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The Kentucky

CITIZEN

STRENGTHENING FAMILIES AND THE VALUES THAT MAKE FAMILIES STRONG

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Major, major victories in the 2013 Session

There were significant legislative “Offensive Victories” and “Defensive Kills” . . . but the sanctity of life bills were still ignored.

The burning issues in the 2013 General Assembly session were expected to include a fix for the state’s broken pension system and passing a constitutional redistricting plan. Although a controversial pension fix was passed, other issues dominated the headlines.

The 2013 session was a short, 30-day session, but it saw a lot of action on pro-family bills. The Family Foundation had some major “offensive victories” (where good bills are passed into law), some solid “defensive kills” (where bad bills are lobbied against and they fail), and few painful losses on vital pieces of legislation.

“Offensive Victories”

The most controversial legislation of the session turned out to have nothing to do with pension money or with legislative districts. Instead HB 279, the Religious Freedom Restoration Act, a bill intended to strengthen religious freedom, became the most talked about legislation of the session, and turned into perhaps the biggest pro-family victory since the passage of the Marriage Protection Amendment in 2004. But it didn’t come easy.

HB 279 - Religious Freedom Restoration Act

In fact, when HB 279 was introduced, it hardly warranted a peep in the media. Introduced by Rep. Bob Damron, a conservative House Democrat from Nicholasville, and with the support of The Family Foundation, the Catholic Conference of Kentucky, and the Kentucky Baptist Convention, the bill collected a head of steam, eventually garnering the co-sponsorship of almost two-thirds of the members of the House of Representatives.

The bill was prompted by a Kentucky Supreme Court decision last Oct. 25 that lowered the standard the courts applied in cases where government action threatened religious freedom. The case concerned several Amish men who refused for religious reasons to put orange reflector triangles on their buggies, but the court took the opportunity to make a wider ruling, making it easier to impinge on First Amendment religious freedoms.

When the bill was called before House Judiciary Committee, the ACLU opened fire, claiming that it would do everything from threatening civil rights to giving religious people the ability to get out of parking tickets. Despite the somewhat peculiar criticisms, it easily won approval of the committee and went to the Rules Committee, a holding station for bills that are headed for a floor vote — unless someone influential does not like the bill.

Some observers thought the controversy that began surrounding the bill would doom its chances of being called for a vote, since the House has a tendency to avoid controversial legislation. In addition, a small but powerful group of left-wing lawmakers oftentimes exercises inordinate influence over House Democratic leaders. But by this point, the stakes were too high, and by all accounts a majority of Democratic leadership



Key leaders in the battle for HB 279: (L to R) In the House - bill sponsor Rep. Bob Damron and Rep. Hubie Collins. In the Senate - Sen. David Givens and Sen. Whitney Westerfield

was supportive of the bill. In a matter of days, on March 1, the House had approved the bill 82-7.

The ACLU, the Fairness Alliance, and other opponents of the bill began arguing that the bill would threaten civil rights, and particularly that it could overturn local gay rights ordinances. “If the Senate chooses to keep the bill’s current language,” said an ACLU statement, “and not amend it to include specific protections for civil rights laws, a religious individual could claim an exemption from any law or policy that prohibits discrimination-leaving racial minorities, women, LGBT people and others without adequate protections.”

“Most of these

claims were sheer fantasy,” said Martin Cothran, senior policy analyst for The Family Foundation. “The standard that this bill requires the government to meet is the ‘compelling interest’ standard. Federal courts have already found that government has a compelling interest to prevent racial discrimination. To say that the bill would allow religious people to simply ignore existing laws is preposterous. This is basically the same standard we had before last Oct. 25 when the Kentucky Supreme Court ruled. And that standard has been in force for decades at the federal level. Where were all these outrageous things happening before last October?”

The bill’s opponents realized, as did most observers, that the bill would have an easy

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“Apparently the ACLU is calling the shots in the Governor’s office.”

– Martin Cothran

Key bills in the 2013 Assembly

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path through the conservative State Senate, where it was passed on March 7 in a 29-6 vote.

Meanwhile, opponents of HB 279 concentrated their energies on the Governor. Very few observers expected the Governor to get in the way of the bill's passage. But after an organized effort by liberal groups to get calls and e-mails into his office, the Governor openly said he was considering a veto.

What before had been a fairly minor story in a session in which the issue was supposed to be something else had now become one of the major issues of the session thanks to the Governor's high-profile contemplation. At every step the stakes were raised.

