



**The Washington Flyer  
October 23, 2020**

*“Liberty must at all hazards be supported. We have a right to it, derived from our Maker. But if we had not, our fathers have earned and bought it for us, at the expense of their ease, their estates, their pleasure, and their blood.”*

*John Adams*

**Senate Conducts Hearing to Consider Supreme Court Nominee**

Last week, the Senate Judiciary Committee [held a hearing](#) to confirm Judge Amy Coney Barrett to be the next Associate Justice of the Supreme Court. Amy Coney Barrett currently serves as a judge on the Seventh Circuit Court of Appeals, encompassing Wisconsin, Illinois, and Indiana, and is a law professor at the University of Notre Dame. During her acceptance speech of her nomination at the White House in September, Judge Barrett [indicated her similarity](#) to late Supreme Court Justice Antonin Scalia, stating that “his judicial philosophy is mine too.” Judge Barrett, age 48, is a practicing Catholic, wife, and mother of seven children, including two children adopted from Haiti. She is widely supported by conservatives who think her love for her country and the Constitution would make her an ideal candidate to join the Supreme Court.

The hearing began last Monday with opening statements from Judge Barrett and each Senator, followed by two days of questioning from the Senators. The strategies of the Senate Democrats and Republicans were vastly different, with Democrats focusing on a slew of policy positions that they hope to protect, such as health care, abortion, and gun control, while Republicans focused on Judge Barrett’s legal expertise and judicial philosophy. Many Democrats spent their time expounding upon the benefits of the Affordable Care Act (ACA) and voicing their concern that Judge Barrett would rule against the 2010 law in the upcoming Supreme Court case [California v. Texas](#). In response, Judge Barrett pledged that if she is confirmed to the Court, she would analyze the case impartially and weigh whether the majority of the ACA could still stand as law even if one portion of the law is ruled unconstitutional. Along with the ACA, Democrats focused a large portion of their questions on Judge Barrett’s pro-life beliefs and how they might affect *Roe v. Wade* in future cases. Judge Barrett noted that *Roe v. Wade* was not a “[super-precedent](#),” one of the few “cases that are so well settled that no political actors and no people seriously push for their overruling,” such as *Brown v. Board of Education*, the case that desegregated public schools. As Senators urged Judge Barrett to offer her opinion on these policy issues, Judge Barrett adhered to the “[Ginsburg Rule](#),” quoting the late Justice Ruth Bader Ginsburg, who said in her confirmation hearing that a nominee should offer “no hints, no previews, no forecasts” on how he would decide future cases. Unlike her previous confirmation hearing, Judge Barrett did not receive any negative questions about her Catholic faith. Senate Republicans spent much of their time examining Judge Barrett’s judicial philosophy, including her views on originalism. Senator Lindsey Graham (SC), Chair of the Judiciary Committee, led a generally calm and professional hearing, in sharp contrast to the contentious hearing for Justice Brett Kavanaugh in 2018. Despite a boycott by all ten of the Democrats, the Senate Judiciary Committee

voted to move Judge Barrett out of committee on Thursday, October 22, with a final Senate vote scheduled for Monday, October 26.

### **Sensitivity Training for Florida School Choice Program**

An LGBT rights group in Florida is now offering [voluntary training sessions](#) to schools that participate in the state's scholarship program in an effort to make them more inclusive for LGBT-identifying students. Step Up For Students, one of the organizations that distributes scholarships to needy students, is working with Equality Florida, a gay rights organization, to offer these voluntary training sessions to any school that requests training. News of this partnership was announced by the *Orlando Sentinel*, the same newspaper that in January of this year [targeted](#) Christian schools that taught a traditional, biblical doctrine on sexual morality and marriage. Earlier this year, the state legislature defeated a bill that would have prohibited Christian schools participating in the program from discriminating against LGBT students. Of about 2,700 private schools that participate in the program, around 160 of them hold biblical standards on sexual morality. The LGBT sensitivity training is currently voluntary; however, the push to exclude religious schools from the program is likely to arise again. State Rep. Carlos Guillermo Smith, a [leading supporter](#) of the anti-discrimination bill who urged large corporations to end their donations to the popular program, stated that the voluntary training offered by Equality Florida "doesn't change that Florida taxpayers continue to fund private schools who unapologetically expel students for being gay or transgender." Florida Gov. Ron DeSantis has been supportive of school choice, [expanding](#) the program in July to enable 29,000 more students to attend the school that best fits their needs.

### **Department of Education Hosts Faith Leaders' Summit**

Last week, the Center for Faith and Opportunity Initiatives in the Department of Education (DOE) hosted its annual Faith Leaders' Summit in which they discussed issues of importance to faith-based educational institutions. Jim Blew, assistant secretary of policy in the DOE, spoke on the importance of allowing all parents the freedom to make the best educational decisions for their children and specifically championed the [School Choice Now Act](#), which would establish a tax credit program to provide school choice opportunities for children and families. Farnaz Thompson, an attorney advisor in the DOE's Office of General Counsel, spoke about the work of the Department to protect the religious liberty of students and faith-based institutions through the [Religious Liberty and Free Inquiry Rule](#) and also the [updated guidance](#) on constitutionally protected prayer and religious expression in public schools. Speakers also addressed the work to protect the mission of faith-based higher education institutions in the accreditation process and in the regulations regarding Title IX implementation. The seminar closed with an [interview with Secretary of Education Betsy DeVos](#) in which she discussed the importance of religious liberty, her commitment to ensure the protection of First Amendment rights for students and faith-based schools, and the great work of religious schools to meet COVID health and safety standards in their reopening efforts. In her closing comments, she talked candidly about how her faith in God influences her life and work, citing Micah 6:8 as her life motto.

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

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

[Private Schools Outpace Public Schools on the Putting Kids on the Path to Marriage](#)

[Oregon Governor's Changing COVID-19 Rules Prompts Lawsuit from Christian School](#)

[National Association of Scholars Calls for Revoking of Pulitzer Prize for 1619 Project](#)

[Ed Choice Brief: School Choice in the States—2020 Update](#)