

# The Kentucky CITIZEN

STRENGTHENING FAMILIES AND THE VALUES THAT MAKE FAMILIES STRONG

Vol. XXII No. 4

July/August 2013

## TFF schedules Mike McManus for ten-city tour

*The Sept. 30 thru Oct. 4 schedule will challenge pastors, congregations and individuals to make marriage a priority.*

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!"

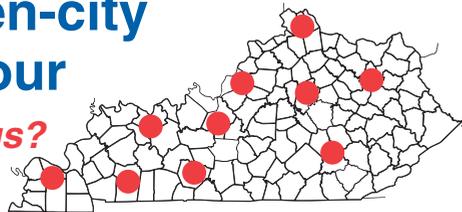
McManus was *TIME* magazine's youngest correspondent in 1963. Mike and his wife of 47 years, Harriet, then turned their attention to the institution of marriage and co-authored *Living Together: Myths, Risks, & Answers*. He also wrote *How to Cut America's Divorce Rate in Half* and *Marriage Savers: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

### This Fall's ten-city Marriage Tour

*Will YOU join us?*



#### Sept. 30, Monday

9:00 – 11:00 AM – Florence Baptist at Mt. Zion, **Florence**  
2:30 – 4:30 PM – 1<sup>st</sup> Church of God, **Morehead**

#### Oct. 1, Tuesday

9:00 – 11:00 AM – Centenary UMC, **Lexington**  
2:30 – 4:30 PM – Corinth Baptist Church, **London**

#### Oct. 2, Wednesday

9:00 – 11:00 AM – Grace Heartland, **Elizabethtown**  
2:30 – 4:30 PM – Southeast Christian, **Louisville**

#### Oct. 3, Thursday

9:00 – 11:00 AM – Good Shepherd AOG, **Owensboro**  
2:30 – 4:30 PM – Twelve Oaks Baptist Church, **Paducah**

#### Oct. 4, Friday

9:00 – 11:00 AM – Hillcrest Baptist, **Hopkinsville**  
1:30 – 3:30 PM – Rich Pond Baptist, **Bowling Green**

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 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 "Ethics & Religion," a nationally syndicated newspaper column.

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 cities across the nation," said McManus. "Just think what would happen if communities across Kentucky 'divorce-proofed' their churches."



Mike McManus

**Can you join us at one of these meetings?**

**Can you help us with this effort in your community?**

**Call 859-255-5400**

# KY Memorial for the Unborn dedicated in Frankfort on May 6

*Compassionate citizens from across the state assembled in the Capitol to participate in the ceremony.*

More than 100 Kentucky citizens came together May 6 to dedicate the Kentucky Memorial for the Unborn, many having lost an unborn child through miscarriage, still birth or a since-regretted abortion decision. The main speakers at the event gave solace and hope to those

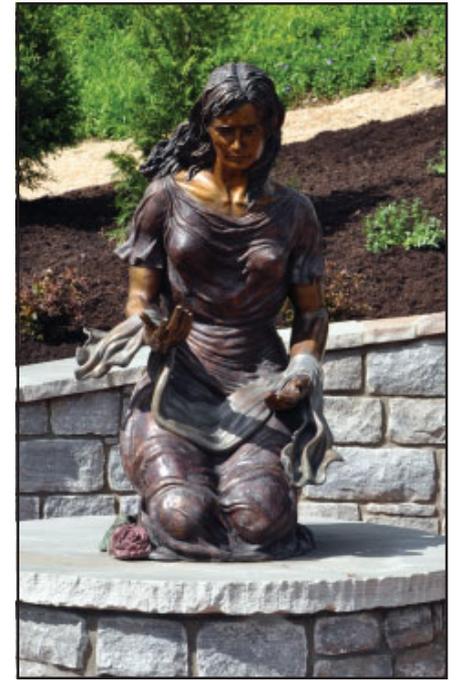


attending. Rev. Wayne Smith, founding pastor of Southland Christian Church in Lexington, and Rev. Ronald Gainer, Bishop of the Lexington Diocese, gave brief homilies.

Sculptor Sondra Jonson, who crafted the prominent bronze Memorial statue, came from her home state of Nebraska to express her delight in seeing her work, *Rachel Weeping for her Children*, used in such a redemptive way.

