels himself in the service of God, who acknowledges Him in all his ways, has the promise of Almighty direction, and will find His Word in his greatest darkness, ‘a lantern to his feet and a lamp unto his paths.’ He will therefore seek to establish for his country in the eyes of the world, such a character as shall make her not unworthy of the name of a Christian nation...”*

Francis Scott Key, 1812

**2010 Election Is Indeed Historic**

The day after the elections, Chuck Donovan from the Heritage Foundation [observed](#), “The freshman class of congressional Members elected yesterday is the most socially conservative since at least the 1980 class elected on Ronald Reagan’s coattails.” Indeed, the election this week is being touted as one of the most significant elections in over a hundred years. With the Republican Party [taking over leadership](#) in the House and gaining significant numbers in the Senate, the election was in part a referendum on the President’s policies and the actions of Congress in carrying out his agenda. While several races around the country have yet to be called, the President has admitted his party took a “[shellacking](#)” but believes the large turnout was not based on dislike of his policies but rather the state of the economy. He stated, “I think it’s important to point out as well that a couple of great communicators, Ronald Reagan and Bill Clinton, were standing at this podium two years into their presidency getting very similar questions because the economy wasn’t working the way it needed to be and there were a whole range of factors that made people concerned that maybe the party in power wasn’t listening to them.”

Overall, Republicans will welcome 83+ new Republican freshmen in the House this January, with nearly 60 of those seats being picked up from the Democratic Party. With a 30+ seat safety net, the Republican gains in this election are the largest since 1939. Speaker of the House-to-be, John Boehner, humbled and yet [energized](#) by the election results stated, “The people’s priorities will be our priorities. The people’s agenda will be our agenda. This is our Pledge to America. . . . We hope you will stand with us in the hard work that lies ahead. Because we are humbled by your trust in us. And we recognize that with this trust comes the responsibility to listen, and listen we will.”

With Alaska and Washington still being decided in the Senate, Republicans gained 6 seats, picking up key wins in Pennsylvania, Florida, and Wisconsin. However, Democrats maintained their majority with wins in Delaware, West Virginia, and California. Senator majority leader, Harry Reid also faced his fierce challenge but maintained his seat.

The Republican wave not only affected national politics but also greatly [influenced the states](#). Republicans gained [680](#) state legislative seats, the largest number of seats ever gained by a party. Republicans also gained control in 55 out of 98 state legislative chambers, the highest number since 1946. And in 26 states, Republicans now control both the state assembly and the state senate. Republicans also won 16 of 30 races for Attorney General, giving them control of a total of 23 offices.

Major victories were also won regarding social issues that were included on the ballot. In all states with a ballot initiative to legalize gambling or marijuana, those initiatives failed. Oklahoma passed a ballot initiative to prohibit state judges from using or consulting with international law or Sharia law when deciding cases. Perhaps the [greatest social conservative victory](#) was the ousting of three Iowan judges who voted in 2009 to legalize same-sex marriage. A campaign was waged against the three judges that a majority of Iowan's felt legislated from the bench in their decision to legalize same-sex marriage. All three judges were denied their retention on the ballot.

### **U.S. Supreme Court Hears Arguments in Arizona School Choice Case**

This week, the U.S. Supreme Court heard [oral arguments](#) in the case *Arizona Christian School Tuition Organization v. Winn*. The arguments focused on the case's standing and on accusations that the Arizona tax-credit program violates the Establishment Clause of the First Amendment. While the Alliance Defense Fund and the Institute for Justice have worked fervently on this case, the U.S. Solicitor General as well as Arizona's Attorney General also [addressed the Court](#) in support of the program.

In an email sent by ADF to supporters of the program, Alan Sears, Esq., President, CEO, and General Counsel for ADF stated, "The rights of parents to choose how to educate their children, including deciding what form of schooling is best for them, is a basic and inalienable right. And yet, as you know, Americans today are in the midst of a fierce legal battle to defend that crucial liberty." He further expressed, "While this particular case stems from an Arizona program, several other states have—or are considering creating—similar programs. If the Supreme Court holds that the Arizona tax credit violates the Establishment Clause, existing programs in other states would be in jeopardy, and other states would be deterred from adopting similar programs."

Just last week, the [Pew Research Center](#) released a report titled "[In the Courts: Voucher Battle Redux](#)" which summarized the school choice case and its effects on the nation at-large. ADF Senior Counsel David Cortman also expressed the importance of this case for school choice nationwide: "Parents should be able to choose what's best for their own children. A ruling against this constitutionally sound program could eliminate school choice not just for Arizonans, but for hundreds of thousands of students nationwide—a fact that makes this case extremely important to the millions of Americans who support school choice. . . . Parents should decide what schools their children attend and where their money goes. Just because religious schools can join the program on the same basis as non-religious ones doesn't make it unconstitutional."

The American Association of Christian schools was pleased to [sign on to an amicus brief](#), submitted by Liberty Counsel, which focuses on the true purpose of the Establishment Clause and seeks to clarify the standards by which the Establishment Clause should be used to determine the constitutionality of a case.

### **Education Secretary Sends Bullying Letter to Schools**

In an effort to combat the bullying issue facing students today, the Department of Education sent a letter to schools, colleges and universities around the nation, [warning](#) them that a failure to stop bullying based on ethnicity or sexuality could be a violation of federal anti-discrimination laws. The [10-page letter](#) sent by the Department is to "clarify the relationship between bullying and discriminatory harassment, and to remind schools that by limiting their responses to a specific application of an anti-bullying or other disciplinary policy, they may fail to properly consider whether the student misconduct also results in discrimination in violation of students' federal civil rights."

According to the Department, [schools have the obligation](#) to create safe environments for their students, and failure to address bullying and harassment properly according to federal civil rights laws could lead to "inadequate or inappropriate responses that fail to remedy violations of students' civil rights." The letter states, "If harassment has occurred, a school must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment, and prevent its recurrence. These duties are a school's responsibility even if the misconduct also is covered by an anti-bullying policy and regardless of whether the

student makes a complaint, asks the school to take action, or identifies the harassment as a form of discrimination.”

While the letter notes that Title IX of the Education Amendments of 1972 “does not prohibit discrimination based solely on sexual orientation, Title IX does protect all students, including lesbian, gay, bisexual, and transgender (LGBT) students, from sex discrimination.” The letter further argues, “When students are subjected to harassment on the basis of their LGBT status, they may also, as this example illustrates, be subjected to forms of sex discrimination prohibited under Title IX. The fact that the harassment includes anti-LGBT comments or is partly based on the target’s actual or perceived sexual orientation does not relieve a school of its obligation under Title IX to investigate and remedy overlapping sexual harassment or gender-based harassment.”

**In Case You Missed It:**

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

[Abortion Loophole Found in HealthCare Law](#)

[Faith and Freedom Coalition National Survey: Christian Voters](#)



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