In the wake of the Governor's musings, church groups began to organize as well, and calls into the Governor's office became so heavy that the Governor's staff began sending them to an answering machine, which quickly overloaded. A rally of gay rights and other groups gathered in the Capitol Rotunda talking about their rights early in the 10-day Veto Override break of the session.

On March 22, Beshear vetoed the bill, claiming he had questions about whether the bill could threaten civil rights and pointing to letters he had received.

"Apparently the ACLU is calling the shots in the Governor's office," said Cothran, who criticized the Governor for allowing groups representing only a handful of special interest groups to determine the fate of religious freedom in Kentucky.

The question was now whether the House would take action to override the veto or let the Governor's veto stand, resulting in a total defeat of the bill. Although the bill had won by a large margin, opponents claimed the bill had lost support after their campaign, a campaign The Family Foundation described as a "disinformation campaign."

Many wondered whether, in light of the fact that opponents felt strengthened after the veto, the House would call it for a vote at all. A group of churches mobilized members and gathered in the Rotunda on March 25, the next to the last day of the session, and after a few brief messages, simply sang hymns which reverberated through the Capitol. That afternoon, the House Democrat Caucus voted 27-26 behind closed doors to allow a veto override vote.

That vote came the next day, the last day of the 2013 session. The House voted 79-15 to override. The Senate followed in short order with a 32-6 override vote, and one of the most high-profile, pro-family bills in almost a decade had not only won, but did it in one of the most dramatic political showdowns of recent times.

SB 3 - Christian Health Ministries Approved

The Religious Freedom Restoration Act was not the only pro-family "offensive victory" in the 2013 session. In the culmination of a long battle between the Kentucky Department of Insurance (DOI) and a Christian health ministry, the Kentucky Supreme Court last year ruled that Christian Care Medi-share (CCM) could no longer operate in the state, leaving a number of people with health care costs stranded and without a means to pay their medical bills.

CCM is one of several medical-cost-share ministries operating in Kentucky. The groups facilitate the sharing of medical costs among members. CCM has always made it clear to their members that they are not an insurance plan, but simply share costs. However, during the Patton administration, the DOI launched a legal case against the group, claiming that they were operating as an insurance company because they helped administer the sharing between members rather than have members simply send their checks to other members.

Senate Bill 3 was introduced by State Sen. Tom Buford (R-Nicholasville) to allow CCM back in the state. The bill first became lodged in the House Banking and Insurance Committee headed by State Rep. Jeff Greer, who was opposed to the bill. But Greer himself had business to do before the Senate Banking and Insurance Committee, which, interestingly, was chaired by Buford, the sponsor of the Medi-share bill.

Buford attached the Medi-share language to one of Greer's bills, forcing him into a position to either allow CCM back into the state or let his own bill die. Eventually, a truce was made, and, through the hard work of Buford, the bill made it to the Governor's



desk, and Beshear signed it into law on April 5, well after any chance to override his veto had passed.

HB 3 - Ban on Human (Sex) Trafficking

House Bill 3, a Ban on Human Sex Trafficking, also passed this session – another offensive victory. HB 3 was written to strengthen the laws against human trafficking in a number of ways, including by elevating the needs of the victim, by increasing the penalties for human trafficking, and by streamlining the administration by agencies that must get involved when a trafficking case emerges.

In the 2012 General Assembly session, a bill that was essentially the same as this bill passed the State House with a vote of 99-0, but died in a State Senate committee because of a lack of legal clarity on some defining aspects. The bill passed the House this year 95-0 on Feb. 15 and, with those glitches amended, passed the Senate 37-0 on March 7. The House concurred with the changes 97-0 on March 12 and the Governor signed HB 3 into law on March 19.

HB 39 - Deliberate Viewing of Child Porn Ban

One last major offensive victory was House Bill 39, which tightened restrictions on child pornography by criminalizing instances where the viewing is deliberate, purposeful, and voluntary and not accidental or inadvertent. The bill passed the House on March 1 with a vote of 91-0, the Senate with a similar overwhelming vote of 33-2 on March 7 and was signed into law on March 21.

"Defensive Kills"

A count offensive victories is not the only way to measure success in a legislative session. Also important is what "bad bills" did not pass because you labored to stop them.

Expanded Gambling

Several bills were introduced to expand gambling and many ideas were tossed about, but none gained traction to be seriously considered in 2013. Observers point out that the long 2014 session will likely be the "final showdown" for gambling expansion during Beshear's two terms in office.