The Memorial Committee, chaired by Kathy Rutledge, has been working in conjunction with The Family Foundation on all facets of the project for seven years.

Those desiring an engraving for the Nov. 2 Fall memorial service there should call (859)230-5362 before Oct. 15.



**To order an inscription on the Memorial for your lost, unborn child, call**

**(859) 230-5362**

## Kentucky is generous thru “CHOOSE LIFE” plates

*The pregnancy care centers of Kentucky are sharing over \$35,000 because citizens are honoring and are committed to their work.*

Have you ever seen a yellow Kentucky license plate while traveling through the Commonwealth? Written in a child’s scrawl, the bright yellow plates depicting the faces of two children above the caption “Choose Life” stand out on Kentucky’s highways. But the message conveyed by these plates – more profound than their eye-catching flare – speaks to one of the greatest issues of our day: the sanctity of human life. And in this seventh year of the plate’s availability, Kentuckians have emphasized the issue’s importance by contributing \$35,260.81.

In 2005, the Kentucky legislature created an option for specialty plates to give various organizations an opportunity to spread their message. The Family Foundation was designated as the organization to serve the state’s network of pregnancy care centers (PCCs). In 2006, legislators made provision for a voluntary \$10 donation above the cost of the plate to be earmarked for local PCCs.

In the 2006-2007 fiscal year a total of \$5,850.78 was given. That number rose more than 400 percent in the 2007-2008 fiscal year when \$28,942.00 was received, reflecting the normal start-up jump. Since then, 2008-2009 gifts totalled \$37,448.06; 2009-2010 gifts totalled \$40,041.74; 2010-2011 gifts totalled \$40,316.23; and 2011-2012 gifts totalled \$36,207.00 – the first decline in giving. This year’s total declined further to \$35,260.81 . . . but every bit of it helps a mother in need *AND her child*.

The initial cost of the specialty plate for a citizen is \$44.00. Of that, a \$10 donation is earmarked for the pregnancy center that serves the driver’s county. In the ensuing years (renewal years), the cost for the plate is only \$31.00, again with \$10 going to the pregnancy care center. One hundred percent of the funds donated are distributed to the PCCs by The Family Foundation, which itself contributes the cost of the annual audit as well as the administrative and distribution expenses.

Choose Life plates are now available at all county clerk offices in Kentucky.

## CHOOSE LIFE

*official state license plates*

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



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

***THIS is Unbridled SPIRIT in Kentucky!***

# Stan Cave and “Instant Racing” attorneys square off in oral arguments before KY Supreme Court

*The fact that The Family Foundation attorney was barred from asking any questions during the trial is a pivotal issue in the case.*

After an almost three-year battle, the “Instant Racing” case came down to what looked like “The Gunfight at the OK Corral.” Stan Cave, attorney for The Family Foundation, found himself pitted against seven attorneys representing those who have been trying to expand gambling via regulation rather than by General Assembly law. The seven Kentucky Supreme Court justices had teed up the debate by organizing the arguments into two categories, each with equal time.

## Discovery

The first 30 minutes – 15 minutes for each side – would be devoted to the question of discovery. Why was The Family Foundation denied the due process right of asking questions in the trial court and did that denial negate the pro-gambling decision of that court?

That is exactly what the Kentucky Court of Appeals decided on June 15, 2012 when it ruled that the trial court decision was vacated and remanded back to the court for retrial with full discovery. However, before that could happen those for Instant Racing appealed to the Kentucky Supreme Court so the case went before the High Court without a complete record that had been developed through the process of discovery.

## Substantive Arguments on “Instant Racing”

The second realm outlined for debate was the substantive issues of “Instant Racing”

## “Instant Racing” video slots violate points of Kentucky law

- 1) **It is not “pari-mutuel”:** In fact, a player at one of these electronic video machines is “the only” wagerer betting on that one particular race.
- 2) **It is not “horse racing”:** Betting on a 2 inch by 2 inch 3-second video is not betting on a horse race. How can a horse in a 30-year-old video that has since died run in a “live horse race”?
- 3) **It is not a wager on a “future contingent event”:** The bet is actually on a past race and the outcome is known, even if hidden from the video patron.
- 4) **A bet cannot be made before the race:** By definition “Instant Racing” is a *historical* horse race, it is impossible to bet prior to the race that has already occurred.
- 5) **“Wagering pools” are not used:** Contrary to law, one bettor’s bets accumulate until another bettor, wagering on a different race, wins and collects.

