

The Washington Flyer July 6, 2018

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." United States Declaration of Independence

President Trump Considers Potential Nominees for Supreme Court Vacancy

The White House has reported that President Trump has been interviewing several potential candidates this week for Justice Kennedy's position on the Supreme Court, and will announce his nomination on Monday, July 9. President Trump has indicated that his nominee will be selected from a short list released by the White House. Justice Kennedy has long been known as the moderate swing vote on the Court, often casting the deciding vote in significant cases such as the 2015 Obergefell decision which legalized same-sex marriage. A conservative appointment to this position would give the High Court a solid conservative majority, a significant factor in the current climate where many cases involving religious liberty and pro-life issues are coming before the courts. One source has claimed that the top two contenders are Amy Coney Barrett and Brett Kavanaugh, both of whom currently serve as federally appointed judges on appeals courts. However, several evangelical and conservative leaders are urging the President to nominate Barrett, believing her to be the best prospect as a strong constitutionalist with an ethical and moral compass. Barrett was confirmed to the U.S. 7th Circuit Court of Appeals after a contentious confirmation hearing in which Sen. Diane Feinstein criticized Barrett for her strong faith, stating, "The dogma lives loudly within you and that's of concern." A mother of seven, Barrett was a law professor at her alma mater Notre Dame before becoming an appeals court judge, and she also served as a law clerk for Justice Scalia. Public statements and opinions authored by Barrett show her to have a firm commitment to the preservation of life and religious liberty. Brett Kavanaugh spent a year as a law clerk for Justice Kennedy and served on the staff of President George W. Bush before his appointment as a judge for the D.C. Court of Appeals. While he leans conservative, certain opinions he has authored have raised concerns regarding how he might rule in life and religious liberty cases. Phillip Jauregui, president of the Judicial Action Network, wrote a comparison of Barrett and Kavanaugh, focusing on their professional qualifications and their view on the life and religious liberty issues. His conclusion: "Given both of their records and what we know of their judicial philosophies, it is fair to surmise that a Justice Kavanaugh would be a moderate constitutionalist somewhere between Justice Kennedy and Chief Justice Roberts, and that a Justice Barrett would be a strong constitutionalist somewhere between Justice Thomas and Justice Alito." Regardless of who the nominee is, leaders on both sides of the aisle are predicting a contentious confirmation process.

Washington Supreme Court to Reconsider Christian Florist's Case

After ruling 7-2 in favor of Jack Phillips in the Masterpiece Cakeshop case, the U.S. Supreme Court has instructed the Washington Supreme Court to <u>reconsider</u> its ruling against Christian florist Barronelle Stutzman. Barronelle, who has served the entire community of Richland, Washington, for many years, was first sued in 2013 after refusing to make a floral arrangement for her friend Robert Ingersoll's gay marriage ceremony.

Although Mr. Ingersoll did not initiate a case against Barronelle, state Attorney General Bob Ferguson sued her both in her business and personal capacity. The case went to the Washington Supreme Court, which ruled against Barronelle. However, in light of the Masterpiece decision, the Supreme Court vacated the Washington court's decision and sent it back to the lower court for review. Although Barronelle was given the option to settle by paying a \$2,001 fine and giving up her freedoms, she has stated to Attorney General Ferguson, "I certainly don't relish the idea of losing my business, my home and everything else that your lawsuit threatens to take from my family, but my freedom to honor God in doing what I do best is more important." It is uncertain whether the Washington court will honor Barronelle's right to live out her faith through her business and reverse their decision.

School Safety Update

In recent weeks, the Federal Commission on School Safety has conducted two meetings as part of their efforts to compile best strategies to aid schools across the country in strengthening security and safety measures. On June 21, the Commission met at the White House to hear from <u>three panels of experts</u> on how student behavior and school safety could be affected by social media, violence in entertainment, and press coverage of mass shootings. On June 26, a <u>listening session</u> was held in Lexington, Kentucky, to give members of the public the opportunity to offer suggestions on how to increase the safety of schools. The Commission has invited anyone who would like to offer solutions and suggestions to email them to <u>safety@ed.gov</u>.

AACS Youth Legislative Training Conference

The AACS is looking forward to hosting the annual AACS Youth Legislative Training Conference next week in Washington, D.C. This week-long conference offers students from AACS member schools the opportunity to participate in a mock senate, attend a Congressional briefing, meet with Congressmen, tour historical sites, and hear from like-minded conservative leaders. Please join us in praying for a profitable week with the students.

*There will be no Washington Flyer next week so that staff may devote their time to the YLTC conference. The Flyer will resume on July 20. Please be in prayer for the staff, chaperones, and student attendees at the conference. We pray God works in their hearts and minds so that they will diligently seek Him and His will regarding their future role and how they may serve Him through service to their country.

In Case You Missed It:

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

SCOTUS Cake Shop Ruling Bodes Well for Religious School Choice

Why the Masterpiece Ruling is Truly a Major Win for Religious Liberty

Amy Coney Barrett Proves It: Freedom Is Weird