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“Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men.”
John Adams

Two New Lawsuits Seek to Stop Discrimination Against Religion and Expand School Choice

School choice advocates are hopeful that [two court cases](#) which have recently been filed will end the discrimination against religious schools and open the doors for the creation of more scholarship programs in states where Blaine amendments keep choice from expanding. The two cases, filed by the Institute for Justice, both pertain to equality in religious education and present a clear legal question of whether or not Blaine amendments are constitutional. Blaine amendments date back to the mid-1800s when public schools were heavily influenced by Protestant teaching and Catholics wanted to establish their own schools. In an effort to keep public funds from going to Catholic schools, U.S. Congressman James G. Blaine proposed a constitutional amendment to prohibit public funds from supporting religious schools. While the amendment failed to pass on the federal level, several states passed their own Blaine amendments to ensure public funds did not support Catholic schools. The Institute for Justice reports that roughly two thirds of the states have Blaine amendments in their state constitutions, which opponents of school choice use as the reason school choice programs should not be established. However, school choice supporters charge that these Blaine amendments violate the free exercise of religious as protected under the First Amendment in the U.S. Constitution. The first case has been [filed in Maine](#), which has several rural communities that are too small to operate their own public schools so the towns pay the families tuition money to send their children to the school of their choice. However, since 1980 the families have been prohibited from using the funds for religious schools. The Institute for Justice has filed a lawsuit on behalf of three of these families, charging that this rule is discriminatory against religious schools. The [second case](#) is in Washington state and involves a work-study program in which religious employers are not permitted to participate. In this program, students can do student teaching or other work training in public schools, but not religious schools. The Institute for Justice filed on behalf of Summit Christian Academy in Spokane, WA, charging this exclusion amounts to religious discrimination. The Supreme Court recently decided a case concerning religious discrimination in *Trinity Lutheran Church v. Comer*, but that decision was narrow and did not address the animus of Blaine amendments. The Institute for Justice has been careful to present the legal question in a clear fashion in both the Maine and Washington cases, so the Blaine issue specifically can be addressed should one or both of these cases end up before the Supreme Court.

New Poll Shows Public Support Rising for Universal Vouchers

Education Next has [released the results](#) from its annual poll regarding public opinion on current educational issues such as school choice, common core, teacher salaries, affirmative action, and even immigration. The results show that overall support for school choice for “all” families is on the rise, with 54% supporting in 2018,

up from 45% in 2017. Disapproval for universal choice fell from 37% in 2017 to 31% this year. Interestingly, support for school choice increased among both Republicans and Democrats: Republican support rose from 54% (2017) to 64% (2018), and Democrat support also rose from 40% (2017) to 47% (2018). Tax credit programs received the highest level of support with 57% of those polled supporting the idea. (However, it should be noted, that education savings accounts were not included on the questionnaire.) The poll also examined public opinion of the Common Core and found that 61% support the idea of holding all students to the same standards for math and reading. However, when the term *common core* was used in the question, the support dropped by 16 percentage points. The authors of the report conclude that this is evidence that people may not be as strongly opposed to the policy of a national standard as they are specifically to the Common Core.

Senate Fails to Pass Amendment to Defund Planned Parenthood

Last week, the Senate [voted down](#) an amendment to the Defense, Labor, Health and Human Services, and Education appropriations package that would prevent taxpayer dollars from funding abortion providers such as Planned Parenthood. The amendment, introduced by Senator Rand Paul (KY), contained the same language that the House Appropriations Committee passed in the House version of the bill in July. Several pro-life bills have [passed](#) in the House of Representatives only to die in the Senate, including a 20-week abortion ban and a repeal of Obamacare's Planned Parenthood funding. This latest attempt to pass a pro-life measure was defeated by a 48–45 vote, with pro-choice Republican Senators Lisa Murkowski (AK) and Susan Collins (ME) voting against the amendment. The Senate leadership surprisingly allowed the vote, after initially [indicating](#) that they would not attach a “poison pill,” or controversial amendments, to the appropriations bill, meaning that many pro-life measures that were passed in the House appropriations bill will be left out of the Senate version. The inability of the Republican-controlled Congress to pass meaningful pro-life bills frustrates many conservatives who agree with Sen. Paul's [statement](#) that “this is our chance to turn our words into action, stand up for the sanctity of life, and speak out for the most innocent among us that have no voice.”

In Case You Missed It:

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

[School Choice Benefits Teachers Too](#)

[Harvard Law Journal Concludes: The Preborn Child is a Constitutional Person](#)

[Courageous Judge Writes "Roe v. Wade Has No Basis in the Constitution"](#)

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