**“The Instant Racing Emperor has no clothes. No one believes a video is a horse race or that a single wagerer is the same as a pool of wagerers . . . Instant Racing proponents are betting that no one will say so.”**

– Stan Cave, Family Foundation attorney



itself: Is this slot-like video machine truly a live horse race and is it actually a pari-mutuel wager as Kentucky law requires?

## The Arguments

Those *FOR* the machines argued against discovery, “This is strictly a legal question and no facts need to be discovered.”

Cave responded and pointed out that those supporting Instant Racing had included factual content in their original argument when it was simply an uncontested “Agreed Case” before The Family Foundation entered the case. Then they changed their tune to “it’s only a legal question” when they had the potential of questions being asked.

Cave noted that even the trial court judge has asked factual questions of the Instant Racing attorneys – factual questions that were never answered or cross-examined. Cave also pointed out that no one had ever been denied discovery rights before having asked a single question.

When it came to the substantive issues of the case, Cave said, “The Instant Racing Emperor has no clothes. No one believes a video is a horse race or that a single wagerer is the same as a pool of wagerers . . . Instant Racing proponents are betting that no one will say so.”

The oral arguments went for two hours, twice as long as prescribed by the Court.

The Court may reach and release its final decision on Instant Racing before the end of the year.

## Instant Racing’s Case History

**July 20, 2010** - Kentucky Racing Commission and eight horse racing tracks “sue” one another.



**Sept. 2, 2010** - The Family Foundation is granted entrance into the case as full party.

**Sept. 23, 2010** - The Court denies discovery to The Foundation; Case proceeds *WITHOUT* questions.

**Dec. 29, 2010** - Court rules that “Instant Racing” is within the law.

**Jan. 20, 2011** - The Foundation appeals case to Kentucky Court of Appeals.

**June 15, 2012** - Court of Appeals rules 2-1 in Foundation’s favor; orders retrial *WITH* discovery.

**July 16, 2012** - Gambling industry appeals to KY Supreme Court.

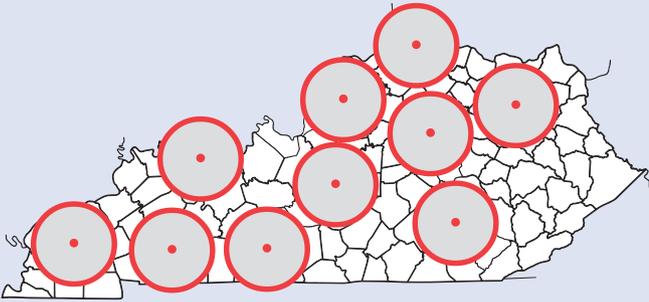
**Jan. 11, 2013** - KY Supreme Court accepts gambling industry’s appeal *WITHOUT* discovery.

**Aug. 21, 2013** - Oral arguments presented before the KY Supreme Court.



Photo of video terminal at KY Downs. Proponents say this is a horse race. Video of its operation can be seen at [www.kentuckyfamily.org](http://www.kentuckyfamily.org)

