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*“Liberty may be endangered by the abuse of liberty, but also by the abuse of power.”  
James Madison*

### **AACS Submits Public Comments Regarding New IRS Guideline**

This week, the AACCS submitted public comments regarding a proposed regulation issued by the IRS that has the potential to hinder the efforts of charities that provide needful and helpful services to families and communities. Specifically, the AACCS is concerned about the effects the rule will have on scholarship granting organizations (SGOs) that provide educational opportunities for students nationwide through tax credit scholarship programs. The [proposed rule](#), titled “Contributions in Exchange for State or Local Tax Credits,” is intended to address a change in tax law that limits state and local taxes (SALT) deductions to \$10,000 (before the Tax Cuts and Jobs Act, these SALT deductions were unlimited). In response to the limitations in the new law, some high-tax states (NY, NJ, and CT) [created “workarounds”](#) that allowed residents to count some of their state and local taxes as charitable contributions to the government. In so doing, these states ensured that their residents retained a tax benefit from the federal government without having to reexamine their high state taxes. To prevent these state workarounds, the IRS proposed a rule to limit the charitable deduction. Unfortunately, limiting the charitable deduction could [reduce](#) the amount of funding that charities, such as SGOs, currently receive because taxpayers who itemize their taxes might be disinclined to donate to charitable organizations if their charitable deduction is reduced. [School choice groups](#) have expressed concern that the proposed rule will have the unintended consequence of removing incentives to give to charitable organizations such as SGOs and thus limit the educational options available for parents. The public comments submitted by AACCS pointed out that the “current proposed rule is overreaching and will have the unintended negative consequences of hindering the expansion of educational freedom and diversity which is a foundational hallmark to our nation’s heritage and future success.” The AACCS explained that that SGOs were operating in 18 states prior to the passage of the Tax Cuts and Jobs Act, and, therefore, they were not created as an effort to bypass the new federal law. The comments further explained that SGOs are privately funded by contributions from individuals and corporations; thus, they are not an arm of the state government. The AACCS concluded the comments by urging the IRS “to reconsider its proposed rule and provide a solution that is neutral to state tax incentives for legitimate charitable organizations like SGOs that have existed for decades to give students a chance at a better education.” Interestingly, those [opposed to school choice](#) also recognize the detriment this rule poses to school choice, and they are praising the IRS for limiting charitable deductions and urging their members to do the same.

### **Supreme Court Justice Kavanaugh on Religious Liberty and Education**

After a contentious confirmation battle, Justice Brett Kavanaugh was sworn in to serve on the Supreme Court in a special ceremony held at the White House on Monday evening. The final vote to confirm Justice Kavanaugh was 50-48, with one Democrat Senator Joe Manchin (WV) joining Republicans to support the nominee, and one Republican Senator Lisa Murkowski (AK) crossing the aisle to oppose. Since his nomination in July, Senators

have had the opportunity to review 307 judicial opinions written by Kavanaugh while serving as a judge, over 500,000 pages of documents, and written answers to over 1,200 questions submitted by Senators. His extensive record shows that he [recognizes](#) the importance of religious freedom as protected by the Constitution. In a 2010 case, Kavanaugh ruled against a challenge to the incorporation of prayer at presidential inaugurations and the inclusion of the phrase “so help me God” in the oath of office. In 2015, he offered a dissent to the decision by the D.C. Circuit Court to reject a claim (from Priests for Life) that the HHS mandate violated religious liberty. In the area of education, Kavanaugh served as the co-chairman of the Federalist Society’s School Choice Practice Group and has made various statements which [show his belief](#) that religious schools should be able to participate in voucher programs. One analyst even [speculated](#) that his appointment could signal the end to Blaine amendments that hinder school choice expansion in several states.

### **Growing Trend to Make Contraception Available to Teens without Parental Consent**

A [growing trend](#) that might concern Christian parents is the increasing ease in which teenagers can access birth control without first obtaining their parents’ consent. Twenty-six states and the District of Columbia currently [allow minors to consent](#) to contraceptive services without their parents’ knowledge. Parental consent in the area of their children’s sexual health has been steadily deteriorating since the mid-1970s, when the Supreme Court found in *Carey v. Population Services International* that minors have a right to privacy that extends to contraception. A federal district court case in 1983, *Planned Parenthood Association v. Matheson*, further found that laws requiring parental consent for contraception were unconstitutional. In addition, Title X programs and Medicaid require privacy protections for teenagers that can leave parents in the dark. With this legal and legislative foundation, most states allow teenagers to buy contraception without requiring parental consent. Many pro-choice and [civil rights groups](#) actively encourage teenagers who have poor relationships with their parents or who have highly religious or strict parents to seek out contraception secretly through a school counselor, health clinic, or even a mail order birth control company. For [many Christians](#), this development shows a dangerous limitation of parents’ rights to make informed decisions about their children’s health, to the detriment of the whole family.

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

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

[Restoring Religious Liberty by Restoring the Original Meaning of the Establishment Clause](#)

[Study: Common Core Obstructs School Choice](#)

[Study Shows Many Benefits to School Choice](#)

[New GAO Report Breaks Down Data of Tax Credit Scholarship Programs](#)

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