



The Washington Flyer
October 21, 2022

“Truth will ultimately prevail where there [are] pains to bring it to light.”
George Washington

Senate Considers Marriage Bill Which Threatens Religious Liberty

As the midterm elections approach and news is focused on congressional campaigns, the U.S. Senate continues to consider the [Respect for Marriage Act](#), a bill introduced to codify same-sex marriage into federal law. In so doing, the bill will undermine religious liberty, family values, parental rights, and child welfare. Supporters of the bill claim that it is necessary after Justice Clarence Thomas wrote in a concurring opinion in *Dobbs v. Jackson Women’s Health Organization* that the Supreme Court should revisit cases that used the faulty legal reasoning of *Roe v. Wade* to justify legalizing same-sex marriage. However, if enacted, the bill would [actually require](#) the federal government to accept any state’s definition of marriage as valid and force states that protect marriage as between a man and woman to recognize other states’ marriage laws. Responding to the criticism from several groups on the dangers the bill poses to religious liberty, Republican Senators Tom Tillis (NC), Susan Collins (ME), and Rob Portman (OH) joined with Sen. Tammy Baldwin (WI) in drafting an amendment to the bill which they claim will provide necessary religious liberty protections; however, as [explained](#) by the Family Research Council, the amendment is extremely narrow in its scope of protection and “provides no meaningful, affirmative, or enforceable shield of protection to those people and entities already being attacked for their belief in natural marriage.”

The AACCS prepared an [issue brief](#) which highlights the dangers this bill poses not just to the religious liberty of Christian schools and all religious institutions but also to parental rights, school choice, and child welfare. If the bill is enacted, the government will be endorsing an ideology that is contrary to the biblical tenet of marriage between one man and one woman, and this will inevitably cast Christian schools and other religious institutions as discriminatory for adhering to the biblical view of marriage and proclaiming what is proven to be best for children and societies. School choice and parental rights will be affected as the success of school choice relies on the genuine choice of parents to direct the education of their children and the freedom for Christian and other religious schools to maintain their autonomy and religious identity. Already in [Maine](#), Christian schools adhering to a biblical view of marriage have faced challenges in the state’s school choice program, and a [Florida Christian school](#) faced public backlash for taking a stand for the biblical view of human sexuality. Furthermore, recent years have shown how radical sexual ideology has served as a wedge between children and their parents, putting the government in the position of enforcing students’ “right” to pursue an alternative sexual identity without a parent’s consent. Finally, the bill denies the truth—evident through observation, conscience, and [studies](#) that show the benefit of a married mother and father to children’s flourishing and long-term success—that a primary purpose of marriage is to provide a safe and nurturing home for children. The bill instead asserts, without evidence, that same-sex marriage is equally beneficial for children and society as traditional marriage. Reports indicate that the Senate will vote on the bill soon, so *we encourage those who are concerned about the passage of this bill to [contact your Senators](#) and urge them to oppose this dangerous legislation.*

Kentucky Supreme Court Hears Oral Arguments on New School Choice Program

The Kentucky Supreme Court recently heard [oral arguments](#) in a case that challenges Kentucky's new school choice program. The tax credit scholarship program, called Education Opportunity Accounts, was passed by the legislature in 2021 and would provide \$125 million in tax credits for individuals and businesses that donate to scholarships to help students attend the school of their choice. Currently the law would provide school choice only in the state's cities, but supporters would like to see it extend to the entire state over time. A focus in oral arguments was whether the tax credits were considered private or public funding and whether that funding violated the state constitution. Judge Michelle Keller [criticized](#) the amount of the tax credit, stating that the "almost dollar-for-dollar" credit would have funded public schools if it were not returned to the taxpayer for supporting school choice. But Judge Keller also acknowledged that the choice program does not benefit only children who attend private schools but could also be used to supplement learning needs of children in public schools. School choice supporters appealed the case to the Kentucky Supreme Court after a lower court ruled that the credit was unconstitutional. Parents [in favor](#) of the tax credit program argue that the credit would enable parents who otherwise would not be able to afford private education the chance for their children to leave failing schools and attain a better education. Eddie Campbell, president of the state's teachers' union, opposes the school choice program and argues that "tax credits are tax expenditures" that should only be used for public education.

Michigan Abortion Bill Poses Harm to Children and Parental Rights

Michigan voters will be voting in November on a ballot initiative which is being presented as a state constitutional amendment to ensure a right to an abortion. However, the language for Proposal 3 (Prop 3), called the "abortion amendment," is so broad that it would actually [allow minors to choose](#), without parental consent, transgender treatments which could result in infertility and sterilization. Prop 3 begins by stating, "Every individual has a fundamental right to reproductive freedom," and then expounds that this right includes not just pregnancy decisions but also "sterilization, abortion care, miscarriage management, and infertility care." As [explained](#) by Margot Cleveland, legal correspondent for the *Federalist*, the use of the phrase "every individual" means that "the rights guaranteed by Prop 3 would be rights that both adults and children possess as 'individuals,' and the rights apply equally to males and females." Furthermore, the proposal specifies that the "state shall not discriminate in the protection or enforcement of this fundamental right," language that undermines current Michigan law that requires parental consent for minors to receive medical treatments and for females under 18 to have an abortion. Planned Parenthood Advocates of Michigan have been [leading the effort](#) to get Prop 3 passed but have focused their messaging on care for women rather than the harmful and irreversible treatments that Prop 3 would allow for minors seeking gender transitioning treatment without parental consent. Within the last year, [reports have emerged](#) that show Planned Parenthood has become one of the largest providers for transgender treatments.

In Case You Missed It:

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

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

[Promise to America's Children](#)

[The History and Meaning Behind Separation of Church and State](#)