

The Kentucky CITIZEN

STRENGTHENING FAMILIES AND THE VALUES THAT MAKE FAMILIES STRONG

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2017 – Best General Assembly in memory!

After decades of crumbs from the table of the powerful, Kentucky's families received a banquet of good, pro-family legislation.

“Without doubt, this has been the most productive Session of the General Assembly in my 30 years of working in Frankfort,” said Kent Ostrander, executive director of The Family Foundation. “The new Majority in the House paved the way for the Senate and the Governor to redirect the momentum of the legislature from liberal issues to more common sense, conservative and pro-family issues.”

Speaker of the House Jeff Hoover (R-Jamestown) found himself catapulted from the House Minority Leader with 47 members to the Speaker of the House with 64 members in one day – last November's general election. With 17 more members and

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several other new members who replaced retiring legislators, the magnitude of the change provided a challenging learning curve for the new Majority Party.

Nevertheless, Speaker Hoover, working with Senate President Robert Stivers (R-Manchester), engineered a five-day blitz in the opening days of the 2017 Session which included the passage of seven significant bills, two of which were pro-life bills, the likes of which had been bottled-up in the House for at least 10 years.

“Perhaps the best standard for measuring the effectiveness of the new Majority in the House is whether it did the will of the people or not,” said Ostrander. “Clearly, this is, and has

been, a pro-life state for decades, yet only now are these kinds of bills breaking free for debate and passage.”

The “short” or 30-day Session of the General Assembly occurs on odd numbered years and grants much less time to consider and pass legislation. The “long” or 60-day Session occurs on even numbered years. It clearly has twice as much time to devote to legislation and its debate. Just the same, the 2017 Session generated 189 pieces of legislation that were passed by both Chambers and sent to the Governor's desk.

Two and four years ago in the 2015 and 2013 “short” legislative Sessions, like this “short” Session, the pieces of legislation passed totaled only 124 and 130 respectively. Those figures make this year's totals a 52 percent and 45 percent increase in efficiency and productivity.

“But more important than the number of bills passed is the purpose of the bills. On that point, this year's success is far beyond that of previous years,” said Ostrander.



Special Session possible

State pensions and tax reform are the topics that need attention.

After an extremely productive 2017 Session, Gov. Bevin may still choose to bring the legislature back during late Summer or early Fall to address the serious issue of underfunded state worker pensions as well as the long-overdue issue of tax reform.

Kentucky's pension system is perhaps the least well-funded in America, in part because the previous administration did not focus on it as a priority, allowing its



deficits to grow to the current magnitude of tens of billions of dollars.

Tax reform is the other topic likely to be on the call for a Special Session because new tax strategies could make Kentucky more attractive for new and expanding businesses, clearly one of Bevin's goals.

With the tax reform debate opened, legislators will also be looking for ways to create more money for the state budget. In other words, watch for tax increases.

For Special Session updates, email: kent@kentuckyfamily.org

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2017 Session: Offensive Victories / Defensive Kills

“Success” in the legislature can be measured in: 1) good bills passed (Offensive Victories), and 2) bad bills blocked (Defensive Kills). In the 2017 Session, the new House Majority working with established Senate Republicans did tremendous work for the families of Kentucky. Here are some of the outcomes of the bills that The Family Foundation engaged.

Good Offensive Victories

Senate Bill 5 by Sen. Brandon Smith – 20-Week Abortion Ban (Pain Capable Ban):



SB5 prohibits an abortion on a woman who is 20-weeks or more into her pregnancy because medical assessments indicate that an unborn child feels pain by 20-weeks gestation. Passed Senate 30-6 and House 79-15.

Senate Bill 8 by Sen. Max Wise – Defunding Planned Parenthood (PP):



SB8 sets up a tiered funding approach so that federal and regional health care clinics for women would receive federal monies first – before PP. With this bill, PP would likely receive little or no funding. Passed Senate 31-6 and House 75-13.

Senate Bill 17 by Sen. Albert Robinson – Student Free Speech & Religious Liberty Act:



SB17 prevents schools K thru college from infringing on a student’s right of freedom of speech or expression, allowing such speech or expression on the same terms as nonreligious and nonpolitical speech. SB17 protects the right to pray at lunch or refer to God in speeches or composition. Passed Senate 31-3 and House 81-8.