# The Kentucky Marriage Movement



**Monday, Sept. 30**

*Northern Kentucky* 9:00 – 11:00am

**Florence Baptist Church at Mt. Zion**

642 Mt. Zion Rd – Florence 41042

*Eastern Kentucky* 2:30 – 4:30pm

**First Church of God**

576 Sunset Dr – Morehead 40351

**Tuesday, Oct. 1**

*Central Kentucky* 9:00 – 11:00am

**Centenary United Methodist Church**

2800 Bates Creek Rd – Lexington 40502

*South-Central Kentucky* 2:30 – 4:30pm

**Corinth Baptist Church**

1671 Old Whitley Rd – London 40744

**Wednesday, Oct. 2**

*Elizabethtown Region* 9:00 – 11:00am

**Grace Heartland Church**

801 Pear Orchard Rd – Elizabethtown 42701

*Greater Louisville Area* 2:30 – 4:30pm

**Southeast Christian Church**

920 Blankenbaker Pkwy – Louisville 40243

**Thursday, Oct. 3**

*Owensboro Area* 9:00 – 11:00 am

**Good Shepherd Assembly of God**

3031 Bittel Rd – Owensboro 42301

*Purchase Region* 2:30 – 4:30pm

**Twelve Oaks Baptist Church**

2110 New Holt Rd – Paducah 42001

**Friday, Oct. 4**

*Pennyrile Region* 9:00 – 11:00am

**Hillcrest Baptist Church**

920 Skyline Dr – Hopkinsville 42240

*Bowling Green Area* 1:30 – 3:30pm

**Rich Pond Baptist Church**

200 Brad Ave – Bowling Green 42104

**To make these events successful,  
we need those who will forward  
emails to friends in their region.**

**Email us at: [tffky@mis.net](mailto:tffky@mis.net)**

## YOU can help with the Ten-City Marriage Tour

We'll ask you to come AND invite the faith community in your area. Please give us a call at 859-255-5400.

With the state of marriage going downhill at an ever-increasing rate across America, the best solution is not a government program, but rather a concerted effort by those who are happily and fruitfully married to let their light shine. Without a doubt, those individuals will be found in the churches that dot the landscape of Kentucky. It is true that even some in the faith community have fallen short, but all the more reason for us to repent from the downward direction and turn to the eternal truths that can bring hope and success to anyone who calls on them.

The plan around Kentucky's Ten-City Marriage Tour is to bring the state's pastoral leaders together, along with committed laymen to hear Mike McManus share about how they can work together in their communities to lower divorce rates, increase the marriage rates (lower the "live in" rate) and elevate the fulfillment for all who are married.

"This isn't rocket science," said Greg Williams, head of the Kentucky Marriage Movement project of The Family Foundation. "It's applying the truths we all know, but applying them *corporately* – it's the *united* Body of Christ truly following the Lord's

leadership with respect to marriage. It cannot fail!"

The effort to draw pastors as well as laymen together will be done county-by-county. Volunteers are needed to help locate the churches/pastors so that all are invited. The two-hour meeting in each city will allow attendees to ask questions and plot a course of action for their community and county. This way, every county develops and follows its own strategy,

but all counties have "similar" plans because the plans are created from the basic Biblical principles that McManus has proven true time after time in other areas of the country.

**MARRIAGE  
SUPPORTERS**  
Preparing, Strengthening  
and Restoring Marriages

**Lay leaders and pastors  
alike are more than welcome.  
Kindly send me an email  
(with your name) so we can  
reply with a publicity email  
you can forward to others.**

**[tffky@mis.net](mailto:tffky@mis.net)**

# KY Lottery expands without Assembly okay

*Many hope that the General Assembly will weigh-in on the expansion plans of the Lottery Board and the Beshear Administration.*

On June 11 the Government Contract Review committee voted 4-3 along partisan lines to approve a \$635,000 contract expansion allowing the current Kentucky Lottery vendor to expand into Keno, a type of gambling that many say is not authorized by current law.

Then, at the June 27 Appropriations and Revenue Committee meeting, Lottery executives explained their goal is to have Keno offered by mid-November and to expand into 650 retail locations across the Commonwealth, including bars and restaurants. Their stated intention is to grow the player base to include younger and better-educated people.

At the June 27 meeting no vote was taken and they did not ask for authorization to move forward. Lottery officials were simply informing the legislature what they were going to do.

Keno is a numbers game of strictly chance played at video terminals where players pick numbers and bet various amounts. Keno is considered by gambling experts to be a game with very high losses for the players. In fact, Maryland's Keno results in a minimum average loss of 38 percent for the player each time it is played. Plans for the Kentucky Keno game system will enable patrons to play as often as every five minutes. In addition to Keno, the Lottery Board also plans to expand into i-Lottery (Lottery via the Internet) 9 to 12 months after Keno is fully implemented. Issues they say they must first address are setting up a payment system (credit cards, PayPal, etc.) and how to ensure that minors will not have access to this online gambling.

