

# CITIZEN

STRENGTHENING FAMILIES AND THE VALUES THAT MAKE FAMILIES STRONG

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## Special Session coming — **ALERT!**

*“The state pension is in crisis and the race tracks want more money; but, State Leaders, DO NOT rip off Kentuckians with gambling!”*

Gambling has never been expanded anywhere in the United States because “gambling is a good thing.” It is always about, “We need money for this” or “We need money for that . . . so let’s legalize gambling.” That argument could be coming once again to Kentucky during the upcoming Special Session or in January. Kentucky citizens should let their voices be heard *now*. October has been set aside for that very thing!

Gov. Bevin is set to call a Special Session to begin later this Fall (at press time the call had not yet been given) for the purpose of addressing the growing pension crisis. Because the crisis had been ignored by Gov. Steve Beshear, it has grown serious and is now a “mine field” for legislators who will be seeking re-election next year. The fact remains that whatever legislators decide, many will disagree and will be disappointed.

Some politicians and lobbyists behind the scenes have suggested that expanded gambling is the answer for the pension deficit, actually proposing a major gambling expansion and then earmarking subsequent gambling taxation for the pension.

Others recognize that if an expansion of gambling is enacted to fund the pension shortfall, it will damage the population by requiring Kentucky families to be “taxed” with the burden of having to lose money just to fund the pension.

Remember, the government created the pension problem, not Kentucky families.

In addition to the financial pressure for state pensions, Churchill Downs and

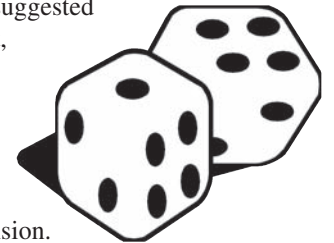
Keeneland have themselves announced their desire for more money by asking that they be granted licenses for two more race tracks, each with facilities to install hundreds more of the horse-themed “slot machines.” These devices have never been approved by legislators, and the court has not declared them legal. (See story on page 3)

Since 2000, the horse tracks have maintained that they should have the exclusive right to run casinos at their race tracks. Casinos have never been authorized, but they have manipulated their way to having these devices at their facilities, thus creating “racinos.” These racinos have everything casinos have but table games.

Across the nation, expanded gambling has been sold by using everything from “helping minority communities raise money for improvements” to “lowering property taxes.” But the bottom line is that it always preys on those who do not know how or have the ability to save or invest for retirement – *the poor*. And they are the ones that need help, not those pushing a high-tech rip-off.

“We all know that an individual cannot borrow his way out of debt and cannot gamble his way into prosperity,” said Kent Ostrander, executive director of The Family Foundation. “These truths apply to governments as well. Nothing is as good as sound fiscal policy to correct an error – and certainly not games of chance.”

Last Spring, during the 2017 General Session, two bills that expanded gambling in the state were killed after proponents tried to undersell their impact. “Citizens simply rose up, calling their legislators so that the vote counts fell short.” said Ostrander. “I trust that will happen again right now, during the month of October.”



### Please make two calls **NOW!**

*In the month of October, we can encourage our leaders to do what’s right.*

#### **#1 Leave a message for your legislators: 1-800-372-7181**

Leave a kind but firm encouragement with the operator for your legislators by saying, “**Please give this message to all the legislators in my county.**” (Some counties have more than one representative and one senator). Simply say, “**Please VOTE AGAINST ANY expansion of gambling.**” The Legislative Message Line is 1-800-372-7181. To multiply your impact, ask the operator to, “**Copy my message to the Leaders of the House and Senate.**” The call is free and it should take about one minute. Call now! The Message Line is open now from 8 AM to 4:30 PM Eastern. (See page 2 a listing of problems associated with expanded gambling.)

#### **#2 And, leave a message for Gov. Bevin: 1-502-564-2611**

Leave this message, “**Please act to stop the expansion of gambling thru the horse-themed ‘slot machines’ at race tracks.**” (These machines have NEVER been voted upon by the legislature and the court has NOT determined them legal, yet they have been operating for six years, sucking up millions of dollars from Kentucky families.) The Governor’s Message Line is 1-502-564-2611. It is open from 8:00 AM to 4:30 PM Eastern. (For more, see page 3)

**“Let your voice be heard in Frankfort” is a prophetic task – speaking truth to power. If you hit any snags, call The Family Foundation at 859-255-5400.**

# The “Four Truths” of Gambling Expansion

## Truth #1: The Family is targeted.

With all the talk about casino-style slots, surprisingly no one is pointing out that huge sums of money — millions each year and literally billions of dollars over time — will simply *change hands*.