Senate Bill 159 by Sen. Jared Carpenter – Civics Test for Graduation:



SB159 requires students in Kentucky public schools to pass a civics test before they can graduate. The 100-question test is taken from the U.S. Citizenship and Immigration Services. Students are permitted to retake the test as often as needed in order to pass. Passed Senate 37-1 and House 79-15.

House Bill 2 by Rep. Jeff Hoover – The Ultrasound Bill:



HB2 requires that an abortionist do an ultrasound on every woman seeking an abortion and describe what the ultrasound imaging presents. If the abortionist can detect a heartbeat, he is directed to make that audible for the woman to hear. She does not have to look at the ultrasound. Passed House 83-12 and Senate 32-5.

House Bill 14 by Rep. Kevin Bratcher – Hate Crimes Against Peace Officers:



HB14 upgrades to a hate crime offenses committed against an individual because of that individual’s actual or perceived employment as a peace officer, member of a fire department, or emergency medical services personnel. Passed House 77-13-1 and Senate 33-5.

Good Defensive Kills

House Bill 400 – Facilitating Gambling Expansion:



For 6 1/2 years The Family Foundation has been in court trying to stop the unlawful gambling machines (slots) at horse race tracks. They have never been voted upon by the General Assembly or approved by the Courts. This bill would have given more power to the Horse Racing Commission to affirm the machines.

House Bill 397 & 414 – Legalizing Fantasy Sports Gambling:



This bill would have massively expanded legalized gambling in Kentucky. Legislators, told they were only voting “to regulate” Fantasy Sports, were encouraged to pass this bill. It is true the such wagering does go on in Kentucky, but it is not authorized by law. The bill failed 37-36, needing 40 votes.

House Bill 38 by Rep. Kim King – Prohibiting Sex Offenders on Public Playgrounds:



HB38 prohibits sex offender registrants from being on the grounds of a publicly owned playground without advance written permission. Passed House 91-3 and Senate 37-0.

House Bill 128 by Rep. D.J. Johnson – Biblical Literacy Bill:



HB128 allows the study of the Bible in public school for its literary and cultural contribution to Western Civilization and American culture. The bill does NOT permit the teaching of religion. HB128 passed House 80-14 and Senate 34-4.

House Bill 180 by Rep. Addia Wuchner – Child Placement with Fictive Kin:



HB180 establishes that the Cabinet for Health and Family Services may approve fictive kin as a placement for a child. It defines “fictive kin” as “an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child.” Passed House 96-0 and Senate 37-0.

House Bill 520 by Rep. Bam Carney – Charter Schools:



HB520 allows the creation of public charter schools in Kentucky. The Commonwealth had been one of only seven states that did not allow charter schools. Passed House 56-39 and Senate 23-15.

House Bill 524 by Rep. Addia Wuchner – Human Trafficking:



HB524 includes the promotion of human trafficking as a criminal offense if the victim is under 18 and requires that the national trafficking hotline be posted in public schools. Passed House 81-0 and Senate 38-0.

Good bills that did not pass

Senate Bill 86 – Violence Reporting - Domestic & Dating

Senate Bill 201 – Grandparent Visitation Rights

House Bill 58 – The “Tim Tebow” Bill

House Bill 105 – Religious Rights of Conscience (re: marriage)

House Bill 129 – Establishment of Child Abuse/Neglect Registry

House Bill 427 – Student Privacy Act (Bathroom Bill)

House Bill 408 – Prohibiting Distribution of Child Pornography

House Bill 427 – Judicial Divorce Reform

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Proponents of “Instant Racing” jolted by court

On March 14 the Franklin Circuit Court denied the Horse Racing Commission and race tracks’ motion for summary judgement.

After more than 6 1/2 long years of litigation, on March 14, the Franklin Circuit Court fired a shot across the bow of those pushing these slot-like gambling machines by denying their motion for partial summary judgment. The Family Foundation and its attorney, Stan Cave, are now looking forward to a court trial to settle the matter.

“The ruling shows that the judge in this case understands the issues at stake and is willing to go where the argument leads, . . .”

– Martin Cothran, senior policy analyst
The Family Foundation

“The ruling shows that the judge in this case understands the issues at stake and is willing to go where the argument leads,” said Martin Cothran, a spokesman for The Family Foundation, the group opposing the Encore gaming system. “Not only that, but



acknowledged by the Racing Commission’s own expert witness. He also argued that players

the wording of the Court’s decision could make it difficult if not impossible for the race tracks and the Horse Racing Commission to ultimately prevail in this case,” said Cothran.