Many leaders have questioned the authority of the Lottery Board to expand into these new areas. Even the Lottery's founding governor, Gov. Wallace Wilkinson, joined with the General Assembly in opposing the expansion of the Lottery into Keno in 1990 because it resembled casino-style gambling. Similarly, in 1999, then Attorney General Ben Chandler issued an opinion that video Keno terminals would require a constitutional amendment because the game is so different than what the people of Kentucky had been told they would be authorizing when they were asked to ratify a constitutional amendment to create the Lottery in 1988.

Others think that General Assembly approval is and should be required. Previously, Gov. Beshear has opposed online gambling because it creates ways in which children can gamble and undermines the horse industry. However, Beshear has not spoken out against the Keno expansion of the Lottery or the planned online expansion after Keno is implemented.



# The City of Frankfort passes gay ordinance

*The final vote by the Mayor and the Frankfort Board of Commissioners on Aug. 29 was 3 to 2.*

After several months of wrangling, the five-member Board of Commissioners voted to pass an ordinance that grants sexual orientation the same status of protection as traditional civil rights categories in Kentucky law. This makes Frankfort the fifth Kentucky city to pass such an ordinance. The others are Louisville, Lexington, Covington and Vicco (a small community in Perry County).

The debate has generally been cordial but, without doubt, passionate.

Commissioner Tommy Haynes, the Board's only African-American, stated in one of the earlier

discussions, "I want to do what I think Jesus would do. I just think it would be the best thing for Frankfort at this time."

He was joined by Mayor Bill May and fellow commissioner Katie Lynn Hedden on the final vote.

Two commissioners – Robert Roach and Lynn Bowers – have stood together against the measure throughout the debate.

"It's not the proper role of city government to add a special protected class for sexual orientation and gender identity," Roach said. "Public officials should generally never support legislation that curtails First Amendment and other rights."

"I can see both sides of the issue but I don't see this (kind of sexual) discrimina-

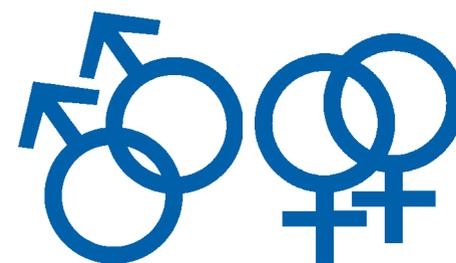
tion any more that I see other discrimination," said Bowers.

Rev. Hershael York, pastor at Buck Run Baptist Church, helped write an open letter to the Frankfort community along with 14 other pastors from the area. One of their points was that the ordinance is not needed: "... nothing makes that case more than the Fairness Alliance's own literature which, in its fiscal impact statement, predicts that a town the size of Frankfort will only have one complaint per year, and that 9 out of 10 of those will be spurious."

"No city ordinance should put any of our members in the position of tacitly approving of or enabling what we sincerely believe to be contrary to God's will," the pastors wrote. "It's just not fair."

Concerned Frankfort citizens in Frankfort found that much of the language was taken verbatim from a San Antonio, Texas ordinance. That fact underscored the notion that this is nothing more than a political agenda with boilerplate verbiage and strategy as opposed to an authentic response to a need in the community.

Earlier this year, the Fairness Alliance had said that they were targeting several cities across the state for such ordinances. Other targeted cities they have mentioned include: Elizabethtown, Danville, Murray, Shelbyville, Richmond, Berea, Owensboro and Bowling Green.



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**"I want to do what I think Jesus would do. I just think it would be the best thing for Frankfort at this time."**

*– Tommy Haynes*

*Frankfort Commissioner who voted "Yes"*

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**"No city ordinance should put any of our members in the position of tacitly approving of or enabling what we sincerely believe to be contrary to God's will. It's just not fair."**

*– Open Pastoral Letter*

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**"It's not the proper role of city government to add a special protected class for sexual orientation and gender identity."**

*– Robert Roach*

*Frankfort Commissioner who voted "No"*

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# Lawsuit targets Kentucky Marriage Amendment

*With the U.S. Supreme Court rulings on marriage as a catalyst, plaintiffs aim to overturn Kentucky's 2004 Constitutional Amendment.*

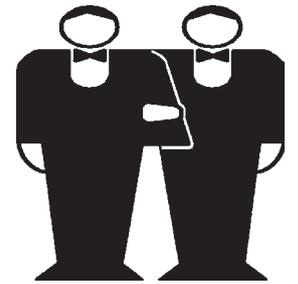
On July 26, a story emerged in the media that two homosexual men living in Kentucky were going to attempt a lawsuit in federal court against the 2004 Kentucky Marriage Protection Amendment, alleging that it is unconstitutional based on the U.S. Constitutional Equal Protection doctrine. Since then, another couple from Bardstown has been added to the lawsuit as plaintiffs.