Clearly, gambling doesn't create new wealth. It only makes wealth change hands.

What hasn't happened is an honest discussion that tells us *from where* all the money comes. Consider: corporations can't gamble, nor can businesses, institutions, schools, churches, nonprofits, clubs, nor civic groups — only moms and dads, and a few single people. In other words, all the BILLIONS of dollars that is gambled is just a shift of assets *FROM* the hands of the family *INTO* the hands of the gambling industry. The government will get its share simply by taxing the money as it changes hands. The bottom line is that the family picks up the whole tab; and tragically, government, charged with protecting families, maneuvers to “get in on the action.”

And, unfortunately, government will be adding folks to the welfare list as the gambling industry thrives.

The investment in the new casino-style slot machines simply means proponents are serious about ripping-off Kentucky families. This is a *VERY, VERY BAD* idea!



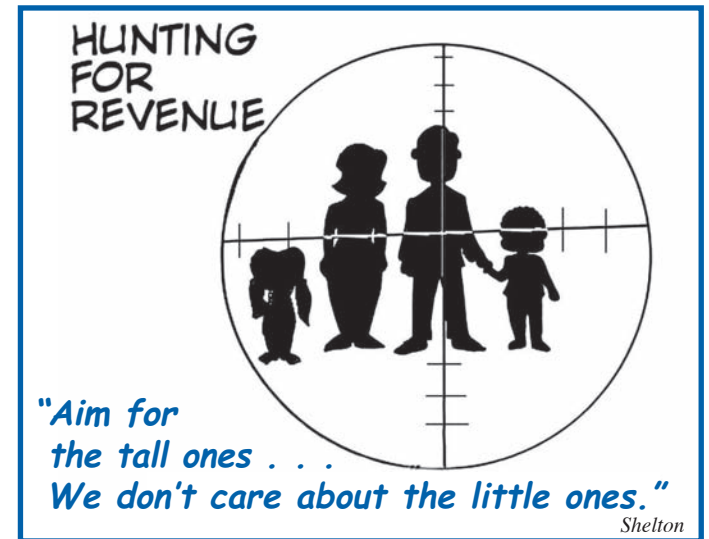
## Truth #2: Businesses will lose.

As families lose, businesses will lose. Think about it — after all the losses, parents can't afford to take the family out to eat, buy their children new clothes for school, purchase a new refrigerator or finance a new addition to the house. Other businesses will suffer because money is *TAKEN OUT* of the economy.

And, when a family files bankruptcy, the businesses that the family owes lose even more. In other regions of the country where casinos have opened, the losses to businesses have been clearly documented. But B-I-G Gambling *always* gets its money.

The fact that businesses will lose is common sense: With tens of millions of dollars taken annually from Kentucky's families, those same tens of millions cannot be spent on Kentucky businesses.

Remember, Las Vegas was built by *losers* — not winners. Slot machines will simply drain the wealth from Kentucky's communities, and local economies will pay dearly.

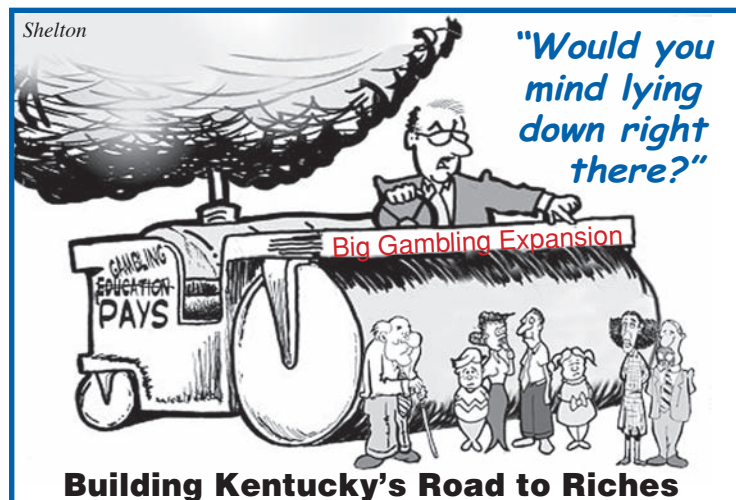


## Truth #3: Government will be corrupted. (See related story page 3)

With millions going into the hands of the gambling industry, who will become the greatest contributor and most influential group in the political process? If our legislature is “gambling friendly” today, how much more “friendly” will it be in ten years when many of its members have received sizeable contributions from the gambling interests?