Cave argued that the gambling pools created under this new system of gambling may never be fully paid out to winning players as required by state law, a requirement

“This court case has gone on far too long. But since the proponents have been allowed to operate the machines and make big money doing so, they have had no reason to expedite the proceedings.”

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might win more money than a wagering pool could pay. In this event the host tracks would add more money to the pool. When the host track adds money to a wagering pool, the host track becomes a participant in the wagering, just like in Las Vegas-style slot machines.

In essence, the judge agreed with this dilemma in his decision: The slot-type games either fail to pay out pools to players, or the host tracks are participating in the wagering to keep the gaming system solvent. Either way, the games appear to violate Kentucky law.

Though this ruling focuses only on one half of the case – the “Encore” machines, it still bodes well for The Family Foundation when it broaches the other half of the case – the “Instant Racing” machines.

“This court case has gone on far too long,” said Kent Ostrander, executive director of The Family Foundation, “but since the proponents have been allowed to operate the machines and make big money doing so, they have had no reason to expedite the proceedings.”

Ostrander pointed out that no legislation has ever been passed and no court has ever ruled that the machines are, in fact, legal. Yet, they continue to operate at various horse racing tracks in the Commonwealth.

During the 2017 Session, House Bill 400 was filed to give the Horse Racing Commission more clout with these machines and the bill almost slipped passed everyone’s notice. Ostrander testified against the bill in its House Committee on Feb. 22, but it passed and was placed on the Consent Orders. Only the many calls of citizens stopped the bill from moving further. (See more in related story on left)

Other victories over gambling . . .

The step forward in the Instant Racing case is not the only success of this season.

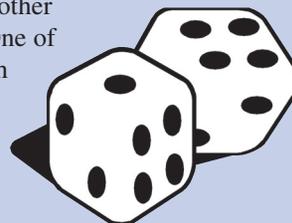
Though only listed briefly as “Defensive Kills” (See page 2 - lower left), there were two other significant victories over those who would expand gambling in the Commonwealth. One of these victories was related to the 6 1/2 year Instant Racing Court case and the other with the faddish spread of Fantasy Sports wagering.

On Feb. 22, House Bill 400 passed its House Licensing, Occupations, & Administrative Regulations Committee unanimously and was placed on the “Consent Orders” for quick passage on the House Floor. When bills pass their committees unanimously, they can be “bundled” and passed with one Floor vote along with many other bills that had unanimous committee support. This is a time-saving maneuver so that every bill does not use debate time on the House Floor. But it also allows legislators not to be seen as voting *FOR* a particular bill. If asked if they “voted for gambling,” they could say “No.” And if confronted with more detail, they could say, “Well maybe it was in the ‘Consent Orders’ when I voted for that.”

Regardless, HB 400 stalled, primarily because of the many calls that came into legislators’ offices. HB 400 would have given more authority to the Horse Racing Commission “to regulate” the Instant Racing machines that are already operating at various race tracks across the state. The major concern with the bill is that it continues to have the legislature act as if these machines are legal even though the General Assembly *HAS NEVER PASSED LEGISLATION* to that effect and *NO COURT HAS RULED* that they are legal.

House Bill 414 (and a similar bill HB 97) would have done the same thing for wagering on Fantasy Sports — proponents told legislators that they were simply voting to “regulate” such wagering. Though there already is a great deal of Fantasy Sports activity in the state, no law has ever been passed and no court has ever ruled that this type of wagering is legal. In fact, the general principle in Kentucky is that gambling is illegal unless it is specifically sanctioned by the legislature.

HB 414 suffered a similar fate as HB 400. It passed the same committee unanimously and was placed on the Consent Orders. But many calls came in and it was removed from the Consent Orders and ultimately suffered a defeat with 37 legislators voting for passage and 36 voting against passage. Even though HB 414 “won” the vote, all bills need a minimum of 40 votes in the 100-member House to pass.



The key bills of 2017: “Jewels of the Session”

Though there were many great victories in the 2017 Session, the crown jewels were five bills that hit the bull’s-eye of core values.

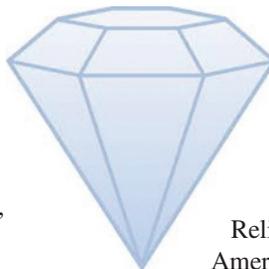
Kentucky citizens who have had a burden for the family and the values that make families strong are likely pinching themselves to be sure they are not dreaming as they recognize the huge change in Frankfort. They have hoped and worked and waited for years, some even decades, to see what has transpired in the last three months.

