



**The Washington Flyer**  
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*“Our contest is not only whether we ourselves shall be free, but whether there shall be left to mankind an asylum on earth for civil and religious liberty.”*  
**Samuel Adams**

**Battle to Defend Parents’ Primary Role in Children’s Education**

Republicans on the U.S. House Judiciary Committee, led by Rep. Jim Jordan (OH), have [launched an investigation](#) into connections between the National School Board Association and the U.S. Department of Justice and their efforts to target parents who are speaking out at school board meetings. The investigation comes after U.S. Attorney General Merrick Garland appeared before both the House and Senate Judiciary Committees last week and admitted that the National School Board Association letter sent to President Biden was the catalyst for his memo which instructed the FBI and United States Attorneys to investigate parents who oppose public school board policies. On Monday this week, the House Judiciary Committee sent a [letter](#) to 93 United States Attorneys requesting detailed information regarding any meetings which have taken place as a result of the Garland memo. On Wednesday this week, the committee sent another [letter to the FBI Director Christopher Wray](#) demanding answers to questions regarding whether Garland’s memo was even lawful and what meetings and actions have transpired as a result of the memo. In the letter to the U.S. Attorneys, the GOP members emphasized that “parents have an undisputed right to direct the upbringing and education of their children.” While recognizing that violence or threats should be dealt with through local and state law enforcement, the letter also firmly stated, “We must not tolerate the use of federal law enforcement apparatus to intimidate and silence parents using their Constitutional rights to advocate for their child’s future.” Senate Republicans have also [joined the fight](#) to protect parents’ involvement in their children’s education through a [resolution](#) which “supports the right of parents to be the leading voice in the education of their children” and “demands Attorney General Merrick Garland rescind the memorandum . . . that inappropriately directs Federal law enforcement resources to be used against parents advocating on behalf of their children against harmful school policies, curricula, and instructional materials.”

The issue of parents’ involvement in education has risen to the forefront as moms and dads across the country are voicing opposition to policies being implemented by public school boards, particularly in regards to transgender policies and the racist teaching of critical race theory. This issue was a [deciding factor](#) in the Virginia election which handed Republican Glenn Youngkin a victory for the governor’s office. Notably, his opponent Terry McAuliffe had been leading in the polls until he criticized parents’ involvement in education during a September debate, [stating](#), “I don’t think parents should be telling schools what they should teach.” Despite the fact that overreaching government control of children’s education trends badly, Democrats are still pushing expansion of government-controlled early education in the \$1.75 trillion reconciliation package, allocating \$400 billion for early education, the second largest cost in the bill after climate change programs. However, as demonstrated through the Virginia election results this week, more and more parents are determined to fight for their God-given responsibility and right to be in charge of their children’s education.

*AACS Staff will all be involved in the Mid-Atlantic Christian Educators' Summit next week. There will not be an issue of the Washington Flyer. We will resume the Flyer the following week.*

### **Supreme Court Hears Oral Arguments in Texas Abortion Case**

On Monday, the Supreme Court heard oral arguments in a pair of cases challenging the Texas Heartbeat Act, a law that went into effect in September that prohibits abortions after a fetal heartbeat can be detected. The law is unique because it gives private citizens, not state officials, the authority to enforce the law through lawsuits charged against abortion providers. The Supreme Court has twice [refused](#) to halt the law, stating that the “complex and novel” legal questions it raises prevented the Court from interceding at the time. The oral arguments heard Monday were not on the substantive questions of the constitutionality of abortion but rather considered those thorny new legal questions that now faces the Court. The cases were brought by Whole Women’s Health, an abortion provider, and the Department of Justice (DOJ). [Whole Women’s Health](#) asked the Court whether Texas could legally delegate enforcement of the law to private citizens instead of state law enforcement, while the [DOJ](#) asked if the federal government could sue state courts to keep them from enforcing the law. Justice Neil Gorsuch expressed concern that if the Court allowed the DOJ to sue states, it would be opening the floodgates to massive intrusion by the federal government into state policy that it disapproves. But justices were also concerned that constitutional rights could be infringed by laws like the Texas Heartbeat Act if other states were to place enforcement power onto private citizens.

### **Employers Sue Biden Administration to Protect Nonprofits from Covering Transgender Surgery**

A group of Christian employers and Alliance Defending Freedom (ADF) [are suing](#) the Biden administration over its interpretation of Title VII of the Civil Rights Act that could force religious organizations to provide transgender-affirming procedures in their health plans. The [lawsuit](#) challenges two federal mandates endorsed by the Biden administration. First, it challenges the Equal Employment Opportunity Commission’s (EEOC) interpretation of the word *sex* in Title VII to include sexual orientation and gender identity. Their interpretation mandates that religious non-profits and businesses provide transgender-affirming care in their health care plans. Second, it challenges a 2016 Department of Health and Human Services (HHS) final rule that interprets Section 1557 of the Affordable Care Act to require religious health care providers to give transgender-affirming care to patients. The HHS rule was discontinued under the Trump administration but is being pursued again under President Biden and HHS Secretary Xavier Becerra. Judges in Texas and North Dakota have blocked the EEOC and HHS mandates in other cases brought by religious employers against the federal government. Additionally, College of the Ozarks and ADF are challenging a separate Biden administration directive from the Department of Housing and Urban Development that would force Christian colleges to have transgender-affirming housing policies.

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

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

[Practical Legal Help for Christian Schools: ADF Ministry Alliance](#)

[Promise to America’s Children](#)

[Virginia Election Proves that Americans Reject Critical Race Theory](#)