"Gay-focused" Bullying Bills

Similarly, several bills designed to secure special recognition of gays and lesbians in the school system under the guise of anti-bullying bills never gained traction. Everyone agrees that bullying is wrong *against anyone*. But to have bills particularly focused on various sexual identities is foolishness. Fortunately, the existing state laws against *ALL* bullying have earned positive recognition from national gay groups. They simply need to be enforced.

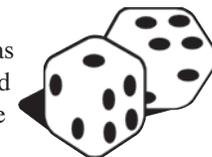
"Losses"

Once again, now for the ninth straight session, *ALL* pro-life bills died in the House. The problem is not just with Health and Welfare Committee chairman, Rep. Tom Burch, but with influences within the House Democrat Caucus. Just as HB 279 narrowly missed being killed in that Caucus on March 25 with the private 27-26 vote to consider the override, pro-life bills have consistently died there. Now for the ninth straight year.

Sanctity of Life Legislation

It is a sad reality that this pro-life state had *ALL* of the following five bills die with an 8-7 Party-line vote in Burch's committee on Feb.28:

- 1) **SB 4 – Informed Consent with Face-to-Face Consultation;**
- 2) **SB 5 – The Ultrasound Bill;** 3) **HB 23 – Prohibit Abortion Coverage Via Obamacare Health Exchanges** (unless optional rider is purchased); 4) **HB 132 – Fetal Heart Beat** (no abortions allowed in Kentucky after a fetal heartbeat is detectable); 5) **HB 251-Abortionist Admitting Privileges** (require abortionist to have local hospital admitting privileges)

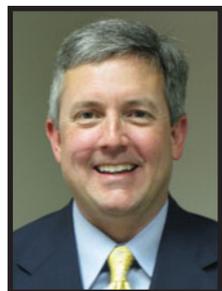


Cave prepares TFF briefs for KY Supreme Court

This “Instant Racing case,” ultimately, will decide whether the right of discovery exists when facing off with a Governor.

Last year, on June 15, a three-judge panel at the Kentucky Court of Appeals ruled 2-1 in The Family Foundation’s favor emphasizing that the constitutional right of discovery was vital to the Instant Racing case. With that right denied at the trial court, the appeals court vacated the original decision and remanded the case back for retrial.

“The bottom line is that everyone deserves their day in court,” Kent Ostrander, executive director of The Family Foundation, said at the time.



Stan Cave

“We were denied ours at the trial court level and the Court of Appeals agreed.”

The victory was sweet, given the series of uphill circumstances that raised questions as to whether The Family Foundation was even going to have a chance to discover evidence, develop proof and cross-examine witnesses.

But, the celebration was short-lived. Instead of going back down to the trial court, gambling proponents moved the Kentucky Supreme Court on July 17 to review the holding of the Court of Appeals. On Jan. 11, 2013 that Court took review of the case, surprising court watchers because now there is a chance that The Family Foundation may never be able to ask questions.

Citizens must consider the fact that The Family Foundation was denied discovery, was confronted with irregular court motions and regulatory decisions, and was pitted against a total of 13 attorneys for the state and the race tracks.

The effort to use the state judiciary was engineered to expand gambling across the



state after Gov. Beshear’s legislative and special election tactics failed to legalize expanded gambling via the General Assembly. This scheme ultimately enticed a Department, a Commission and two Cabinets of the State Government to join with eight race tracks to attempt an unprecedented expansion of gambling using a contrived court case where the participants actually sued themselves in what is called an “agreed case.” The Family Foundation petitioned the court for entrance into the case and was granted such, but was then told that no discovery would be allowed.

“We are confident that we can prove that these ‘Instant Racing’ machines are unlawful under the current Kentucky Revised Statutes,” said Ostrander. “We just need to have our Constitutional due process right of discovery properly granted.”

Stan Cave, The Family Foundation’s only attorney in this case, must file three briefs by May 10 in response to the Administration’s three-pronged judicial argumentation. Oral arguments will likely be scheduled for this Fall.

“We are confident that we can prove that these ‘Instant Racing’ machines are unlawful under the current Kentucky Revised Statutes. We just need to have our Constitutional due process right of discovery properly granted.”

– Kent Ostrander

Kentucky Rights Commission missing the mark

The Commission on Human Rights is charged with protecting religious freedom, among others. Instead, it focuses on gay rights.

Not everyone gets their own government agency to push their political agenda for them. But evidently some do. The Kentucky Commission on Human Rights was one of the groups that opposed HB 279, the Religious Freedom Restoration Act. Among other pronouncements, they sent a letter to Gov. Beshear asking him to veto the bill.

