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*“Nothing is more dreaded than the national government meddling with religion.”*  
*John Adams*

**AACS Submits Amicus Brief Urging the Supreme Court to Take Religious Liberty Case**

The AACCS has submitted an amicus brief to the U.S. Supreme Court, petitioning the High Court to take up a case which could provide constitutional protection for the religious liberty of Christian colleges and other faith-based institutions which provide housing. The [case](#), *College of the Ozarks v. Biden*, involves a lawsuit brought by the College of the Ozarks against a directive issued by the U.S. Department of Housing and Urban Development (HUD) which requires institutions that provide housing to allow lodging based on a person’s gender identity. The HUD directive was issued in response to President Biden’s executive order which required all federal agencies to ensure that prohibitions against sex discrimination including “sexual orientation” and “gender identity.” The College of the Ozarks filed a lawsuit against the Biden administration, charging that the HUD directive forces the college to violate deeply held religious convictions regarding biblical human sexuality as it would mean opening sex-specific dorms to members of the opposite sex, including rooms and bathroom spaces. The lawsuit also points out that the executive order and directive seek to change a law without going through the proper procedures for a rule change. The 8th Circuit Court of Appeals ruled against the college, which led to an appeal to the U.S. Supreme Court to take up the case. Alliance Defending Freedom Senior Counsel John Bursch [stated](#), “If the 8th Circuit’s decision stands, College of the Ozarks could be forced to choose between violating its religious beliefs or risking intrusive federal investigations and significant enforcement penalties. We hope the Supreme Court will take this case to halt the government’s inappropriate order targeting religious institutions and to respect the privacy, dignity, and safety of female students.”

Nineteen states and several Christian colleges and organizations have submitted [amicus briefs](#) urging the Supreme Court to take up the case. The AACCS joined with the Wagner Faith and Freedom Center in an [amicus brief](#) which explains that the HUD directive bypassed the required process for a change in federal regulations and requirements, and, thus, violated the constitutional right to petition and voice complaints, as well as the religious liberty guaranteed by the Constitution. “The government directive here compels College of the Ozarks to change its dorm policies and violate its sincerely held religious conscience. In doing so, it directly threatens, indeed destroys, [the college’s] ability to preserve its identity as a Christian college. By its very design, the right to notice and comment protects against this threatened interest of the college. The government’s depriving [the college] of its procedural right to notice and comment, therefore, constitutes an injury in fact sufficient for standing.” The brief concludes, “Given the direct threat to this concrete interest from the government’s change in the law, bypassing the notice and comment process certainly was an expedient way of silencing those who might present strong public policy arguments against its promulgation. Perhaps that is why the government dispensed with the fairness and transparency normally associated with properly functioning democratic institutions. In doing so, though, the government not only constitutionally injured [the college], it diminished good governance and the Rule of Law.”

## **Biden Administration Releases New Guidance on Religious Expression in Public Schools**

On May 15, 2023, education officials from the Biden administration released a document which is to act as guidance on the expression of religion in public schools. The guidance, which affects both teachers and students, describes how, when, and where individuals can use religious expression while on public school property during school hours. The [guidance states](#) that students may pray, read from religious materials, and engage with others in religious worship or study during “non-instructional time (such as recess or the lunch hour).” The guidance also states that teachers and other school employees may engage in religious worship before school begins or during breaks, but may not encourage or discourage other school employees or students from joining them in religious exercises. U.S Secretary of Education, [Miguel Cardona](#), said that the new guidance “is about protecting the right to practice one’s faith . . . that belongs to every American and every student.” While some groups have praised the new guidance, many conservative legal groups have expressed concern with the guidance. [Keisha Russell](#), counsel at the First Liberty Institute, stated that “the administration’s new guidance relies on old proposition derived from the overturned *Lemon* decision. . . . We commit to ensuring that any restriction placed on religious freedom by those outdated cases is restored to the fullest extent required by the First Amendment.” The *Lemon* Supreme Court case allowed for government involvement in religion if it had a secular purpose; however, recent Supreme Court cases have decided that those standards are not necessary and can in fact be a form of hostility toward religious practice.

## **Legislation to Protect Minors from Gender Transition Surgery Introduced**

On May 15, Senator Roger Marshall (R-KS) and Representative Doug LaMalfa (R-CA) introduced a bill that would prohibit gender transition surgeries on minors. Titled the “Protecting Children from Experimentation Act,” [the bill](#) would not only prohibit gender transition surgeries but also prohibit “puberty-blocking drugs, cross-sex hormones, or other mechanisms to promote the development of feminizing or masculinizing features (in the opposite sex).” This bill, along with one that would prohibit federal funds from being used for gender transition surgeries, has been introduced after a series of states have considered legislation that is designed to protect children from bodily mutilation. [Sixteen states](#) have prohibited gender transition surgeries on minors to a degree, while legislation in five other states (FL, MO, NE, NC, TX) are close to being made law. [Marshall](#), a doctor of obstetrics and gynecology, said that “these procedures can cause severe and irreversible damage to children’s bodies and have long-term detrimental health risks. We must protect our kids.” Echoing his sentiment, LaMalfa stated, “Across the country, vulnerable children are being exposed to radical gender transition ideology and pressured into going through invasive and irreversible medical procedures. Minors should not be making these permanent decisions as minors. Adults should not be pushing minor children and teens into irreversible decisions either. . . . Adults and the medical field shouldn’t be allowed to coerce this ‘woke’ agenda onto them when they should be their protectors.” The Senate version of the bill has been referred to the Senate Judiciary committee and is waiting a hearing.

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

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

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

[Promise to America’s Children](#)

[ADF Video: Respect for Marriage Act: What Church and Ministry Leaders Should Know](#)

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