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*It yet remains a problem to be solved in human affairs whether any free government can be permanent where the public worship of God, and the support of religion, constitute no part of the policy or duty of the state in any assignable shape.*

*Supreme Court Justice Joseph Story*

**AACS Stands for Religious Liberty of Houston Pastors**

American Association of Christian Schools President Keith Wiebe [issued](#) a press release earlier this week regarding the recent actions threatening the religious liberty of pastors in Houston. After subpoenas were issued to a group of pastors requiring them to turn over any sermons and communications regarding homosexuality, gender identity, and Houston Mayor Annise Parker, Dr. Wiebe called the move a “clear violation of free speech and religious liberty that is protected by our First Amendment.” In his press release, Dr. Wiebe stated, “The freedom to preach according to a specific faith and to connect that teaching to public policy discussions is foundational to the freedoms we hold dear in our country. For the government to issue subpoenas requiring churches to provide this information has a chilling effect on what is preached from pulpits and is extremely concerning to the future of all freedom in this country. The move is so bold, one has to wonder if this is exactly what was intended.” The AACCS joins a large group of organizations and national leaders speaking out against the actions of Houston’s mayor and city attorney, including even some [liberal groups](#) like the ACLU that stated that the “government must use special care when intruding into matters of faith.” After doubling down on the legitimacy of the subpoenas earlier this week, Houston’s mayor now indicates that the scope of the requested information will be narrowed. Clearly in damage control mode, City Attorney David Feldman has [said](#), “When I looked at it I felt it was overly broad, I would not have worded it that way myself. It’s unfortunate that it has been construed as some effort to infringe upon religious liberty.” Texas Attorney General Greg Abbott has asked the Houston City Attorney to immediately withdraw the subpoenas sent last month to several Houston area pastors seeking sermons, notes and other information. In his letter to the city attorney, he said, “Whether you intend it to be so or not, your action is a direct assault on the religious liberty guaranteed by the First Amendment. The people of Houston and their religious leaders must be absolutely secure in the knowledge that their religious affairs are beyond the reach of the government.” Leaders of faith-based organizations are sponsoring “[I Stand Sunday](#),” a special evening service on November 2 to show support for the religious liberty of the Houston pastors. The event will be webcasted, and sponsors are inviting Christians and churches to join as they can.

**Ministers Declining to Perform Same-Sex Marriages Face Jail Time**

Donald and Evelyn Knapp, both ordained ministers in Coeur d’Alene, Idaho, have been told by their city government that they must officiate a same-sex marriage or [face jail time](#) and substantial fines. The Knapps opened the Hitching Post Wedding Chapel in 1989 as a ministry to help couples getting married. They charge a fee for the ceremonies they perform, and include references to God and counsel from the Bible during the ceremonies. Last Friday, the Knapps declined to perform the wedding ceremony of a same-sex couple because of their religious convictions that God ordained marriage to be between a man and a woman. The city officials

told the Knapps that refusing to officiate the wedding puts them in violation of the city's non-discrimination ordinance. They now face consequences of a 180-day jail term and \$1000 fine per day they refuse to perform the ceremony. The [Alliance Defending Freedom](#) (ADF) has filed a federal lawsuit and temporary restraining order on behalf of the Knapps, arguing that the city's action "violates [the Knapps'] First and 14th Amendment rights to freedom of speech, the free exercise of religion, substantive due process, and equal protection." In response to the lawsuit, the Coeur d'Alene city attorney wrote a letter to ADF [claiming](#) the Knapps are operating a non-profit religious organization and this would make them exempt from the city's non-discrimination statute. However, the ADF explains that the Hitching Post is indeed a for-profit business because the Knapps charge a fee for their services. Furthermore, the Knapps were warned earlier this year by city officials that they likely would be in violation of the city ordinance if the state's marriage amendment were struck down and they then refused to perform a same-sex wedding. Therefore, since the 9th Circuit Court's recent decision they are subject to prosecution. While there have been several [cases](#) of religious business owners facing consequences for living out their faith and not supporting gay marriage, this is the first known case of ministers facing charges for refusing to perform a same-sex wedding. ADF Senior Legal Counsel Jeremy Tedesco pointed out, "Many have denied that pastors would ever be forced to perform ceremonies that are completely at odds with their faith, but that's what is happening here—and it's happened this quickly." He continued, "The government exists to protect and respect our freedoms, not attack them. The city cannot erase these fundamental freedoms and replace them with government coercion and intolerance."

### **Federal Judge Upholds Marriage Law**

United States District Judge Juan Pérez-Giménez [ruled](#) on Tuesday that the Puerto Rico law that defines marriage as between a man and a woman is indeed constitutional and would stand. He also concluded that the 2013 Supreme Court *Windsor* decision does not require a redefinition of marriage. In the last year, several circuit court judges have used the *Windsor* decision as a basis to overturn marriage laws and amendments in eleven states, bringing the total number of states where gay marriage is legal to thirty. In his decision, Judge Pérez-Giménez explains, "The *Windsor* opinion did not create a fundamental right to same-gender marriage nor did it establish that state opposite-gender marriage regulations are amenable to federal constitutional challenges. If anything, *Windsor* stands for the opposite proposition: it reaffirms the State's authority over marriage." Regarding recent judicial decisions in favor of same-sex marriage, he states, "It takes inexplicable contortions of the mind or perhaps even willful ignorance—this Court does not venture an answer here—to interpret *Windsor's* endorsement of the state control of marriage as eliminating the state control of marriage." This is now the second decision in federal courts affirming a state's legal right to establish marriage policy free from federal intrusion. These two cases may set the stage for challenges that will require the Supreme Court to take up the issue at a future date.

### **Early Education Popular Issue on State Level**

Funding for early education is proving to be a popular issue for the state level elections in November and seems to enjoy bipartisan support. Proponents of an expanded government role in early education claim that more funding will bring more opportunities for young children and will in turn improve their chances for success and avoiding trouble later in life. However, many conservatives [question](#) the validity of the studies that are used to support the call for more funding. The debate over government involvement is sure to continue as the Department of Education is [sponsoring](#) the Preschool Development Block Grant competition in an effort to incentivize states to expand their publicly funded preschool programs.

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

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

[Voter Score Card – Family Research Council](#)

[President Obama Changes Position on Marriage, Again](#)

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