True, while the two key issues of bathroom privacy and religious liberty/conscience protections regarding marriage were not addressed in this Session, many major issues were. Consider these five pieces of legislation:

Sanctity of Life: Three strong bills addressing the sanctity of life issue were passed with sizeable majorities:

1) The Ultrasound Bill – House Bill 2, which had been attempted in each of the previous 10 years, was finally passed. Its margins were large – passing the House 83-12 and the Senate 32-5. This bill mandates that a woman considering an abortion at least have the opportunity to see the ultrasound of her child and hear the child’s heartbeat before she makes her final decision. Anyone who has ever been near a pregnancy care center’s work knows that there are huge numbers of women who wish they had been able to see those facts before they changed their life with an abortion decision.

2) The 20-Week Abortion Ban (Pain Capable Ban) – Senate Bill 5 was another bill that is just common sense that passed with large majorities. In America, there is more care for animals taken to the slaughter house than has been shown for unborn children at the abortion clinic. These children, *who can feel pain at 20-weeks gestation*, are simply torn apart in the abortion procedure. SB5 passed the Senate 30-6 and the House 79-15.



3) Defunding Planned Parenthood– Senate Bill 8 was yet another common sense bill. Why would tax money be used to support an organization whose primary mission is to do abortions? Particularly an organization that has sold the body parts of aborted children to enlarge their profits? SB8 passed the Senate 31-6 and the House 75-13.

Public School Student Rights: The Student Free Speech & Religious Liberty Act – Senate Bill 17 was a major step forward in protecting basic American rights for students K through college. Some individuals in the public school system – elementary, secondary and post-secondary – have been hostile to religion, particularly Christianity. And, certainly there are anti-Christian groups in America that have attempted to intimidate teachers, principals and superintendents from allowing anything that has faith in it to be expressed. This has been tantamount to a “freedom from religion” ideology in the school system in contrast to our true Constitutional “freedom of religion rights.” SB17 passed the Senate 31-3 and the House 81-8

Biblical Literacy: The Biblical Literacy Bill – House Bill 128 was another sound bill that simply helps students better understand their own Western Civilization and American culture by understanding the Book that did so much to shape those cultures. Not to study the Bible in that context is to be ignorant of our history and from whence we came. It is important to note that this is not a course on religion, or on Christianity in particular. It is a course about our culture. House Bill 128 passed the House 80-14 and the Senate 34-4.

Gorsuch confirmed: One **MAJOR** step forward

His placement on the U.S. Supreme Court brings hope for many Americans who have had deep concerns about the judiciary.

After a 66-day process, President Trump’s nominee for the Supreme Court, Neil Gorsuch, was confirmed by the Senate 54-45 on April 7 and was sworn in on April 10. Born in 1967, the Colorado native is now the youngest Justice on the bench, and thus may influence the nation for a long time. Constitutional conservatives are optimistic about how his tenure could reset the direction that the Court and the entire judiciary has been moving.

During his confirmation hearing, it was repeatedly apparent that Gorsuch is very likeable. Ariane de Vogue, *CNN’s* Supreme Court Reporter, described him as “a laid-back, fly-fishing, fourth-generation Coloradan who also happens to have an Ivy League education, a brilliant legal mind and an established judicial record.”

His amiability was on full display after he thanked the members of the Senate Judiciary Committee, who had been grilling him with questions for over 20 hours. He pointed to his faith in the system of American Government, saying: “I wish the American people could see what I’ve seen. I think that if they had seen what I’ve seen, they’d be much bigger believers in their government than they are. It’s not perfect, my branch isn’t perfect, but I’m a believer in it and I want to thank you.”

The oldest son of two lawyers, Gorsuch’s interest in law came honestly. He obtained his J.D. from Harvard Law School in 1991. He went on to serve as a law clerk to Judge Sentelle of the U.S. Court of Appeals for the Washington, D.C. Circuit and Justices White and Kennedy of the U.S. Supreme Court. He then practiced law at a prominent Washington, D.C. law firm for 10 years before joining the U.S. Department of Justice (DOJ). While at the DOJ, he served as the principal deputy to the associate attorney general and

as acting associate attorney general.

In 2006, President George W. Bush nominated him to the 10th Circuit and the Senate confirmed him unanimously. Jonathan Turley, Shapiro Professor of Public Interest Law at George Washington University, said Gorsuch “is widely respected for his writings on legal theory and



history, which include refreshingly provocative ideas on the structure of government, morality in the law and interpretive theory.” He called Gorsuch “the gold standard for a nominee.”