Though the papers have not yet been served, reports cite Gov. Steve Beshear, Attorney General Jack Conway and Jefferson County Clerk Bobbie Holsclaw as the state defendants. With the amended complaint, Nelson County Clerk Elaine Filiatreau has been added.

The question raised, given Gov. Beshear's pro-homosexual stance, is "Will he defend the constitution or roll over as did President Obama and California Governor Jerry Brown when the issue was placed at their doorstep?" Similarly, will AG Conway do his duty and not follow U.S. Attorney General Eric Holder and California Attorney General Kamala Harris?

Failure to defend the Constitution will likely result in an overturn of the constitutional law.

One major difference is that the Kentucky Governor, along with Attorney General Conway, have both taken an oath to "support the Constitution of the United States and the Constitution of this Commonwealth." And, the Marriage Amendment in question is, in fact, a part



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**The ultimate question is this: Will Gov. Steve Beshear and Attorney General Jack Conway fully defend the Kentucky Constitution?**

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of the Kentucky Constitution – it is not simply a statute.

The ultimate question is this: Will Gov. Steve Beshear and Attorney General Jack Conway fully defend the Kentucky Constitution?

**Kentucky Oath of Office:** *"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I . . ."*

# Kentucky Gideon groups under fire from ACLU

*Gideons have faithfully distributed Bibles only to students who wanted them and only with volunteers separated from school staff.*

Gideon groups across the state are coming under fire from the Kentucky ACLU as the liberal group attempts to shut down all Gideon Bible distribution at Kentucky's public schools. On April 4, in a thinly veiled attempt to intimidate the state's school Superintendents, the ACLU sent out letters to the heads of all 174 school districts that said in part, "Because we have consistently tried to resolve this issue without resort to litigation (and seek to do so again) . . ."

That, combined with an Open Records Request in each letter is easily translated to: *"Agree with us and do what we say, OR WE WILL TAKE YOU TO COURT!"*

The ACLU's own press release, also dated April 4, regarding their sending of the letters made their threat more evident: "With the letter, the ACLU of Kentucky asked district superintendents to ensure that the issue is addressed prior to next school year, but it also clarified that the ACLU of KY considers litigation the next logical step to address this issue beginning with the 2013-14 school year."

"It looks like the ACLU is trying to bully education officials from one end of the state to the other with the threat of a lawsuit," said Kent Ostrander, executive director of The Family Foundation. "I trust that the Superintendents realize that they are even more vulnerable for a lawsuit if they violate the freedom of speech AND the freedom of religion of the Gideon organization."

On May 20, fortunately, to help schools avoid potential violations of the Establishment Clause of the U.S. Constitution, Kentucky School Boards Association, the Kentucky Association of School Administrators and the Kentucky Association of School Superintendents collaborated to develop general guidelines on the topic and placed them on their website for use by the School Superintendents and School Boards.

Their statement was fairly simple and straightforward. Basically it said, "Either school districts must ban ALL literature distribution from ALL non-school groups, or they must allow ALL groups to distribute, including the Gideons." (Emphasis added.)

The website stated: "In the particularly sensitive area of religious materials, schools must strive to remain neutral while avoiding practices that promote or endorse a particular religion. To avoid the aforementioned viewpoint discrimination, the distribution of religious materials in schools should not be prohibited solely because the materials are religious in nature.



## The Gideons International

The same rules that apply to secular materials should apply to religious materials . . ."

They also pointed out that materials from any group must not be lewd or vulgar or promote behavior that would violate the law or school rules. At this point in time in the dust-up, the Bible has not been accused of such.