Now, imagine that there's a policy debate, like “*Should we legalize prostitution?*” (as was the case in the Nevada). Nevada's legislature decided to legalize prostitution in order to embellish the gamblers' “good times.” If gambling interests want it, what will the legislature do? The answer: they will do the will of the gambling interests.

The gambling world is all about two things: “A good time” and “the bottom line.” “Good times” demand prostitution and strip bars; and of course, when good times go awry, you'll need abortion to be readily available (Las Vegas has 13 abortion clinics). “Nice” legislators who will reluctantly vote for gambling today will themselves be replaced by pro-gambling legislators that will not care one iota about the family. We will not escape the corruption of our values.



## Truth #4: The Vulnerable will be destroyed.

Though families are targeted (*see #1 above*), finances aren't the worst of the costs to families. Financial loss is just the beginning of a tragedy that all the family members experience, even extended family members.

There will be some citizens, poor in spirit as well as poor in financial assets, whose lives will be totally destroyed — marriage-damaging financial stress, alcoholism, drug use, child neglect and abuse, spouse neglect and abuse, divorce, depression, suicide, embezzlement, imprisonment and crime (both victim and perpetrator).

And even worse, the children will lose their childhoods, and be affected for a lifetime.

Doctors have a policy regarding their treatment of any patient: First, do no harm. Policymakers in Frankfort would do well to apply this wisdom to the gambling expansion decision . . . because the Vulnerable (*and their families*) will be destroyed.



# “Instant Racing” is now fully on trial!

January 8 is the date set for the trial of the “horse racing” machine, but there is much to do before the actual trial begins.

After seven years of court room proceedings, the “Instant Racing” court case is finally scheduled for trial on Jan. 8, 2018. The case has seen one “irregularity” after another since its inception; and unfortunately, it seems that all the irregularities have aided those pushing for the horse-themed “slot machines” as opposed to helping The Family Foundation.

“Our attorney, Stan Cave, has done an outstanding job for seven years, always standing alone, sometimes against as many as 14 of Kentucky’s best attorneys who are representing the gambling interests,” said Kent Ostrander, executive director of The Family Foundation.

**“Although over \$2.5 billion has already been wagered on these machines, no legislative vote has ever been taken to authorize these machines. And, they have not been declared legal by the court, yet they continue to operate as though they are legal.”**

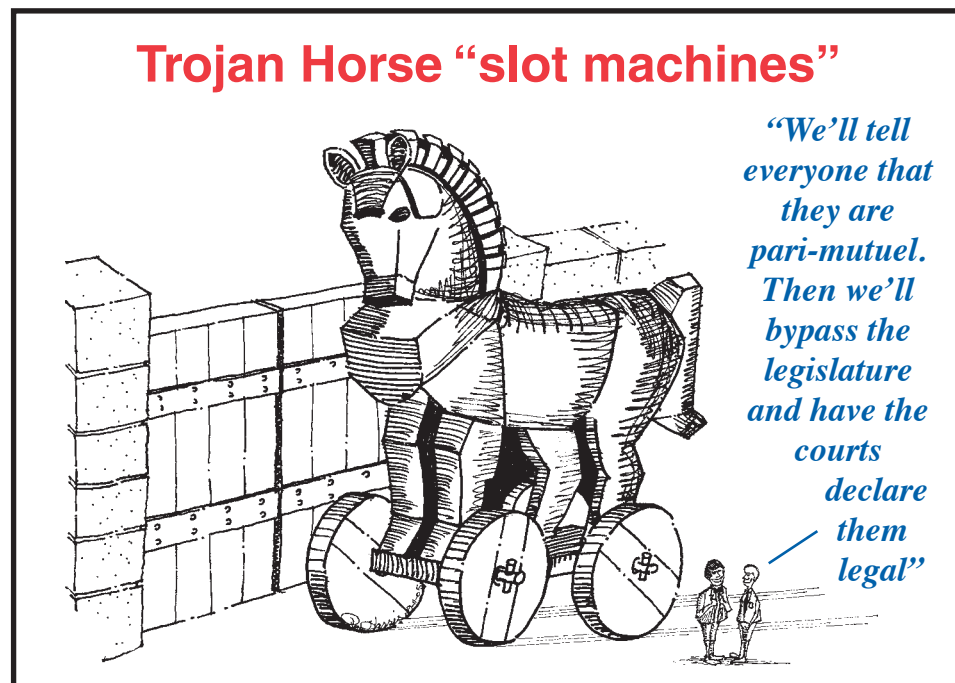
– Kent Ostrander  
The Family Foundation