Despite the glowing credentials of Gorsuch, Senate Democrats decided to filibuster (the making of serial prolonged speeches to obstruct the confirmation process). This was done regardless of recognizing that Republicans could still confirm Gorsuch. However, the move did force Republicans to change the rules of the Senate so that 51 votes could stop the filibuster. Democrats had changed the rules in 2013 for the appointments of all federal judges *except* Supreme Court justices.

Three young men who served as law clerks for both the late Justice Antonin Scalia and Judge Gorsuch said

Gorsuch’s nomination had given them “tremendous comfort and excitement” because “the judge . . . will be as principled, as courageous and as committed to the Constitution and our country.” They noted that he “is a brilliant thinker, a fair and independent judge and a clear and effective communicator of important ideas” and that his court opinions “reflect the principle Justice Scalia spent his career defending: that in a democracy, the people’s elected representatives, not judges, get to decide what laws we should have.”



Chief Justice Roberts gives oath to Neil Gorsuch

Gov. Bevin challenges state to child foster care

Bevin sets a goal of having Kentucky citizens make the Commonwealth America's model for foster care and adoption.

On March 10, Governor Bevin and the First Lady hosted “A Summit to Save Our Children” in Frankfort. This summit was called in order to move the Governor’s foster care and adoption initiative, *Open Hearts/Open Homes*, from simply being another static government program to a dynamic mobilizer of faith-based organizations and nonprofits that networks with nurturing families all across the Commonwealth.

Hundreds of participants, plus hundreds more virtual viewers, crowded into the Offices of the Court in order to hear the Governor’s vision for the foster children of Kentucky. “There should not be any child in Kentucky—able to be adopted,



simple mathematical analysis reveals that if only one family in every 17th church would adopt one of these children, the need would be met. What better opportunity for the Body of Christ to truly minister to the “least of these”?

For those who wish to better the lives of the over 8,000 children who are in state custody, there are endless possibilities, even if

“There should not be any child in Kentucky—able to be adopted, ready to be adopted, wanting to be adopted—who does not have a home.”

— Gov. Matt Bevin

ready to be adopted, wanting to be adopted—who does not have a home,” said Gov. Bevin. “We are indeed our brother’s keeper, and I want to challenge us to be bold in our thinking. Let’s do this together; let’s challenge the status quo. It is our determination as a Common-

wealth to become the model in America for foster care and adoption.”

There are currently 355 kids in the Commonwealth who are waiting for adoption without any prospect of a “forever” family. With over 6,000 churches in Kentucky, a

family may not be prepared to foster or adopt. Several speakers at the summit noted that gestures as simple as organizing a duffel bag drive so that foster kids do not have to transport their belongings in a trash bag, or offering respite care for a foster family can make a huge impact on these kids and the families who care for them.

As Gov. Bevin reminds us, “These precious kids need homes where they can always feel safe and always return to, even when they are grown. We never stop needing a family to love us.”

For more on becoming a foster parent:

Website:
adopt.ky.gov

Phone:
1-800-232-KIDS (5437)

Email:
openhearts@ky.gov

Watch the entire Summit on the Cabinet for Health and Family Services Facebook page at:

www.facebook.com/kychfs/

Two opportunities for teens to learn about government:

TeenPact and Crossings Ministries are having an impact.

TeenPact Leadership Schools host classes in state capitols all across the country and Kentucky has a chapter of its own. The Kentucky group hosted its annual sessions in Frankfort on April 3-7 with a one-day class for younger students (8-12 years old) on April 7 as a hands-on way for teens to learn about the workings of government.

Similarly, this July, Crossings Ministries will be providing – “Truth in Public” – a one-week camp (July 10-14) on political engagement for older high school students to be held on Asbury University’s campus with an outing to the Kentucky House Chambers on Thursday. Crossings’ purpose is to invest in the next generation by equipping students to engage our increasingly secular culture with the Gospel.

The TeenPact Leadership School

Many Kentucky families have found TeenPact to be one of the most positive influences for their children’s character development. This event has been called a “bar-raiser” because it provides excellent examples of youth completing worthwhile challenges.

“Changing lives to change the world” is the foundation of TeenPact’s goals and mission.

