

Supreme Court Asked to Protect Religious Liberties of Christian Schools

Tuesday, the First Liberty Institute—the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans—filed a brief with the U.S. Supreme Court, asking for a review of a case in which the religious liberty of faith-based schools and colleges across the country is at stake.

At issue in *Gloucester County School Board v. G.G.* is whether or not an advisory letter from a federal agency can “carry the weight of law” as was suggested in a 2-1 decision by the Fourth Circuit Court of Appeals. The letter, sent by a mid-level official at the U.S. Department of Education in January of 2015, said that a biological girl who suffers a condition that makes her believe she is a boy must be allowed to use opposite-sex bathroom and locker facilities or the school district could lose its federal education funding.

The letter said that because Title IX requires schools to offer equal-quality facilities to both sexes, schools must allow students to use the bathrooms and locker rooms of whichever sex they identify with.

“No one has the authority to say that a letter written by an unelected government agent is now the law of the land,” First Liberty Institute President and CEO Kelly Shackelford said. “Federal law says that at the very least, agencies must go through a process of public notice and comment to allow concerned citizens to weigh in.”

The Fourth Circuit ruling, if allowed to stand, would be applied to every school in the country. And, as a result, faith-based schools could be stripped of their federal funding

under Title IX grounds, unless they adopt the new policies, even if the policies violate their religious beliefs.

“The First Amendment clearly protects the right of faith-based schools and educators to voice their concerns before the government strips away their benefits, and even then penalizing them for their faith would still be against the law,” Shackelford added.

A number of faith-based educational organizations and educators joined in the amicus brief. These include:

- The Cardinal Newman Society
- John Paul the Great Catholic University
- Thomas Aquinas College
- The Thomas More College of Liberal Arts
- Wyoming Catholic College
- Ignatius Angelicum Liberal Studies Program
- Dr. Byron R. Johnson, Institute for Studies of Religion (ISR), Baylor University
- National Catholic Bioethics Center

“This is yet another example of our government circumventing the Constitution, violating federal law and stifling religious freedom,” Shackelford concluded. “We hope the Supreme Court will uphold the rights of these educators to participate in public debate regarding this sensitive issue.”