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“We may reverently invoke and confidently extend the favor and help of Almighty God—that He will give to me wisdom, strength, fidelity, and to our people a spirit of fraternity and a love of righteousness and peace.”

President Benjamin Harrison

AACS Joins Amicus Brief in SCOTUS School Choice Case

The AACS has joined as co-amici on a brief in support of [three Montana families](#) who were denied access to the state’s tax credit scholarship program simply because they chose religious schools for their children. Montana passed a tax credit scholarship program in 2015, but the Montana Department of Revenue determined that allowing any of the scholarship funds to go toward religious schooling would violate the state’s Blaine Amendment. [Blaine Amendments](#), which exist in 37 states, were created in the mid-1800s to prohibit government funding of Catholic schools, but they are often used today to defeat school choice programs. After three families sued the state, the Montana Supreme Court ruled that the whole tax credit program was unconstitutional. The U.S. Supreme Court has agreed to take up the case, with oral arguments likely taking place sometime this winter. The Institute for Justice, representing the three Montana families, [points out](#) that “the Montana Supreme Court’s decision violated the Federal Free Exercise Clause, Establishment Clause, and Equal Protection Clause by discriminating against religious schools and the religious families who attend them.” The AACS joined several other faith-based institutions, including educational and non-profit organizations, in an amicus brief that addresses the question of whether it was a violation of “the First Amendment’s Free Exercise Clause to invalidate a generally available and religiously neutral student-aid program simply because the program affords students the choice of attending religious schools and on the basis of a state-law provision that singles out religious schools for adverse treatment.” The brief references the U.S. Supreme Court 2017 decision in [Trinity Lutheran v. Comer](#) in which the Supreme Court ruled that denying a religious group participation in a generally available public program violates the First Amendment of the Constitution. Based on the *Trinity Lutheran* precedent, the brief argues that “to bar religious schools from an education-benefits program is to bar them because they teach religion as well: that is, to bar them because of their religious status or identity.” Furthermore, the amicus brief argues that, since the religious teaching in a religious school permeates the curriculum and operations, the exclusion of religious schools simply because they are religious further violates the Free Exercise Clause. Consequently, the Blaine Amendment in the state creates constitutional problems as it is the basis for the exclusion of religious schools. The Institute for Justice, along with the AACS and other school choice supporters, is hopeful that a positive ruling by the Supreme Court will invalidate the Blaine Amendment in Montana and other states which still have these provisions, thus opening the door for school choice opportunities in the states which currently have no choice programs.

Brush and Nib Studio Wins at Arizona Supreme Court

On September 16, the Arizona Supreme Court [handed a victory to Brush and Nib Studio](#), a business owned by two artists who could not endorse a message promoting homosexual marriage through their custom wedding invitations. Since 2015, artists Breanna Koski and Joanna Duka have collaborated to design and sell custom invitations and artwork for special events and home decoration. But as devout Christians, Koski and Duka could not follow the city of Phoenix's nondiscrimination law that required them to produce custom work endorsing homosexual marriage or face steep fines and even jail time. They [filed a lawsuit](#) in 2016 to defend their free speech rights, and in a 5-4 decision last week, the Arizona Supreme Court agreed with the artists. [The court ruled](#) that the Phoenix ordinance "unconstitutionally compels speech in violation of the Arizona Constitutions' free speech clause" and "substantially burdens Plaintiffs' free exercise of religion." Similar to arguments in *Masterpiece Cakeshop*, Koski and Duka assert that while they happily serve all customers, they cannot produce messages that contradict their sincerely held religious beliefs. Recognizing this fundamental right, the court ruled that "the rights of free speech and free exercise . . . are not limited to soft murmurings behind the doors of a person's home or church, or private conversations with like-minded friends and family. These guarantees protect the right of every American to express their beliefs in public." The Brush and Nib decision is a victory not just for Koski and Duka but for every American who values the liberty to speak messages in accordance with his or her sincerely held beliefs.

President Trump Delivers Religious Freedom Speech at United Nations

At the United Nations summit in New York on Monday, [President Trump spoke powerfully](#) of the value of religious freedom in the world today. In a time when 80% of the world's population endures severe religious persecution, President Trump made clear the intent of the United States to perpetuate religious freedom throughout the world. "The United States is founded on the principle that our rights do not come from government, they come from God. This immortal truth is proclaimed in our Declaration of Independence and enshrined in our First Amendment to our Constitution, Bill of Rights," the President said. The President went on to say that "our founders understood that no right is more fundamental to a peaceful, prosperous and virtuous society than the right to follow one's religious convictions," calling upon the many nations that [tolerate religious persecution](#) to acknowledge and protect the natural right of all people to freely express their faith. President Trump's call to action on religious liberty was timely in light of high-profile terrorist attacks on churches, mosques, and synagogues both in the United States and around the world. From the 2017 [Department of Justice Memorandum](#) which provided guidance to federal agencies in interpreting religious liberty protections to the 2019 [State Department Ministerial to Advance Religious Freedom](#), President Trump has consistently promoted religious freedom at home and abroad. His remarks at the United Nations further define his presidency as one uniquely supportive of the most fundamental right of all Americans.

In Case You Missed It:

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

[A California Court Dealt Blow to Religious Liberty: It's Time for the SCOTUS to Act](#)

[Blaine Amendments Harm Educational Opportunity and Violate Constitutional Rights](#)

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