But the story of this effort to expand gambling begins well before the court case began in 2010. The previous Governor, Steve Beshear, tried relentlessly to expand casino-style gambling in Kentucky during his tenure. He first said, “Let the people decide,” proposing a constitutional amendment. The legislature said “No,” by not securing the 60 votes needed in the House and the 24 votes needed in the Senate for a constitutional amendment.

Gov. Beshear then went for a simple statute – only 51 votes in the House and 20 votes in the Senate needed . . . the legislature again said, “No.” Note that with this maneuver, Gov. Beshear violated his campaign pledge with this “simple statute” effort – “the people” would *NOT* decide. All of this was somewhat of a surprise because when Beshear, the incumbent Lt. Governor in 1987, ran for governor against Wallace Wilkinson and his lottery proposal, Beshear ran on an *anti-gambling expansion* platform. He lost.

So, in 2010, after several years of failure, Beshear had his Administration file what’s

called an “agreed case,” asking the circuit court in Frankfort to simply declare that these horse-themed slot machines are actually horse races. There is no opposition in an “agreed case.” Because of that, The Family Foundation asked and was granted standing to intervene in the case in August of 2010.



Since that time, The Foundation has been in the case experiencing all kinds of unusual tactics offered by the pro-gambling forces.

In addition, the media, who are generally friends with Kentucky’s elite in the racing business, have been unwilling to present both sides of the case.

“Although over \$2.5 billion has already been wagered on these machines, no legislative vote has ever been taken to authorize these machines. They have not been declared legal by the court, yet they continue to operate as though they are legal,” said Ostrander. “And, they are extracting millions of dollars from Kentucky families, many of whom cannot afford to be throwing money away.”

The case is bizarre — creating more questions than answers. The case began as a joint lawsuit by the Kentucky Horse Racing Commission (a public regulatory agency) along with the eight race tracks (it is supposed to be regulating.) They sued no one, yet sought court approval of mysterious new gaming devices that appear to be slot machines. • Why would the Commission refuse to disclose facts about the gaming devices? • How can the betting devices be the same as betting on horse races? • How can bettors be deemed as wagering with other bettors (pari-mutuel wagering) when bettors are wagering alone on a device? • How can one wager be a “pool” of wagers? • Why is a public agency (the Commission), claiming an attorney-client relationship privilege with the race tracks it regulates, thus barring discovery on their communications about the devices? • Why did the race tracks pay sizeable money to the Commission’s consultant? • Why did the Racing Commission deny random number generators (a trait of slot machines) for years in the case and then admit that was untrue after the games were in operation?

The answers to some of these questions may never see the light of day, but The Family Foundation is committed to the protection of Kentucky families, and in particular, the protection of poor families who who are routinely preyed upon by gambling interests.

## Just a quick look says it all . . .

*This is NOT a horse race! It’s a “slot machine”!*



**YOU can help!**

**The Horse Racing Commission is in the Executive Branch. Ask Gov. Bevin to intervene.**

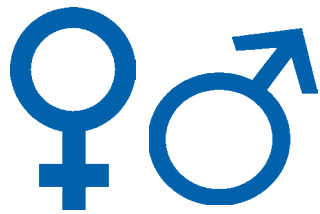
*(See box on page 1.)*

# News Briefs:

## Trump's Department of Justice gets it right.

In a reversal of the Obama Administration's position, the Department of Justice has filed a brief with a federal court which argues that the 1964 Civil Rights Act clearly does not address sexual orientation. The brief filed in a New York Case on July 26, states that the issue "has been settled for decades. Any efforts to amend Title VII's scope should be directed to Congress rather than the courts."

