



The Washington Flyer
May 6, 2022

*"I've noticed that everyone who is for abortion has already been born."
President Ronald Reagan*

Leaked Draft of Supreme Court Ruling Reveals Potential Overturning of *Roe v. Wade*

A [leaked draft](#) of a Supreme Court opinion reveals that the High Court is poised to overturn *Roe v. Wade*, the infamous 1973 decision which legalized abortion across the country. While the leaked opinion is not final, pro-life supporters are [celebrating the historic opinion](#), written by Justice Samuel Alito, which states that the *Roe* decision was "[egregiously wrong](#) from the start. Its reasoning was exceptionally weak, and the decision has had damaging consequences." The 98-page opinion provides a thorough explanation of why there is no historical or constitutional basis for either the *Roe v. Wade* or *Planned Parenthood v. Casey* decisions, the pair of landmark abortion cases responsible for legalizing abortion. Justice Alito decisively states, "We hold that *Roe* and *Casey* must be overruled. The [Constitution makes no reference to abortion](#), and no such right is implicitly protected by any constitutional provision, including the one on which the defenders of *Roe* and *Casey* now chiefly rely—the Due Process Clause of the Fourteenth Amendment." It appears that four other Justices (Clarence Thomas, Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett) are joining Justice Alito in this opinion; Chief Justice Robert's position is still unknown. The conclusion emphatically repeats, "We therefore hold that the Constitution does not confer a right to abortion. [Roe and Casey must be overruled](#), and the authority to regulate abortion must be returned to the people and their elected representatives."

The leaking of a Supreme Court opinion before its final issue is an unprecedented action and seen by many as an attempt to bully the Justices to change their position or alter the opinion. Senate Minority Leader [Mitch McConnell](#) called the leak a "stunning breach" and "an attack on the independence of the Supreme Court," and he noted that "this was yet another escalation in the radical left's ongoing campaign to bully and intimidate federal judges and substitute mob rule for the rule of law." [Chief Justice John Roberts](#) issued a statement calling the leak a "betrayal of the confidences of the Court" and recognizing that it is "intended to undermine the integrity of our operations." He also emphatically stated, "it will not succeed. The work of the Court will not be affected in any way." He further called for an investigation into the leak. The reaction by Democrats, however, has been to attack the decision itself, to call for packing the Court, and to make false [charges](#) including that the Supreme Court is rigged, the decision violates the 9th Amendment, and that overturning *Roe* sets America on the path to fascism. Senate Majority Leader Chuck Schumer immediately called for Congress to pass legislation which would legalize abortion nationwide. However, an attempt to pass such a bill already failed earlier this Congress, and further attempts would require the ending of the Senate filibuster, a move which does not have majority support in the Senate. Should the leaked opinion become the final decision, states will have the opportunity to create their own laws regarding the legality and limitations of abortion. [Twenty-six states](#) already have laws in place which either currently limit abortion or will go into effect prohibiting abortion once *Roe* is overturned ("trigger laws" in AR, KY, ID, LA, MS, MO, ND, SD, OK, TN, TX, UT, WY). While this movement towards protecting life is great news, the Family Research Council is also encouraging [Christians to pray](#) for the Justices and our country as the battle is indeed between good and evil.

Religious Liberty Victory at Supreme Court

On Monday, the Supreme Court [unanimously ruled](#) that the city of Boston [violated](#) the First Amendment when it refused to fly a Christian flag in front of its city hall. *Shurtleff v. Boston* began in 2017, when Harold Shurtleff, founder of Camp Constitution, applied to fly the Christian flag in front of city hall. Over the course of twelve years, the city approved flying different flags for nearly three hundred ceremonies in front of city hall. No flag had been denied until Shurtleff petitioned to fly the Christian flag in recognition of the contributions of Christians to the city of Boston. Boston refused to fly the flag, objecting to “the fact that it was the Christian flag or [was] called the Christian flag.” The city determined that flying the Christian flag would violate the Establishment Clause of the First Amendment and be seen as an endorsement of religion. Shurtleff sued, arguing that Boston’s decision violated his free speech rights because the government had allowed other flags, including the LGBT pride flag, to fly from its flagpoles. Justice Stephen Breyer, who is retiring at the end of this term, wrote for the majority opinion that the flag flying ceremony did not constitute government speech. He concluded, “When a government does not speak for itself, it may not exclude speech based on ‘religious viewpoint’; doing so ‘constitutes impermissible viewpoint discrimination.’” This ruling was a victory for the right of religious Americans to express their religious viewpoints on an equal footing with nonreligious Americans.

Judge Dismisses Case Over Critical Race Theory

A Virginia Circuit Judge Claude Worrell recently [dismissed](#) a civil lawsuit brought by five families who argue that their children were harmed by the Albemarle County School Board’s anti-racism policies. The families’ [lawsuit](#) contends that the 2019 anti-racism policy taught middle school students to “view everyone and everything through the lens of race,” demeaning white students as oppressors and minority students as oppressed. The families also assert that the school began using textbooks that taught a critical version of history “to indoctrinate students in ‘anti-racism’ ideology, which actually promotes racism.” The lawsuit points to classroom materials used by the county that redefine racism as favoring white people and encourages anti-racism to destroy “aspects of white supremacy, white-dominant culture, and unequal institutions and society.” By classifying students based on the color of their skin, the parents argue, Albemarle County violated the Virginia Constitution and parental rights. Circuit Judge Worrell [disagreed](#), stating in the hearing that the purpose of education is to “change the way you think and speak,” and noting that “it happens during education that certain people are made to feel uncomfortable about history and their place in it.” Alliance Defending Freedom, representing the families, expressed disappointment in the decision but has decided to appeal the case. Senior Counsel David Cortman stated, “The case is not over. . . . Every student deserves to be treated equally under the law, regardless of their race, ethnicity, or religion.”

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](#)

[Florida Publishers Surrender to DeSantis, Scrub Woke Content](#)