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“The philosophy of the school room in one generation will be the philosophy of government in the next.”
Abraham Lincoln

Religious Liberty Battles in California

A group of religious schools in California have [filed a lawsuit](#) against California Governor Gavin Newsom charging that his statewide order regarding school closures violates their religious liberty. In July, the Governor issued [guidance for all schools](#), both public and private, which effectively closed schools for in-person learning in 38 of the state’s 58 counties; in those counties which are not considered hotspots, schools may reopen but must adhere to strict rules regarding masks and physical distancing. The lawsuit was filed by three Jewish schools, a Christian school, a Catholic school, and a group of parents who charged that the order violated their First Amendment right to freely exercise their faith in providing a religious education for their children. The lawsuit specifically cites the protection provided through the First Amendment that prohibits laws from “abridging the free exercise of religion.” The lawsuit states, “Laws that treat religious institutions, including schools, unequally must be narrowly tailored to minimize the burden they place on a fundamental right. Parents have the right to direct the education of their children in the religious setting of their choice.” The plaintiffs recognize that their decision for in-person education must be “consistent with sound science, data, and their own individual circumstances,” and they also note that “tens of thousands of childcare facilities are open for business in the same jurisdictions where religious schools are prevented from opening.”

This is not the first lawsuit filed against the state of California which charges that some COVID mandates are infringing on religious liberty. Pastor John MacArthur and Grace Community Church in Los Angeles filed a lawsuit against state and local officials over the ban on indoor religious services. The church was initially [granted a reprieve](#) last Friday by Los Angeles Superior Court Judge James Chalfant who blocked the county’s efforts to get a restraining order to stop the services. The victory was short-lived as the California Court of Appeals issued a stay the following day (Saturday) against Judge Chalfant’s decision, claiming the health risk was too great for the church to be allowed to meet indoors. However, Pastor MacArthur and his church still held indoor services on Sunday. Speaking to his church, he explained that their intent was not to be “rebellious,” but [rather](#), “We’re meeting because our Lord has commanded us to come together and worship Him.” In their lawsuit, MacArthur and the elders of the church point out that “when many went to the streets to engage in ‘political’ or ‘peaceful’ protests purportedly against racism and police brutality, these protesters refused to comply with the pandemic restrictions. Instead of enforcing the public health orders, public officials were all too eager to grant a *de facto* exception for these favored protestors.” Jenna Ellis of the Thomas More Society which is representing MacArthur in this case, [stated](#), “LA County showed clearly their discriminatory intent. This isn’t about health. Pastor MacArthur simply held church, and the California and US constitutions protect his right to do that. He is rightly standing firm that church is essential.”

AACS Podcast Addresses Health Considerations for Reopening Christian Schools

This week, the AACS released a podcast with Regional Director Matt Ticzkus and Legislative Director Jamison Coppola to address the health and liberty considerations for reopening Christian schools this fall. The podcast focuses on salient questions facing Christian schools on how to navigate emerging state and local guidelines governing the reopening of private schools. Jamison Coppola used Montgomery County, Maryland, as a parable for the difficulties facing Christian schools, explaining how a Montgomery County health official [ordered](#) all private schools to remain closed in contravention of Governor Hogan’s executive order. In other states, Christian schools are being asked to submit reopening plans to the local or state health department for approval before they can open their doors to students. Among the chief concerns to Christian schools facing these mandates is whether the state has the authority to issue these mandates and whether, in response, Christian schools should submit private school information to the state. Counties are unlikely to try issuing a blanket closure for private schools like Montgomery County did, although schools should be vigilant and watch for any county or state mandates that allow private schools to reopen with stipulations. While there is no easy path forward for schools facing these questions, there is hope that Christian schools will continue to exercise their liberty as Americans and followers of Christ to accomplish their mission and educate children in the Lord. To listen to all the AACS Today podcasts, visit our website [here](#).

Democratic Platform: Education and Religious Liberty

During the 2020 Democratic National Convention this week, the party released the [Democratic platform](#) which highlights their priorities leading into the 2020 presidential election. Regarding education, providing pre-kindergarten through higher education is a high priority, but Democrats would ban federal funding from going to for-profit private charter schools and would add layers of accountability measures to new and existing charter schools. The platform also opposes vouchers or other federal school choice programs that give low income families the chance to move their children from a failing public school into an education program that best meets their needs. Race and gender identity politics also play a prominent role in their education agenda. The platform vows to “expeditiously . . . reinstate” an Obama-era [“Dear Colleague” letter](#) issued by the Department of Education that prohibited discrimination against LGBT students. Regarding race politics, the platform states that “it is unacceptable that America’s public schools are more racially segregated today than they were in the late 1960s” and proposes additional taxpayer money to eradicate racial disparities. While the platform takes pains to highlight race and gender identity, it says little about protecting religious liberty, even leaving religion out of a list of civil rights the party strives to protect. The platform also rejects “broad religious exemptions” that protect the religious rights of faith-based adoption agencies, medical providers, Christian-owned businesses, and possibly Christian schools, to live out their faith in the public sphere.

In Case You Missed It:

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

[States Have an Obligation to Offer School Choice During Pandemic Closures](#)

[Judge Blocks Enforcement of Fairness Law Against Photographer Who Opposes Same-Sex Weddings](#)

[How Attacks on Faith, Family, and Conscience Affect All Freedoms](#)