“Changing lives to change the world” is the foundation of TeenPact’s goals and mission. Its Leadership Schools engage students to teach them about God, His Word, and the workings of government. TeenPact instructors use a Biblical approach to show students that our American form of government is run by the people, and that strong



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TRUTH IN PUBLIC
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502-491-7000

Christian leadership is needed to direct our country back toward healthy Christian living principles. Participants learn Biblical ways to make a difference, starting in their own hearts, then their families, communities, and eventually the world.

Crossings’ “Truth in Public” week

The “Truth in Public” week emphasizes that citizenship in the United States is a privilege, a responsibility and a unique opportunity. Given the responsibility, Christians must act on behalf of others, and they must do it in a way that honors Christ. Every Christian is called to care for their neighbor and to promote human flourishing.

The ministry’s goal is to see the next generation raised up to bear the torch of advocating and caring convictionally for those who do not have a voice and cannot speak for themselves: the poor, the unborn, the abused, the trafficked, and so many more. Just as William Wilberforce committed himself to the reformation of society in pre-Victorian England, so high school students can commit themselves to seeing the Gospel change the culture.

The “Truth in Public” week emphasizes that citizenship in the United States is a privilege, a responsibility and a unique opportunity.

Berea: Victory for prayer at public meetings

Citizens of faith saw a problem and then acted. The result is a new City Council with values that represent the people.

“Father, I plead with You to help each of us, beginning with me, to seek to live in harmony. Make us a people of accountability rather than anarchy. Make us a people of respect and responsibility rather than rioting. Replace hate with helpfulness and healing . . . If we can accomplish these things, then we can once again enjoy Your full favor in a city and a society that You can bless.”

It was with these words that Bro. Kenny Davis Jr., pastor of Bethel Baptist Church, began the March 7 meeting of the Berea City Council. According to Davis, that marked the first time a meeting had been opened with prayer in over 15, possibly 20 years.

The Council had voted unanimously to do so on Feb. 21, despite objections from the mayor. Each meeting will now begin with the Pledge of Allegiance to the American flag and a prayer offered by a member of the Berea Ministerial Association.

The decision of the Berea City Council is consistent with the U.S. Supreme Court’s decision in *Town of Greece v. Galloway* (2014) which upheld the right of legislative bodies to begin their meetings in prayer.

Writing for the majority, Justice Kennedy stated that “ceremonial prayer is but a recognition that, since this Nation was founded and until the present day, many Americans deem that their own existence must be understood by precepts far beyond the authority of government.” Even the four justices in the minority recognized that the



Pastor Kenny Davis

public forum “need not become a religion-free zone.”

Berea’s monumental decision was the result of citizens concerned with the direction of their city; citizens who decided to get involved. Davis recounted how those concerned citizens came together in advance of the November 2016 election, organizing and strategizing to restore a more conservative world view. They overcame some ideological differences to push for limited government, transparency, and a common-sense approach. Those citizens were then supported by a group of clergy and churches who dedicated times of prayer, lifting up the coming election.

It was this groundwork which laid the foundation for the election of what Davis sees as by and large “the most conservative council” elected in 10 years. This occurred despite the reported outside money and organizers that were brought in by one of Kentucky’s most liberal political action committees.

“Berea’s decision to begin their meetings with prayer is a testament to the difference that ordinary citizens can make when they decide to be salt and light,” said Michael Johnson, policy analyst with The Family Foundation.

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– Michael Johnson, policy analyst
The Family Foundation

Hands On Originals decision due soon

It will be a monumental ruling regarding the intersection of where religious liberty and gay rights collide.

With the Kentucky Court of Appeals expected to release its decision soon, the *Hands On Originals* case is putting Kentucky back onto the battlefield of another critical cultural decision that will once again be made by the judiciary, not by the people of the Commonwealth.

In 2012, Blaine Adamson was approached to print t-shirts for Lexington’s Gay Pride Festival. He politely declined because of his religious beliefs, but referred the Gay and Lesbian Services Organization (GLSO) to another shop that would print the t-shirts for the same price. GLSO declined his offer and then filed a discrimination complaint with the Lexington Human Rights Commission.

The constitutional principle at issue in this case is one which protects all individuals, regardless of their beliefs. Just as the First Amendment protects *Hands On Originals*, it also prevents a religious-discrimination claim against an LGBT printer who refuses to create materials that he believes ridicule gays and lesbians. Even a lesbian owned and operated t-shirt company and groups that strongly support gay rights have publicly supported *Hands On Originals*’ position.