Upon meeting resistance to their attempts to add "sexual orientation" as a protected class in civil rights laws, advocates for homosexual rights have attempted to redefine the word "sex" to claim that the protections already exist within current law. President Obama's administration adopted that strategy and thereby used the power of the federal government to coerce compliance, but it appears the Trump Administration is working to return lawmaking to Congress.



## The Church takes a stand for Biblical sexuality.

A recent gathering of Christian leaders resulted in *The Nashville Statement*, a powerful theological statement on human sexuality and marriage. The Aug. 25 gathering was hosted by the Council on Biblical Manhood and Womanhood and the Ethics and Religious Liberty Commission (ERLC).

The Family Foundation is proud to sign onto this much needed and Biblically faithful standard amid our culture's normalization of same-sex attraction, attempts to transform genders and undermine God's entire design for human sexuality. The preamble of *The Nashville Statement* asks an important question that each church and every Christian must answer: "Will the church of the Lord Jesus Christ lose her biblical conviction, clarity, and courage . . . Or will she hold fast to the word of life . . . and unashamedly proclaim his way as the way of life?" We certainly have work to do in the days to come.

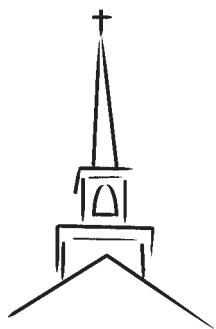
The Preamble and Articles of the *Nashville Statement* can be seen at the following link: [cbmw.org/nashville-statement/](http://cbmw.org/nashville-statement/)

## Pro-life peace in Louisville.

At the end of July, hundreds of Kentucky and national pro-life advocates gathered in Louisville to call for Kentucky to become an abortion-free state. Louisville is the location of EMW Women's Clinic, the last remaining abortion clinic in the Commonwealth.

Kentucky is one of seven states with only one abortion clinic within its borders. Advocates urged Kentucky to lead the way by becoming the first state in the nation without an abortion clinic.

Despite some concerns, prayers for peace and unity were answered as a diverse group of pro-life advocates from different backgrounds and approaches in advocacy gathered together. Similarly, the pro-life movement was protected from any unlawful activity that could have resulted in negative headlines and been used to distract from the message. In fact, every participant in the conference signed a pledge which included a commitment to "be peaceful, prayerful and non-violent in both word and deed." Not surprisingly, all were true to their word.



## Supreme Court protects church in Missouri.

This summer, the U.S. Supreme Court upheld religious liberty in *Trinity Lutheran Church v. Comer*. The 7-2 decision, released on June 26, declared that Missouri's refusal to let Trinity Lutheran Preschool compete for a grant just because it belonged to a church was unconstitutional.

The decision could have significant implications for future religious liberty cases. Missouri had based their religious discrimination upon their state constitution's Blaine Amendment which prohibits tax money from benefiting a church in any way. Similar provisions are found in 37 state constitutions. Two other cases have already been sent back to lower courts based on this decision.

Another critical case will be heard during the Court's next term. *Masterpiece Cakeshop v. Colorado Civil Rights Commission* will examine whether the government can force a baker to violate his sincerely-held religious beliefs by creating a wedding cake that celebrates a same-sex marriage. This case has significant First Amendment implications for bakers, florists, photographers, and other business owners across the nation who are involved in the wedding industry.

## Little Charlie Gard's short life impacts the world.

Charlie Gard, a British baby boy, captured the world's attention as he became the focus of a medical and legal battle. Born on August 4, 2016, he was diagnosed with a rare genetic condition that causes muscle weakness and loss of motor skills.

In January, his parents began raising funds to take him to the United States for an experimental treatment. Claiming that it was in Charlie's best interests to have his life support unplugged so he could "die with dignity," London's Great Ormond Street Hospital asked a court to prevent the parents from taking their son to the U.S. As the ensuing legal battle played out, \$1.7 million dollars came rolling in to cover the cost of the experimental treatment.