What many people don’t realize however is that the Human Rights Commission is a government agency whose stated purpose is to enforce the Kentucky Civil Rights Act. The Kentucky Civil Rights Act covers the same things as the Federal Civil Rights Act. According to the agency’s website its role is:

“To safeguard all individuals within the state from discrimination because of familial status, race, color, religion, national origin, sex, age forty (40) and over, or because of the person’s status as a qualified individual with a disability as defined in KRS 344.010 and KRS 344.030.”

The language includes religious discrimination as among those things the Commission is charged with monitoring. Part of the Human Rights

Commission’s purpose, in other words, is to protect religious freedom. But instead of doing this, say some, they are doing just the opposite.

“The Human Rights Commission is using their taxpayer-derived resources to fight one of the very things they are charged with protecting: religious freedom,” said Martin Cothran, senior policy analyst of The Family Foundation. “This is a clear abuse

of the office.”

Cothran pointed to a recent case of religious discrimination that, he said, the Commission simply ignored.

“In the most egregious recent

case of religious discrimination in Kentucky, the Human Rights Commission was either asleep at the switch or just simply not interested in getting involved.” The case involved Martin Gaskell, a scientist who sued the University of Kentucky for denying him a job because, as the e-mail of one UK professor put it, he was a “potential evangelical.”

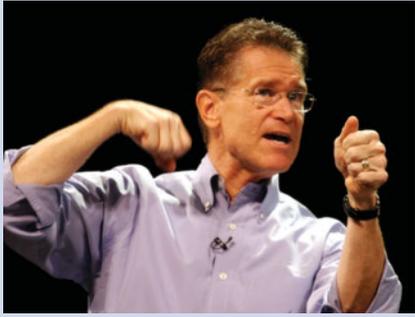
As a result, Gaskell filed a religious discrimination complaint with the Human Rights Commission. “But he never heard back,” said Cothran. “Apparently the Commission was just too busy doing what the Kentucky Civil Rights Act gives them absolutely no authority to do: engage in gay rights activism.”

Cothran pointed to several instances in which the Commission used its time and resources to push for local gay rights ordinances, including Berea, Kentucky. “The Kentucky Civil Rights Act does not prohibit discrimination based on sexual orientation. There have been proposed laws to change this, but so far the State Legislature has chosen not to pass them.”

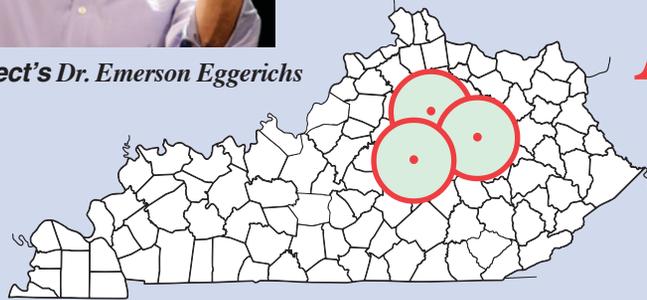
Cothran said The Family Foundation would be looking at ways to focus the Human Rights Commission to do what it was set up to do.



The new KY Commission on Human Rights logo?



Love & Respect's Dr. Emerson Eggerichs



The Kentucky Marriage Movement



Love & Respect's Sarah Eggerichs

Movement

Various regional events listed below

Lexington, May 3-4

Love and Respect video conference - The Eggerichs
Lexington First Assembly of God
2780 Clays Mill Road, Lexington, KY 40503

Lawrenceburg, May 17-18

The Art of Marriage video conference - FamilyLife
Ninevah Christian Church
1195 Ninevah Road, Lawrenceburg, KY 40342

Lexington/Wilmore, Aug. 23-24

Love and Lordship - live with Greg Williams
Asbury Seminary
204 North Lexington Avenue, Wilmore, KY 40390
(hosted by Shiloh Baptist Church of Lexington)

For more or to register, call **(859)255-5400** or go to www.kentuckymarriage.org

Sexual politics do NOT belong in schools

The Day of Silence project is using public schools as a recruiting and propagation field by gay and lesbian activists.

The Gay, Lesbian and Straight Education Network (GLSEN) is recruiting students in order to promote the Day of Silence, set for Friday April 19, in which students across the country vow to stay silent in order to "call attention to the silencing effect of anti-LGBT bullying and harassment in schools." In response, some pro-family groups are calling on parents to keep their students home if their school participates by allowing students to refuse to speak in class. They cite the fact that every student absence costs the school district money.