In November 2014, the Human Rights Commission concluded that *Hands On Originals* had engaged in unlawful discrimination, commanded them not to discriminate against individuals because of their sexual orientation, and ordered them to undergo diversity training.

The Circuit Court’s decision reached three conclu-

sions: It held that the Commission’s order “violates the recognized constitutional rights . . . to be free from compelled expression”; violates free exercise of religion protected by Kentucky’s Religious Freedom Restoration Act; and that “there is no evidence in this record that [*Hands On Originals*] or its owners refused to print the t-shirts in question based upon the sexual orientation of GLSO or its members,” instead declining “to print the t-shirts in question because of their *MESSAGE*.”

There are six undisputed facts which confirm *Hands On Originals*’ motivation was message-based and *NOT* based on sexual orientation: First, *Hands On Originals* has served and employed individuals who identify as gay or lesbian .

Three Key Points of the Case:

- #1 It is a common practice for business owners to refer projects that conflict with their beliefs and values.**
- #2 Blaine Adamson has declined to print other messages with which he disagrees.**
- #3 If government can force Blaine to violate his conscience, everyone else can be forced to violate theirs.**

Second, *Hands On Originals* would print materials for GLSO if they did not contain or promote messages which conflict with Blaine’s religious beliefs.

Third, it was not until Blaine heard a detailed description of what was to be printed on the shirt that he declined the request.

Fourth, Blaine never asked the GLSO’s representative about his orientation and it was never disclosed to him.

Fifth, some members of GLSO (including the representative in this case) do not identify as gay or lesbian.

Sixth, the decision not to print the shirts was consistent with at least 13 other occasions between 2010 and 2012 in which *Hands On Originals* declined to print items based on their message. Those included shirts promoting a strip club, pens promoting a sexually explicit video, and shirts containing a violent message.

“We’re hoping that the Appeals Court affirms the freedom to live and work consistent with one’s beliefs and values,” said Mary Kunze, policy analyst for The Family Foundation. “We are pulling for *Hands On Originals*.”



HANDS ON ORIGINALS

Opinion: They are whining about something that doesn't even change the status quo in Kentucky.

The H-L's Brave New Politically Correct World

The *Lexington Herald-Leader's* recently published an editorial ("Public school no place for religious war," March 23, 2017) asking, "At a time when political and religious divisions are unusually inflamed, why make battlegrounds of schools?" The law in question, Senate Bill 17, a bill protecting free speech, religious freedom, and freedom of association in schools, was recently passed by the General Assembly and signed by the governor.

When the reporter researching the editorial asked us the same question, we asked whether she had ever posed this

. . . the new law doesn't change the current situation in Kentucky, which is that student groups can determine their own entry requirements.

question to the ACLU, one of whose chief purposes is to make battlegrounds of schools. We never got a straight answer.

It's only when people try to defend themselves against the school battles started by the ACLU that newspaper editorialists, jealous of what they consider their exclusive right to promote such battles when it suits their purposes, issue such condemnations.

The editorial builds from hypocrisy to logical incoherence. It was concerned that the bill would allow on-campus student



Martin Cothran is the senior policy analyst for The Family Foundation

groups to determine their own membership, so it asked, "And who wants to be the principal who must defend the Campus Crusade for White Supremacy's membership policy?"

Seriously? When everyone else is concerned about the *existence* of White Supremacist groups, the *Herald-Leader* is concerned that everyone might not be able to join? We *support* the bill, and we could think of better arguments against it than that.

Of course, what the paper and the groups now complaining about the new law are really concerned about is that religious student groups might have policies that reflect their religious identity, as in the 2010 U.S. Supreme Court case *Christian Legal Society v. Martinez*. This case concerned the Hastings Law School's policy that required student groups to accept everyone in order to use school facilities.

The Christian Legal Society required students who wanted to join to comply with their statement of beliefs which involved traditional views on sex and marriage. The Court ruled that there was nothing unconstitutional in the school's policy prohibiting this. The Court's ruling indicates that it's now okay to have a policy discriminating against religious student groups by prohibiting them from requiring that their members agree with them.

The ruling further eroded First Amendment religious freedom rights, but most schools do not have such policies and allow student groups to set their own entry standards. In other words, the Islamic Student Union or the Black Student Union can accept only Muslims or Blacks, respectively.

But in Kentucky, unless a university has an all-comers policy, and as far as we know none does, then student groups can already determine their membership—a fact that the *Herald-Leader* subtly tried to skirt.