Unfortunately, Charlie never got the opportunity to benefit from the generous gifts of the 84,000+ donors from around the world. As legal losses piled up and the parents exhausted all legal means, the window of opportunity for the experimental treatment passed.

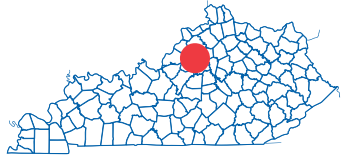
On July 28, shortly before his first birthday, Charlie Gard died. His short life touched many and his legacy will continue. Charlie's parents announced in August that the \$1.7 million in donations will be used to establish The Charlie Gard Foundation whose mission will be to further research into rare medical conditions such as Charlie's and assist parents who find themselves in similar legal battles.



## Planned Parenthood: The embodiment of the Grim Reaper.

Planned Parenthood released its annual report in May for its 2015-16 fiscal year; and, as with most news from that organization, the details are disheartening. The report said that Planned Parenthood did 328,348 abortions and received \$554.6 million from taxpayers. The statistics confirm that they performed 4,349 more abortions in this year than it did in the previous year, *but referred for fewer adoptions*. The numbers released indicate the ratio of abortions to referrals for adoption calculates to 114 to 1 — for every 114 abortions performed, it gave 1 adoption referral. This year's report indicates that their government funding increased by just shy of \$1 million — up from \$553.7 million in the previous year. And all the while the specter of Planned Parenthood selling aborted baby body parts for profit receives little coverage in the mainstream media.

On a more positive note, the 2017 Kentucky General Assembly passed legislation that resulted in severely limiting state money that goes to Kentucky's chapter of Planned Parenthood. The bill, Senate Bill 8, was sponsored by Sen. Max Wise (R-Campbellsville) and passed overwhelmingly in both Chambers — the House 75-13 and the Senate 31-6.



## LGBT groups push “Fairness” Ordinance in Shelby County

As is often the case, a local Human Rights Commission initiated an effort to expand gay rights, this time in one of the more conservative Kentucky counties – Shelby County. Their proposal was heard by the Legislative Committee of the Shelby County Fiscal Court on July 20 but was not acted upon at that time. Citizens on both sides of the issue testified, all agreeing that no one should not be discriminated against. The Family Foundation also testified at the meeting raising religious liberty concerns. The significant issue was how the ordinance could be used, citing the religious liberty legal battles of individuals like Baronelle Stutzman (*Arlene's Flowers* - Richland, WA), Jack Phillips (*Masterpiece Cakeshop* - Lakewood, CO) and Blaine Adamson (*Hands On Original* - Lexington, KY), who have been sued both professionally and personally for their conviction that, though they can serve gays and lesbians in many ways that do not violate their faith, they cannot participate in a same-sex wedding and cannot produce “pro-gay” speech. There was no commitment by the Committee Chairman to formally hear the proposal.

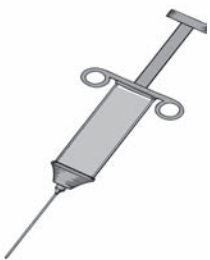
## President Trump Tweets: “Transgenders not allowed in the military.”

On July 25, President Trump surprised everyone by announcing his reinstatement of a ban on transgender people serving in the military through a series of three tweets. The reversal of the policy change implemented by President Obama shortly before leaving office became official when Trump signed a directive on August 25.

Significant questions about military effectiveness were raised by a study conducted by the Obama administration. It concluded that the average transgender soldier would be non-deployable for at least 238 days because of a basic sex-change. Notably, this figure fails to address “any additional time required to determine medical fitness to deploy” such as the Army guidelines which do not allow deployment within six weeks of surgery.

Many analysts also question whether the estimated \$1.35 billion to \$3.7 billion cost of basic sex-change operations over the next 10 years would tax military resources.

Rep. Vicky Hartzler (R-Missouri) points out that these estimates are low because they fail to consider other surgeries that transgender advocates claim are “medically necessary.”