"Sexual politics has no place in our public schools," said Kent Ostrander, executive director of The Family Foundation. "This is simply a move by GLSEN to force the public schools to normalize homosexuality. They are attempting to bring their war into public schools."

The Day of Silence, which began on a college campus in 1996, is now disrupting the academic environment of thousands of high schools and middle schools around the country. Though its underlying message of anti-bullying sentiment is good, it actually undermines the belief that homosexual acts are immoral. GLSEN exploits

teen suicide as an example of the effects of LGBT bullying.

Opponents charge GLSEN with trying to eradicate traditional moral beliefs and create a social and political climate in schools so that it becomes impossible to hold or express them. Their cultural vehicle of choice for this experiment? Public education.

Homosexual activists and their allies are succeeding at aggressively targeting children through "anti-bullying" law rhetoric; through the effort to nationalize "comprehensive sex ed"; through laws mandating positive portrayals of homosexuality and gender deviance in curricula; and through events like the National Coming Out Day, LGBT History Month, and the Day of Silence.

Focus on the Family will sponsor the Day of Dialogue on Thursday, April 18 in response to the Day of Silence.

GLSEN
DAY of SILENCE
APRIL 19, 2013

The Family Foundation welcomes Mike McManus and *Marriage Savers* to Kentucky this Fall

McManus is a national expert on marriage. His contribution to Kentucky and the Kentucky Marriage Movement will be rich.

The Family Foundation and its Kentucky Marriage Movement are pleased to announce that Mike McManus of Marriage Savers is coming to Kentucky during the week of Sept. 30 through Oct. 4. "I've had the privilege of hearing Mike speak on Community Marriage Policies and his presentation is excellent," said Greg Williams, Director of the Kentucky Marriage Movement. "Even more significant are the results around the country from those who have worked with Marriage Savers and experienced reduced divorce rates as they came together to uphold a high standard for marriage!"

McManus was *TIME* magazine's youngest correspondent in 1963. Mike and his wife of 47 years, Harriet, then turned their attention to the institution of marriage and co-authored *Living Together: Myths, Risks, & Answers*. He also wrote *How to Cut America's Divorce Rate in Half* and *Marriage Savers: Helping Your Friends and Family Avoid Divorce*.

One success story of Marriage Savers comes from Modesto, CA, which became the first city to adopt a "Community Marriage Policy (CMP)." For a decade, its divorce rate has been half of what it used to be.

Here is a brief summary of results of cities that have adopted CMPs, as estimated by an independent study conducted by the Institute for Research and Evaluation:

- Divorce rates fell 17.5 percent in CMP counties over 7 years, with some dropping as much as 50-79 percent (Examples: Austin, TX; Salem, OR; Kansas City, KS; Modesto, CA; El Paso, TX). The Institute estimated that 31,000 to 50,000 marriages were saved from divorce through 2001. With another decade in the original cities and twice as many CMPs now, all of which have had training of Mentor Couples by Marriage Savers, the churches they trained have probably saved more than 100,000 marriages from divorce.
- Cohabitation fell by one-third in CMP counties compared to carefully matched counties in each state.
- Marriage rates have risen in some counties. The number of marriages in Modesto doubled from 1,300 to 2,600, though the increase was partly due to population growth.

Marriage Savers' CMP work has attracted national media coverage, including a profile on *ABC World News*; *The Coral Ridge Hour*; *The CBS Early Show*; *Focus on the*



Mike McManus

Family and the *Washington Post Magazine*.

Its work has also been reported on *NBC Nightly News*, *ABC World News Tonight*, and *CBS "48 Hours."* McManus has appeared on *MSNBC*, *Fox*, *BBC*, *CBC*, *Oprah* (three times) and *The O'Reilly Factor*. In addition,

TIME, *Newsweek*, *U.S. News & World Report*, *The Wall Street Journal*, *USA Today* and hundreds of local papers have reported on his work.

McManus also writes a nationally syndicated newspaper column called "Ethics & Religion."

The vision of the Kentucky Marriage Movement is to encourage strong, healthy marriages across the Commonwealth. Research has shown overwhelmingly that the kind of outcomes produced by Marriage Savers and Community Marriage Policies have tremendous positive impact on marriages, families, children and communities.

"Marriage Savers and our Community Marriage Policy have helped to turn around hundreds of towns and cities across the United States," said McManus. "Just think what would happen if ten communities in Kentucky 'divorce-proofed' their churches."

