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". . . to the supreme head of the universe—to that great and tremendous Jehovah—Who created the universal frame of nature, worlds, and systems in number infinite . . . To this awfully sublime Being do I resign my spirit with unlimited confidence of His mercy and protection."
Henry Knox, first United States Secretary of War

AACS Submits Amicus Brief in Supreme Court Case

The American Association of Christian Schools submitted an amicus brief to the U.S. Supreme Court for the case *Trinity Lutheran Church v. Pauley*, the outcome of which could have a strong bearing on religious liberty and school choice across the country. The case involves a faith-based school in Missouri that was denied a grant to upgrade its playground simply because of the religious nature of the school. For their decision, Missouri state officials cited the Blaine Amendment, an outdated law from the 1800s that is often used to block public funds from supporting any faith-based school or choice programs. The learning center sued the state of Missouri in 2013, charging that the state's decision violated its First Amendment rights by denying the grant solely based on the religious nature of the school. A district court and then the Eighth Circuit Court both ruled against the school, citing precedence for keeping public funds from supporting religious purposes. The AACS amicus brief points out that the decision from the Eighth Circuit "improperly misconstrued this Court's jurisprudence interpreting the Free Exercise and Equal Protection Clauses." The brief offers a thorough explanation of how the Eighth Circuit decision effectively allows the state to discriminate against religious organizations, including churches and schools, based solely on their religious nature and how this type of discrimination will have far-reaching effects on a variety of "critical public services that are otherwise generally available. And it is not too hard to imagine a world in which the government could deny religious institutions access to many other generally available services simply because of the religious character of those institutions." Regarding the specifics of the case, the AACS points out that "it is difficult to conceive in these circumstances how a reasonably objective observer could believe that the Department was endorsing religion or otherwise advancing religious practice by providing a grant so that children could play safely on a church playground." The AACS further emphasizes that "it is imperative for this Court to correct the decision . . . so as to avoid future infringements on religious liberty by the government without requiring a showing of a compelling governmental interest and narrow tailoring. . . . AACS believes this Court should confirm that religion as a whole, not just membership in a particular religion, is a suspect classification warranting strict scrutiny under the Equal Protection Clause." The Supreme Court is expected to hear oral arguments for the case this spring, and both school choice and religious liberty supporters are hopeful for a ruling that would protect the religious nature of schools while also opening doors for more education options for parents through a constitutional clarification on the use of education funds.

Administration Admits It Could Have Respected Religious Freedom

Last week, the Obama administration was forced to admit in a brief that it could have avoided upending the health plans of religious employers by allowing insurers to issue separate contraceptive and abortion-inducing drug coverage to those who want it. The brief, filed at the Supreme Court under the ongoing Little Sisters of the Poor case, could severely weaken the government's defense of the mandate. As it stands now, under the

mandate the Little Sisters and others could have heavy fines levied against them if they do not include various forms of contraceptives in their health plans. Even under the so-called accommodation in the mandate, the forced collaboration still violates the Little Sisters' faith and violates the federal Religious Freedom Restoration Act (RFRA), not to mention the First Amendment. Last month, the Supreme Court heard oral arguments for the Little Sisters of the Poor case but was unsatisfied with the arguments given by both sides. As a result, following the arguments the Supreme Court asked both the plaintiff and the defendant whether there were any possible alternatives to the current mandate that would provide contraception coverage to employees "in a way that does not require any involvement" by religious organizations. The government answered yes, effectively admitting to a RFRA violation because the law clearly states that the government must use the least restrictive means on religious organizations to achieve its interests.

Senator Lankford Secures Religious Freedom Language

Earlier this month the Department of Homeland Security (DHS) responded to a request by Senator James Lankford (R-OK) by changing its nationalization documentation language from "freedom of worship" to "freedom of religion" in order to reflect accurately the freedoms protected by the First Amendment. Last year Senator Lankford, along with many conservative organizations including AACS, sent letters to the Department urging it to make this change after noting that the naturalization test listed "freedom of worship" as a right granted to citizens rather than "freedom of religion." The DHS has announced the changes will be made to internal and external publications, including test study materials. "I applaud the Department of Homeland Security for listening to me and deciding to change their material to reflect our First Amendment right of freedom of religion," said Lankford. "At first glance, it appears like a small matter, but it is actually an important distinction for the Constitution and the First Amendment. The 'freedom of religion' language reflects our right to live a life of faith at all times, while the 'freedom of worship' reflects a right simply confined to a particular space and location. We live in a great nation that allows individuals to live out their faith, or have no faith at all. To protect freedom and diversity, we must carefully articulate this right throughout the federal government."

In Case You Missed It:

Weekly Market Update provided by Jeff Beach of the AACS Investment Team at Merrill Lynch

Big Business Called Out for Hypocrisy in North Carolina

MI State Senate Considers Bill to Abandon Common Core

Congressional Investigative Panel Exposes Dollar Value Placed on Fetal Body Parts

DC Mayor Breaks With Obama to Support GOP-Backed School Choice Bill

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