The *Herald-Leader* does not seem capable of distinguishing between a Supreme Court decision that *permits* schools to adopt an all-comers policy, which actually happened (*Christian Legal Society v. Martinez*); and a Supreme Court decision that *requires* schools to adopt an all-comers policy, which the *Herald-Leader* would like to see happen (*but never has happened*).

In other words, the new law doesn't change the current situation in Kentucky, which is that student groups can determine their own entry requirements.

The editorial also argues that the law might be stricken down by courts. Any law can be stricken down by a court. If that's a problem with SB 17, then it's a problem with every other law on the books. But this is how the world right in front of the eyes of newspaper editorialists is distorted when they can't distinguish between how things really are and how they would like them to be in their Politically Correct utopia.

It is ironic that when this bill was being considered by the General Assembly, its opponents argued that it was unnecessary because it *didn't* actually change the law. Now the *Herald-Leader* and the groups who oppose the new law argue that it is dangerous because it *did* change the law. If the bill *didn't* change the law, then why are they now arguing that it did? And if the bill *did* change the law, why didn't they argue that then?

Maybe there are some good things about the *Herald-Leader's* Brave New Politically Correct World, but logical coherence isn't one of them.



The Kentucky Marriage Movement

Lexington, Feb. 26 - June 25

Love and Lordship Sunday Night Series - Greg Williams
Blackburn Correction Facility
3111 Spurr Road, Lexington, KY 40511

Jamestown, May 5-6

Love and Lordship Retreat - Greg Williams
Okalona Baptist Church (Nancy, KY)
Lure Lodge (Lake Cum. St. Park) Jamestown, KY 42629

Willisburg, April 5 - May 24

Love and Lordship Wed. AM Series - Greg Williams
Isaiah House
2084 Main Street, Willisburg, KY 40078

Richmond/Berea May 7-9

Love and Lordship 3-Night Event - Greg Williams
Tates Creek Bap Assoc. at Red House Baptist Church
2301 Red House Road, Richmond, KY 40475

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

Help us Please!



Kent Ostrander is the executive director of The Family Foundation

2017 witnessed a GREAT Session, but there is still more to do.

We have had a *GREAT* 2017 General Assembly Session! Yes, we did not receive *ALL* that we desired . . . but it was a *VERY GOOD* Session, and we are very grateful for all the legislators who courageously stepped forward to pass legislation and for all of the Kentucky citizens who made calls to encourage those legislators. *THIS* Session should be the template for how future Sessions in Frankfort should flow. Thank you for your part in it!

Kentucky, I believe, is called to be a leading state among the 50 during these unsettling times in America. Clearly, as a nation we've gone off course over the last 30 years, but our Commonwealth is positioned to be one of those states that steps forward on the issues of the day and challenges other states to return to America's basics.

We at The Family Foundation want to do our part in Kentucky's role, and we would appreciate your helping us. With this *CITIZEN* we are opening our annual Spring fundraising effort to fuel our work. My hope is that you could generously jump on board with us.

A gift now of *ANY* amount will support the publication *and* distribution of the *CITIZEN*. It will support the staff that serves The Foundation. And, it will let us know that you have not moved from the address to which we're mailing. In fact, a gift of *any amount* tells us that you "are there," that we have the correct address, that *you want* the *CITIZEN* and that *you want us* to do this work.

Please join with us. Some folks give to us because they use the information we send out. Some don't really care about the information, but they like the fact that we are doing this work across the state. Some give to us for both purposes.

Regardless of your reason for giving, we've spent sizeable amounts during the 2017 Session to help bring about good results (*See page 2*). We've also spent sizeable amounts in court (over 6 1/2 years) to keep expanded casino-style gambling out of Kentucky . . . and we have more work to do there. (*See page 3*). And we've spent sizeable amounts so that the Body of Christ can stand together as "One" with one purpose across this Commonwealth.

Please help supply our need.

I have no doubt that Kentucky is called to be a leading state for the nation during these times. With its "spiritual resources" – pastors and laymen – and its 120 counties, Kentucky is indeed the "Upper Room State."

What other state has God given such spiritual resources and leaders?

Let us together do what we were created to do – step forward with faith and believe that God will bless us and this state with wisdom, courage, boldness, covenantal relationship and the working of His Holy Spirit.

Please help.



The Kentucky *CITIZEN*

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P.S. Just so you know, it costs us about \$10-\$15 to send you the *CITIZEN* each year. Any gift above that amount helps us fund projects and our work in Frankfort.