In order to make CMP training available, The Family Foundation plans to organize meetings with McManus in up to ten cities and their surrounding communities across Kentucky over a period of one week this Fall. Each Presentation of CMPs will include topics such as: "How to avoid a bad marriage before it begins, with 20 percent dropping out before the wedding"; "How to give a 90 percent success rate over two decades to those you prepare for marriage with trained lay couples"; "How to enrich all existing marriages with annual weekend marriage events"; "How to restore four out of five troubled marriages"; "How to reconcile the separated for \$28"; "How to save 80 percent of stepfamilies who usually divorce at a 70 percent rate."

There will also be time for dialogue with McManus regarding the implementation of a CMP in each community as well as an update regarding what is happening with the Kentucky Marriage Movement.

"Marriage Savers is a proven model and all of Kentucky can benefit as we work together to implement Community Marriage Policies," said Williams. "Imagine if communities all over Kentucky were working within the same proven framework to see these positive results – Kentucky would be leading the way for the entire nation."



Would YOU be willing to help strengthen marriages?



The Kentucky Marriage Movement's goal is to encourage each of us to be more deliberate about investing in our marriage. The purpose of bringing Mike McManus into Kentucky is to help communities and churches work together to strengthen marriage. Would you please help us get the word out in your area of the state?

If so, please call us: (859)255-5400

FINALLY! Victory at the U.S. Supreme Court

After 11 years of judicial wrangling, the U.S. Supreme Court upholds the intention of the Kentucky General Assembly.

Last August, The Family Foundation celebrated a victory in the Kentucky court system when the Kentucky Supreme Court denied discretionary review of a Court of Appeals ruling which preserved the right of the General Assembly to acknowledge publicly our collective dependence upon God for the security of the Commonwealth. Now, the U.S. Supreme Court

has denied a *writ of certiorari* in what most believe is the final action of this case. (A *writ of certiorari* grants a lower court case a re-hearing by a superior court.)

This story began in 2002 when the General Assembly passed the Anti-terrorism Act, which included the excerpt listed above. Then, a

Kentucky branch of the American Atheists challenged this statute (and a companion statute) in Franklin Circuit Court as being a violation of the Establishment Clause of the U.S. Constitution and an analogous provision of the Kentucky Constitution.

In August 2009, the Franklin Circuit Court ruled in their favor, finding that the

statutes violated both the state and federal Constitutions, primarily because it “places an affirmative duty to rely on Almighty God for the protection of the Commonwealth.”

This ruling was appealed to the Kentucky Court of Appeals by the office of the Kentucky Attorney General. There, The Family Foundation joined the litigation,

filing an *amicus curiae* brief in support of the constitutionality of the statutes.

(“*Amicus Curiae*” is Latin for “friend of the court” and is a procedure for someone to participate who is not a party to the litigation, but has a stake in the outcome of a case.)

In October 2011, the Kentucky Court of Appeals issued a decision completely reversing the Franklin Circuit Court on its constitutional holdings. The Court found that “the legislative finding neither mandates exclusive reliance on Almighty God nor belief in a particular deity. Rather, it makes reference to historic instances where American leaders have prayed for Divine protection in trying times. Accordingly, the statutes do not violate the Establishment Clause.” For similar reasons, the Court of Appeals also found that the Kentucky Constitution was not violated.

The Family Foundation’s *amicus* brief pointed out the irony of the Franklin Circuit Court’s holding that the General Assembly’s findings (*quoted above*) violated the Kentucky Constitution. Specifically, the very preamble to the Constitution of Kentucky

states that: “We, the people of the Commonwealth of Kentucky, grateful to Almighty God for the civil, political and religious liberties we enjoy, and invoking the continuance of these blessings, do ordain and establish this Constitution.”

The General Assembly hereby finds that...[t]he safety and security of the Commonwealth cannot be achieved apart from reliance upon Almighty God as set forth in the public speeches and proclamations of American Presidents, including Abraham Lincoln’s historic March 30, 1863, Presidential Proclamation urging Americans to pray and fast during one of the most dangerous hours in American history, and the text of President John F. Kennedy’s November 22, 1963, national security speech which concluded: “For as was written long ago: ‘Except the Lord keep the city, the watchman waketh but in vain.’”

“Although mere governmental proclamations will not change the spiritual course of our nation, we must not stand idly by . . .”

