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*"It is the duty of all Nations to acknowledge the Providence of Almighty God, to obey his will, to be grateful for his benefits, and humbly to implore his protection and favors."*

*George Washington*

### U.S. Senate Moves Forward to Legalize Same-Sex Marriage

On Wednesday, the U.S. Senate voted to [advance debate](#) on the Respect for Marriage Act, a bill that will enshrine same-sex marriage into federal law. Supporters of the bill have claimed the bill simply codifies into law the Supreme Court *Obergefell* decision from 2015. However, conservatives warn that legalizing same-sex marriage through federal law will have far-reaching effects on our culture and religious liberty. The Senate had planned to vote on this bill in [September](#), but the vote was delayed until after the election because senators were receiving too much pushback from constituents about the threats the bill presents to religious liberty. Following last week's election, a bipartisan group of five senators—Senators Tammy Baldwin (WI), Kyrsten Sinema (AZ), Susan Collins (ME), Rob Portman (OH), and Thom Tillis (NC)—[announced](#) they had reached an agreement on an amendment that they claim will provide necessary religious liberty protections. Shortly following their announcement, Senate Majority Leader Chuck Schumer scheduled a vote to begin debate on the bill, a vote that needed 60 yeas to move forward. This measure was approved by a vote of 62-37, with all 50 Senate Democrats supporting along with [twelve Senate Republicans](#): Senators Roy Blunt (MO), Richard Burr (NC), Shelley Capito (WV), Susan Collins (ME), Cynthia Lummis (WY), Rob Portman (OH), Mitt Romney (UT), Dan Sullivan (AK), Thom Tillis (NC), Joni Ernst (IA), Lisa Murkowski (AK), and Todd Young (IN). Senator Schumer has indicated that he hopes to hold the final vote on the bill before Thanksgiving, although it is not clear if this timing will happen due to the debate and procedural votes which must take place. The bill passed the House of Representatives last July but will need a final approval vote from the House since the religious liberty amendment has been added to the original bill.

The AACSB has expressed [concern](#) that by creating a federal law that opposes traditional, biblical understandings of marriage, this bill will not only erode marriage and the family in our culture, but will also harm religious liberty and Christian education, endanger the nonprofit status of religious organizations, and threaten the rights of parents who teach their children the truth about biblical marriage. Although supporters of the religious liberty amendment [claim](#) it offers protection for "all religious liberty and conscience protection available under the Constitution or Federal law," conservatives warn this is not sufficient, pointing to the religious liberty attacks in recent years on florists, wedding photographers, and adoption agencies, all of which happened with the protections available through the Constitution and federal law. Sen. Mike Lee (UT) called the protections in the religious liberty amendment "woefully insufficient," adding that "religious Americans will be subject to potentially ruinous litigation, while the tax-exempt status of certain charitable organizations, educational institutions, and non-profits will be threatened." Family Research Council president Tony Perkins also [points out](#) that the bill will "supercharge the attacks, the marginalization, and the oppression of people of faith and anyone who believes in marriage as human history defines it." The AACSB prepared an [issue brief](#) that outlines the problems with this legislation, and we encourage all who are concerned to contact your [senators](#) and [representatives](#) and urge them to reject and oppose this harmful legislation.

## A Red Wave for Education Freedom at the State and Local Levels

While the midterm elections did not bring a red wave at the federal level, education freedom advocates are pointing to a wave of [victories for educational freedom](#) at the state and local levels. Several organizations that work to advance educational freedom and parental rights saw high percentages of victories for the campaigns they supported. [Moms for Liberty](#), a group which focuses specifically on school board races, reported victories in over 50% of the 270 candidates they supported on the ballots last week. The [1776 Project Pac](#) reported flipping more than 100 races nationwide, including flipping school boards in MI, IN, FL, and MD. The Leadership Institute, which also works to train conservative candidates for school boards, reported over 300 victories, many of which were in the key states of FL, MD, OK, OH, and NY. The American Federation for Children (AFC), an organization dedicated to advancing school choice, reported spending around \$9 million on 360 races, and winning 275 of those races. Of these victories, 40 candidates defeated incumbents. Tommy Shultz, CEO of AFC, celebrated these victories through a series of [tweets](#) in which he stated, “In the states where we really needed to win in order to have a realistic shot at advancing big legislation next year—we won in a decisive manner. Big legislation is ahead in a ton of states.” Also noteworthy are the number of governors who voiced strong support for school choice in their campaigns and were victorious, including in the states of OK, FL, IA, TN, TX, NE, and SC. Additionally, South Carolina elected a new superintendent of education, [Ellen Weaver](#), who ran on a pro-school choice platform. These victories point to not only the increased involvement of parents in education but also the importance of educational freedom to voters.

## Federal Court Decision Protects Female Athletes

A federal district court in Texas has [ruled](#) that the Biden administration cannot redefine *sex* in federal regulations to also include sexual orientation and gender identity. The Alliance Defending Freedom (ADF) filed an amicus brief in the case *Neese v. Becerra* arguing against the Biden administration’s unlawful transgender mandate in Section 1557 of the Affordable Care Act, which would force doctors and medical professionals to provide sex change surgeries and procedures that violate their religious beliefs or medical judgement. ADF’s brief specifically highlighted the negative effects that rewriting federal regulations to redefine *sex* would have on female athletes who would be forced to compete against males. Section 1557 uses the same nondiscrimination language that is found in Title IX, the federal law that governs federally funded schools and colleges. In July, the Department of Education issued a [proposed rule](#) that redefined the word *sex* in Title IX to also mean sexual orientation and gender identity. In August, the Department of Health and Human Services then updated the [Section 1557 rules](#) to reflect the same erroneous definition of *sex*. The AACB submitted [public comments](#) on both [proposed rules](#). In its ruling, the court noted that Congress could have redefined *sex* but repeatedly chose not to do so. The court [wrote](#), “Title IX’s protections center on differences between the two biological sexes—not SOGI status. . . . Because Title IX does not protect ‘sexual orientation’ or ‘gender identity’ status, neither does Section 1557.”

## In Case You Missed It:

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

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

[Promise to America’s Children](#)

[The Fight for Educational Freedom Is Just Warming Up](#)

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