Then on July 8 the Alliance Defending Freedom weighed in, writing each of the 174 Superintendents a letter that pointed out that following the ACLU's counsel could make them even more likely to be vulnerable to lawsuit. "We write to correct several misrepresentations made in the ACLU's letter and to inform you that allowing

religious community groups, like the Gideons, to distribute literature at tables in the school hallways or by the entrances and exits on an equal basis with their secular counterparts fully complies with the Establishment Clause. Indeed, banning only religious community groups from distributing literature at public schools is clearly forbidden by the Free Speech and Free Exercise Clauses of the First Amendment. We hope to eliminate any confusion caused by the ACLU's letter . . ."

Time will reveal whether the ACLU intimidation tactic will, in fact, succeed at shutting down the Gideons, or whether they and their supporters will persevere and ultimately prevail.

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**"It looks like the ACLU is trying to bully education officials from one end of the state to the other with the threat of a lawsuit."**

*– Kent Ostrander  
The Family Foundation*

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# Common Core: Unscientific science standards

Kentucky's students could have a good education, but ideology keeps getting in the way.

Storm clouds started forming over Kentucky's new science standards recently, partly as a result of their overemphasis on evolution. But the stress on evolution pales in comparison with its positive obsession with another issue: global warming.

If you do a simple word search through the Kentucky Core Academic Standards document, the problem becomes quickly apparent. Traditional scientific terms such as 'photosynthesis', 'genetics', and 'solar system' are buried under a veritable avalanche of terms related to climate change.

If we had only Kentucky's science standards to go by, we would have to conclude that climate and

weather issues are more important than gravity, photosynthesis, electricity, genetics, radiation, and quantum mechanics.

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**Storm clouds started forming . . . as a result of their overemphasis on evolution. But the stress on evolution pales in comparison with its positive obsession with another issue: global warming.**

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mitosis 3 times. Meanwhile the terms 'climate' and 'weather' and 'global warming' are together mentioned over 130 times.

In addition to the scientific terms that are

Genes are mentioned 38 times; the solar system 23 times; DNA 16 times; oxygen 16 times; mutation 11 times; chromosomes 9 times; electrons 6 times; bacteria 4 times; and

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**Standards that should be designed to equip students *how* to think scientifically instead spend too much time trying to tell them *what* to think.**

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hard to find, there are important scientific terms that get no mention at all. They include critical concepts and elements such as: 'hormone', 'kinesis', 'lymph' (or 'lymphatic'), 'neuron', 'nucleotide', 'osmosis', 'phenotype', 'Celsius', 'Fahrenheit', 'plasma', 'RNA', 'somatic', 'vaccine', 'microscope', 'half-life', 'protozoa', and 'enzyme'.

Comets are not mentioned at all. But the word 'tornado' appears nine times. The greenhouse effect is mentioned twice, but glucose has been washed away altogether.

What are we to think of science standards in which the term 'climate' appears 72 times, but in which terms such as 'mammal', 'reptile' and 'bird' are completely absent?

Terms such as 'oxidation', 'phylogeny', 'cosmos', and 'entropy', which appeared in the state's previous science standards, have been dropped altogether. And the microscope, which had been mentioned six times in the old standards, has been shown the educational door, a victim, apparently, of the fact that it is of little use in climate analysis.

It is hard to avoid the impression that Kentucky's science standards, rather than being an educational document, amount to a global warming manifesto. And this is unfortunate because it only clouds the legitimate goals of a science education.

One would think students ought to be aware, for example, of the lives and accomplishments of great scientists. This thought, however, apparently never occurred to those writing the "Next Generation" science standards on which the science portion of the Kentucky document was based.

If you looked for names of Euclid, Copernicus, Kepler, Galileo, or Einstein, you would be seriously disappointed. Louis Pasteur, Thomas Alva Edison, Marie Curie, and Watson and Crick never make an appearance. In fact, not a single famous scientist is mentioned in the entire 656-page document.

And it is an irony that despite all the controversy over the emphasis on evolution in the science standards, Charles Darwin isn't mentioned once.

But if there is trouble on the horizon for science education, it may be best illustrated by the fact that the term 'hypothesis', which refers to a process central to scientific reasoning, appears only once.

Standards that should be designed to equip students *how* to think scientifically instead spend too much time trying to tell them *what* to think.