– Vaughn Murphy



In August of last year, The Family Foundation received further good news when the Kentucky Supreme Court denied discretionary review of the Court of Appeals’ decision, making final in state courts the reversal of the Franklin Circuit Court.

Now that the U.S. Supreme Court has spoken denying a *writ of certiorari*, the case has finally been put to rest.

The Family Foundation’s *amicus* brief, written by attorney Vaughn Murphy, strongly urged the Kentucky Court of Appeals to uphold the American (and Kentucky) tradition of invoking God’s favor and protection on our nation and Commonwealth.

“Although mere governmental proclamations will not change the spiritual course of our nation, we must not stand idly by when activist courts attempt to ignore our country’s long tradition of acknowledging the role of religion in American life,” said Vaughn Murphy, attorney for The Family Foundation. “Such court decisions ultimately lead to the curtailment of religious freedom, as anti-religious organizations attempt to strip any reference to God from the public square, and confine the free exercise of religion to only homes and churches.”

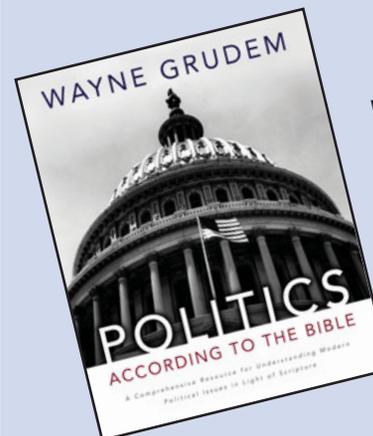
Rep. Tom Riner (D-Louisville), the legislator who amended the original bill in 2002 with the spiritual language that was challenged in court, was pleased: “Naturally, I am very thankful for the decision because it lets stand the idea subscribed to by the signers of the Declaration of Independence as well as Kentucky legislators that there are certain self-evident truths, including the reliance on the protection of Divine Providence.”

“Naturally, I am very thankful for the decision because it lets stand the idea subscribed to by the signers of the Declaration of Independence . . .”

– Rep. Tom Riner



Grudem’s books are still available . . .



We have a few “Politics According to the Bible” books left over from his tour. During the tour, we made them available at our cost – \$20. (They retail for \$40.) Because of shipping costs, if you would like to order one, send us a \$25 check with note “Grudem book” or call us at (859)255-5400.

Once, religious freedom in America was a given

There was a time when religious freedom in America was a given. No one contested it and it wasn't controversial. That time is gone.

When State Rep. Bob Damron (D-Nicholasville) introduced House Bill 279 during this last session of the General Assembly, it was quiet at first. But by the time the bill got its first hearing in the House Judiciary Committee, those who saw it as a threat quickly gathered their forces and the battle was on.

HB 279, the Religious Freedom Restoration Act, requires judges to use the highest level of legal scrutiny in weighing threats to religious freedom. The need for such a high standard became evident in a case involving several Amish men last October.

The men were arrested for not having bright orange reflective triangles on their buggies as required by law. The use of “loud” colors is prohibited in the sect and they consider the triangle shape a symbol of the Trinity, a doctrine problematic in the sect to which the men belonged.

Ironically, the men were not required to wear the bright orange jail uniforms required of other prisoners when they were thrown into the Graves County Jail.

When the case came before the Kentucky Supreme Court, it found not only that the men

would have to use the orange reflectors, it also went on to state that the standard by which such cases would be decided in Kentucky was the “rational basis” standard. Under this lower standard, as long as a law didn't specifically target a religion, it trumped the First Amendment right to free exercise of religion.

Part of the State High Court's reasoning was that it didn't need a standard any higher than what was required under current case law. That current case law was the result of a 1990 U. S. Supreme Court decision which abandoned the long-standing “strict scrutiny” standard. Under strict scrutiny, the government had to first show a “compelling interest” to violate someone's religious freedom, and, second, it had to use the least restrictive means to accomplish its purpose.

Congress came back in 1993 and passed the Religious Freedom Restoration Act (RFRA), which re-instituted the



strict scrutiny standard. The bill was co-sponsored by Ted Kennedy and signed by then-President Bill Clinton. However, in 1997, the Supreme Court invalidated RFRA as it applied to state law.

Oh, and RFRA was supported by the ACLU, the very group that led the opposition to HB 279, a law which did the same thing as RFRA did. In fact, the ACLU was the group representing the Amish men in court. Not only that, they argued that the Court should use the strict scrutiny standard!

Why was the ACLU opposed to the same principle it supported in 1993 and in the Amish case? The answer? Gay rights.

