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“May justice and righteousness be the stability of our times, and order arise out of confusion.”
Abigail Adams, letter to John Adams, November 27, 1775

AACS Signs Letter Urging Congress to Support Religion in Coronavirus Legislation

The AACCS recently signed on to a letter crafted by the Center for Public Justice (CPJ) encouraging Congress to consider Christian schools in any future stimulus packages. The letter outlines several areas in which Congress could strengthen civil society institutions as well as individuals, businesses, and local and state governments. The institutions that make up the social fabric of American communities, including faith-based organizations and churches, provide valuable support to Americans in need. During the COVID-19 pandemic, these institutions have cared for their neighbors despite facing financial challenges. The letter asks Congress to consider four policies that would help these institutions survive the current economic uncertainty while continuing to serve their communities in need.

First, the AACCS and other groups ask that Congress expand the charitable deduction to encourage greater giving to faith-based organizations and churches. The CARES Act introduced a \$300 charitable deduction for non-itemizing taxpayers to spark charitable giving to suffering nonprofits. While many groups praised the passage of this deduction, a greater deduction would allow more families to support their local charitable organizations, which in turn are able to better serve their communities. Senators James Lankford (OK) and Chris Coons (DE) recognized this need when they introduced an amendment to the CARES Act that would [expand the charitable deduction](#) to \$4,000 for individuals or \$8,000 for married couples. The letter asks Congress to pass this expanded charitable deduction and make it retroactive to 2019 through at least 2022. Second, the letter asks that Congress further refine the Paycheck Protection Program so that more faith-based organizations can participate while retaining their religious freedoms. Over the past several weeks, the [Small Business Administration](#) has updated its guidance to assure religious groups that they can participate in the PPP without sacrificing their religious freedoms. The letter urges Congress to focus a portion of remaining PPP funds on small faith-based organizations and roll back some of the requirements that make it difficult for some organizations to apply for a loan, such as the 500-employee limit. Third, the letter asks Congress to extend any future unemployment benefits to the employers and employees of faith-based organizations. For instance, the letter asks Congress to put faith-based organizations on the same footing as secular businesses by [extending 100% reimbursement](#) of unemployment insurance costs to self-insured organizations, which now receive only a 50% reimbursement rate. The letter also asks Congress to extend the Pandemic Unemployment Compensation to help churches and charitable organizations recover from financial hardships. Fourth, the letter seeks a temporary expansion in paid sick and family leave and protection for faith-based organizations in any additional childcare funding Congress allocates. Together, these four policy areas can help faith-based organizations and the families they serve endure ongoing economic hardships while protecting important religious freedoms.

Pro-Life Members of Congress File a Brief in *New York v. HHS*

Thirteen pro-life U.S. Senators and 65 Representatives filed an amicus brief in the case *New York v. HHS*, a case concerning the religious freedom of health care professionals. The case began in May 2019, when several states including New York sued the Department of Health and Human Services to keep it from implementing its Conscience Rule, which would protect health care professionals from performing or assisting in the performance of procedures that violate their religion or conscience. Health care professionals have long enjoyed [statutory conscience protections](#) through the Weldon, Coats-Snowe, and Church Amendments, which protect workers who refuse to participate in abortions, sterilizations, and physician-assisted suicides. According to [members' brief](#), “federally-funded entities cannot discriminate against health care providers who have conscientious objections to these procedures.” Members of Congress ask the court to look at the basic meaning of the HHS Conscience Rule, which they say is “plain and unambiguous” and clearly follows the law. Contrary to the district court’s decision, members contest, the HHS rule is derived directly from the pro-life amendments and cannot be reinterpreted by the court. After losing at the district court level, members of the Christian Medical and Dental Associations have [appealed](#) to the Second Circuit Court of Appeals to protect their religious and conscience rights. A reversal of the district court’s decision would mean a victory for health care workers who conscientiously object to controversial medical procedures.

Supreme Court Rejects Appeal from California Churches

The Supreme Court recently [rejected an appeal](#) from a California church that challenged the state’s restrictive ban on religious gatherings. South Bay United Pentecostal Church in Chula Vista, California, contended that Governor Newsom’s stay-at-home order violated the First Amendment by treating religious gatherings worse than secular gatherings. Supreme Court justices were [sharply divided](#) over the case, with Justice Roberts writing the majority opinion for the 5-4 decision. Justice Roberts disagreed that Governor Newsom’s order disproportionately affected religion, writing that “although California’s guidelines place restrictions on places of worship, those restrictions appear consistent with the Free Exercise Clause.” He further stated that the court’s role was not to be “second-guessing” the actions of “the politically accountable officials of the States ‘to guard and protect’” the people. Justice Brett Kavanaugh wrote a dissenting opinion in which Justices Thomas and Gorsuch joined, refuting the reasoning of the majority and claiming that the case should have been heard by the court. Justice Kavanaugh wrote that “California’s latest safety guidelines discriminate against places of worship and in favor of comparable secular businesses,” pointing out that various secular businesses are not required to limit their capacity to 25% as churches are required to do. Justice Kavanaugh reasoned that this unequal treatment violates the Constitution and “indisputably discriminates against religion.” The decision was disappointing to religious freedom advocates, who surmise that this will not be the last religious liberty case to object to coronavirus-related orders.

In Case You Missed It:

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

[AACCS Resource Page to Help Christian Schools Responding to COVID Crisis](#)

[Judge in Transgender Athletes Case: Don’t Call Males ‘Males,’ Because Science](#)

[The Struggle Sessions Are Here, and They’re Not Going Away](#)