## The takeover by Common Core will profoundly change American education

*The science realm described above is literally just the tip of the iceberg.*

Common Core is a "revolution" in American education that is being promoted by those who desire a top-down, centralized plan for education, as opposed to the traditional "local control" model that has always been prevalent in the United States. Yet, by 2010 every state but Alaska, Nebraska, Texas and Virginia had adopted Common Core education standards for Math and English for elementary and secondary schools.

Kentucky experienced a similar centralization effort with the passage of the Kentucky Education Reform Act (KERA) in 1990. However, Common Core emanates from Washington, D.C. whereas KERA found its authorization in Frankfort. The two efforts represent a common structure: one where the decisions for the education of children are being made farther and farther from home.

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Western civilization and the American republic." But the Common Core standards are being used to write the tables of contents for all the K-12 Math and English classes. Given what has already been seen with the Science standards (*see article above*), there is very little hope that the everyday Kentuckian would agree with what are the "great works" that the effort discerns.

Those expressing concerns point out that an unaccountable, centrally controlled, taxpayer-funded group of committees should not be given this much influence – *power* – over the lives of the entire next generation(s) of American children. This is especially true given the fact that no state, school district and school has used Common Core. Just because it is new and well-thought of by some does not mean that it is good or efficacious.



*Opinion: The due process right of discovery was denied.*

# Instant Racing case about more than gambling

On Wednesday, Aug. 21, the Kentucky Supreme Court heard oral arguments in the "Instant Racing" case. An Instant Racing machine looks exactly like a slot-machine except it has a small 2 by 2 inch video screen that plays a three second video clip of past horse races. Supporters say it is legal and opponents say it isn't.

Under Kentucky law, the only kinds of gambling allowed outside the Lottery are pari-mutuel gambling on actual horse races and charitable gambling. In August of

2010, the Kentucky Revenue Cabinet, the Horse Racing Commission and eight of Kentucky's

horse racing tracks attempted to get a Franklin Circuit judge to find that their attempt to conduct the game at horse tracks was legal.

The problem was that they had to argue that the game was an actual horse race and that the betting was pari-mutuel.

But lawyers are paid to have fertile minds and they argued before the trial judge that watching a small video on what otherwise is a slot machine is equivalent to watching an actual horse race.

They also maintained that a gambler playing on an Instant Racing machine against the house, who is not a part of a pool of bettors, is no different than someone betting on a horse race, whose bet is part of a larger pool. The very definition of pari-mutuel gambling is being a part of a pool where the odds are set based on the choices of the wagerers.



**Martin Cothran is the senior policy analyst for The Family Foundation**

Fortunately for the racetracks and their allies in the Beshear administration, The

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Family Foundation, which entered the case in opposition, was barred from asking any questions or present any

evidence. So the claim that a video of a horse race was an actual horse race and that betting against the house is the same as participating in a pool of bettors went unchallenged. The trial court judge ruled in favor.

But when the case came to the

*You mean this ISN'T horse racing???*



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Appellate Court, it was sent back to the trial court to allow the facts to be entered on the record, a process which, in law, is called "discovery," a right every party to a lawsuit has under the U. S. Constitution.

On the way back to the trial court, the Supreme Court was asked by the horse tracks and the Beshear administration to

take the case. It agreed. And so, even though there is no trial court record on which to decide the substantive claims of the case, the Court is poised to rule on the case.

But, in an unusual request, the High Court asked that The Family Foundation spend a half hour on the substantive arguments (whether a video can constitute an actual horse race and whether betting on a slot machine-like game is the same as participating in a pool of bettors) and a half hour on the argument that it never got the chance to enter any facts on the record or present any evidence.

This is likely an indication that the justices realize that basic legal rights are at issue in the case, and that there may indeed

be a problem with the High Court deciding the issue without having any facts or evidence before it.

The Governor's office and the horse racing tracks are powerful political

entities. Surely the Supreme Court will see the problem in letting those with inordinate political power

abuse the legal system to do as they please. No one should be allowed to trample on basic legal rights.

A decision from the Court is likely before January. If the Court rules against The Family Foundation's right to do discovery, it will be the first time that a party in a lawsuit has been denied that right.

Whether gambling should be expanded in Kentucky is an important question, but fundamental legal rights are more important still.

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