Why was the ACLU opposed to the same principle it supported in 1993 and in the Amish case? The answer? Gay rights.

Accompanying the ACLU in its opposition to

religious freedom during the General Assembly was an axis of gay rights groups, including the Kentucky Fairness Alliance, which claimed that the higher religious freedom standard would work against local gay rights ordinances.

In fact, the most revealing aspect of the debate over Kentucky's Religious Freedom Act was that gay rights groups came out of the closet in their opposition to religious freedom. The campaign against the bill sadly turned into an ugly and virulent campaign of hateful rhetoric and misinformation.

If there had been no evidence before of the anti-religious sentiment that now threatens

religious freedom in Kentucky, the opponents of the bill provided it.

Rep. Kelly Flood (D-Lexington) took to the floor and attacked the Catholic Church, charging them with wanting

to protect abusive priests. And State Sen. Kathy Stein (D-Lexington) charged that the bill was racist.

None of these things was true, of course. And, in fact, some gay rights laws were already infringing on religious freedom.

In Lexington last year, Hands On Originals, a T-shirt company, was hauled before the Lexington Commission on Human Rights and charged with violating the city's fairness ordinance. Why? Because they refused to print a T-shirt promoting a gay rights event. The owner of the T-shirt company was a Christian and believed it was against his religion to promote such an event.

The gay rights ordinance prohibits discrimination against a person based on sexual orientation. But the T-shirt company was not discriminating against any gay person; it was only refusing to engage in expression which violated the owner's religious beliefs.

If this is not a violation of religious freedom, then what is?

After passing the State House 82-7 and the State Senate 29-6, Gov. Steve Beshear vetoed the bill, a veto the General Assembly overrode several days later (79-15 in the House and 32-6 in the Senate), allowing the bill to take effect.

It's a good thing too. Telling religious people to go to the back of the bus in the false name of civil rights isn't a message most Kentuckians would appreciate.



Martin Cothran is the senior policy analyst for The Family Foundation

Go ahead, get one for your car and drive with CHOOSE LIFE encouragement all over town.

You'll be making a stand for life and for compassionate, life-saving intervention because the 46 Kentucky pregnancy care centers will receive 100% of the money that you donate above the actual cost of this official license plate.

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KY Memorial for the Unborn dedication set for May 6

Call soon to secure your inscription for your lost little one.

If you or someone you know has lost an unborn child by miscarriage, abortion or stillbirth, that child can be memorialized through the **Kentucky Memorial for the Unborn**. The Memorial, entering its final days of construction, will be dedicated on Monday, May 6 at 5:30 PM. All are welcome to attend. The site, located in Frankfort Cemetery, overlooks the Kentucky River, the State Capitol and the city of Frankfort and is near Daniel Boone's resting place. Call **859-255-2000** for inscription information as soon as possible.



The Kentucky **CITIZEN**

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Dear Friend,

April 10, 2013

Each Spring and Fall The Family Foundation "knocks on the door" of our supporters and asks for financial assistance. We do this only twice each year because we know that we are not the only organization or cause that you contribute to . . . and we do not want to badger you.

This year is no different . . . but our circumstances are a little different. Allow me to explain three of our realities:

1) We had a great 2013 General Assembly - see pages one and two. Not perfect . . . but a lot better than in recent years. Our efforts this year cost our General Fund sizably. But they were effective, which is **MOST** important!

2) Last Fall we focused on our staff expansion and had significant success . . . but because of our focus, we did not do as well with our General Fund. (Hiring will take place this Summer.)

3) And, now, the U.S. Post Office has raised its rates for our CITIZEN-type mailings. This CITIZEN mailing today is costing us an additional \$2,000.00 over the same mailing last year.

I'm sure you get my drift -- we have an increased need. My hope is that you will consider helping us with it.

Some people give to us because **THEY** value the information

we send and they use it to make a difference. Some give because they know we are helping **OTHERS** engage with the information we distribute. And still others know that **WE** are ourselves working hard in Frankfort. My hope is that many give for all three reasons.

Please consider a gift now. Every gift is 100 percent tax-deductible and is used on the issues we focus upon. It is our conviction that everyday folks like you and I are indeed "the salt of the earth." And, if we don't release our savor (our "flavor"), we and our family values will be thrown out and trodden underfoot by men. (Read Matt. 5:13)

Thank you for all of your efforts in the 2013 Session. And thank you for considering us now in your benevolent giving. By the way, I assure you, if everyone gives a little, we will have enough.

Blessings.

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