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*“Hold fast to the Bible as the sheet anchor of your liberties;
write its precepts in your hearts, practice them in your lives.”*
Ulysses S. Grant

Victories in the Courts for Protection of Children

Two courts have recently issued decisions which uphold the constitutionality of state laws that protect minors from harmful gender transition procedures such as sterilization surgeries, wrong-sex hormones, or puberty blockers. Last week, the U.S. Court of Appeals for the 11th Circuit unanimously ruled to [vacate a preliminary injunction](#) against a new Alabama law designed to protect minors from puberty blockers and hormone procedures. The Vulnerable Child Compassion and Protection Act was passed in the spring of 2022 and immediately challenged on the grounds that it violated the Substantive Due Process and Equal Protection principles found in the 14th Amendment. A district judge agreed, ruling that the law violated Substantive Due Process because it deprived parents of getting these procedures for their children, and that the law violated the Equal Protection Clause because it discriminated on the basis of sex, using a definition of “sex” that includes gender identity. However, the 11th Circuit Court disagreed on both counts. In a unanimous decision, the court ruled that there was not “adequate historical support” for a Substantive Due Process claim that parents have a right to “transitioning medications” for their children. The court also denied the Equal Protection claim, stating that the “law simply reflects real, biological differences between males and females and equally restricts the use of puberty blockers and cross-sex hormone treatment for minors of both sexes.” Furthermore, the court stated that this is a [political issue](#) which should not be decided in the courts: “This case revolves around an issue that is surely of the utmost importance to all of the parties involved: the safety and wellbeing of the children of Alabama. But it is complicated by the fact that there is a strong disagreement between the parties over what is best for those children. Absent a constitutional mandate to the contrary, these types of issues are quintessentially the sort that our system of government reserves to legislative, not judicial, action.”

Also last week, a [Missouri](#) judge upheld a similar law, the Missouri Save Adolescents from Experimentation (SAFE) Act, which was signed into law in June. The SAFE Act prohibits medical providers from performing gender transition procedures on minors or prescribing puberty blockers or wrong-sex hormones to minors. Three families immediately filed suit, charging the law was unconstitutional, and petitioned the court to issue a preliminary injunction to stop the law from going into effect during the process of litigation. However, Missouri Judge Stephen Ohmer ruled against the injunction, stating that the plaintiffs “have not shown a sufficient threat of irreparable injury absent injunctive relief.” The judge further cited a lack of evidence to prove that such procedures are necessary. He stated, “The science and medical evidence is conflicting and unclear. Accordingly, the evidence raises more questions than answers.” The decisions to uphold the laws in Missouri and Alabama follow a similar ruling earlier this summer to uphold a Tennessee law which is also designed to protect minors and parental rights. These decisions could prove to be important precedents as several other states—including Florida, Arkansas, Georgia, and Indiana—are facing legal challenges to their new laws protecting minors from harmful and irreversible procedures.

Lawsuit Against Colorado’s Ban on Funding for Religious Preschools

Two Catholic schools operated by St. Mary’s and St. Bernadette’s parishes have sued the state of Colorado, saying the state unconstitutionally excluded them from participating in its universal preschool program. The program launched this year and is designed to offer eligible families of 4-year-olds and some 3-year-olds anywhere from 10 to 15 hours of state-funded preschool each week. However, the program would [force any participating school](#) to “accept any applicant without regard to a student or family’s religion, sexual orientation, or gender identity.” St. Mary’s and St. Bernadette’s have said that because these requirements go against Christian beliefs, the state is categorically excluding them from the program. As AACCS has [previously reported](#), another Christian preschool provider, Darren Paterson Christian Academy, has also sued over the program’s requirements. In response to the recent lawsuit, the office of Colorado [Gov. Jared Polis](#) put out a statement claiming that it was “unfortunate to see different groups of adults attempting to co-opt preschool for themselves.” However, the Becket Fund for Religious Liberty, which is representing the Catholic schools, pushed back. [Becket](#) said that the preschool program violates the First Amendment and pointed to several Supreme Court decisions which state that a public benefits program must be made available to all people, regardless of their religious beliefs. “The State [of Colorado] didn’t have to create a program that provides free preschool tuition to families at private and public schools,” [explained Becket](#). “But what the State *cannot* do is use this program to discriminate against families based on their choice of religious school.”

Abolishing the Department of Education Has Support Among Political Leaders and Candidates

The idea of abolishing the U.S. Department of Education has [strong support](#) among some presidential candidates and state lawmakers, according to information recently published by the organization SAVE (Stop Abusive and Violent Extremism). The SAVE website shares quotations by Gov. Ron DeSantis, former Vice President Mike Pence, Sen. Tim Scott, and Vivek Ramaswamy in which they each state their views that the federal Department of Education (DOE) should be eliminated, a move which would send more educational control to the state and local level. The website also lists the names of 47 state legislators who have called for the end of the DOE. The SAVE organization [mission](#) is to “ensure that fairness and due process are restored and upheld in the campus environment,” with a strong focus on fighting the gender ideology that is permeating many public education institutions. In addition to pointing out the leaders calling for the elimination of the DOE, the [SAVE webpage](#) lists prominent leaders who have voiced strong opposition to the Title IX regulations that were proposed last year that will force all public schools to adopt policies supporting gender ideology. The [list](#) includes representatives and senators, governors, and state attorneys general who have spoken out in opposition to the proposed Title IX regulations and also includes links to their public statements and letters to Education Secretary Cardona, the DOE, and President Biden which oppose the harmful proposed regulations. The number of officials listed shows the strong efforts to protect America’s students and educational system from extreme ideology.

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](#)

[Gender Ideology Imperils Freedom](#)

[New Poll Shows 71% Support for School Choice](#)

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