## New immunization regulations adjusted for the convictions of parents.

In a wonderful display of how government *should work*, legislators on the Health and Welfare Interim Committee working with the Cabinet for Health and Family Services modified a regulation that could have slighted parents for opting out of some vaccinations that are generally encouraged by the state. “Religious liberty” was the key for these rights. Several families from Louisville, working with The Family Foundation, led the charge for parental rights at the June 21 meeting of the Committee. Hats off to those parents who stepped forward with faith and determination, the Committee Chairman – Rep. Addia Wuchner (R-Florence), representatives from the Cabinet, and all the legislators on the committee who made the last minute adjustments in order to shape the policy so that all involved were satisfied.

Yes, this great outcome was a little unusual . . . but it gives faith for all of us for the days, weeks and months ahead.

## Judge Bunning opens door for state to pay same-sex couple’s court fees.

On July 21, U.S. District Judge David Bunning ruled that the couples who sued Kim Davis for same-sex marriage licenses back in 2015 are entitled to nearly \$225,000 in attorney fees. The judge ruled that Kim Davis and Rowan County are not responsible for the fees, but that the Commonwealth of Kentucky must pay. Liberty Counsel, the non-profit legal organization representing Davis, believes that the judge erred in his decision and plans to appeal.

It is unfortunate that Kentucky taxpayers will have to bear this cost if Bunning’s decision is upheld, but it is proper that neither Davis or Rowan County are left holding the bag after former Gov. Beshear’s actions were to blame. Gov. Beshear was the one who refused to follow the law that he had already vetoed in 2013 and that was then passed over his veto. This was The Religious Freedom Restoration Act (RFRA), which The Family Foundation had initiated in 2012 and helped secure passage in 2013. The law, based on the federal law of the same name, mandates that a government worker cannot be forced to violate their sincerely-held religious beliefs.

It is particularly unfortunate that the unlawful actions of the state’s highest elected official may leave Kentucky taxpayers bearing the financial burden. Contrary to RFRA, which would have required a part-time or overtime worker to do the conflicted duties in question, Beshear attempted to force Kim Davis – an elected government employee – to violate her sincerely-held religious beliefs.



# More schools adopt transgender policies

*But most Kentucky parents are frustrated and do not want the forced mixing of minor children in various states of undress.*

Despite President Trump's attempt to reverse the Obama Administration's practice of coercing public schools into opening student bathrooms based on gender identity, many students in Kentucky continue to have their privacy, dignity, and safety undermined.

Louisville's Atherton High School made headlines in 2014 when the principal opened the women's restroom and locker room to a biological male. The concerns of other students and their parents fell on deaf ears. Southgate Independent School District and Louisville's Meyzeek Middle School adopted similar policies in 2016 and 2017 respectively. There are also reports of other schools in the Commonwealth adopting these policies, although more quietly.

The schools which adopt this policy are relying upon an April 2014 Significant Guidance Document issued by the Obama Administration titled, *Questions and Answers on Title IX and Sexual Violence* for their authority. They rely upon a single sentence of the 46-page document which never mentions bathrooms or locker rooms: "Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity."

The Family Foundation approached the Kentucky General Assembly in 2015, just months after the Obama Administration's reinterpretation of Title IX and Atherton High School's decision. "We realize the need to be kind and understanding towards those young students who are struggling with their gender identity, but also the need to protect the privacy and dignity of other students," said Michael Johnson, policy analyst for The Family Foundation. "So, we presented The Student Privacy Act, which balanced both of

those interests by allowing local schools to address the situation through a variety of options while ensuring that school children of the opposite biological sex are not placed

in the same restroom, locker room, or overnight accommodation at the same time."

This commonsense legislation passed the Republican-controlled Senate 27-9 in 2015, but the Democrat-controlled House sent it to its Education Committee where it was never heard. In 2016, the legislation was introduced in the Democrat-controlled House, but it was again sent to the Education Committee to be killed.

In 2017, Republicans controlled the Governor's Mansion, Senate, and House. Although many good bills passed the Republican-controlled General Assembly, The Student Privacy Act failed to make it on the list of priorities and was not considered.

Students at Atherton High, within Southgate Independent, and at Meyzeek continue to have their privacy infringed. With the list continuing to grow, there is no denying that this is an issue in Kentucky; and it will not just disappear because Obama left office. It will be up to the General Assembly to create guidelines to protect the privacy and dignity of all Kentucky students.



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**"We realize the need to be kind and understanding . . . , but also the need to protect the privacy and dignity of other students."**

– Michael Johnson, policy analyst  
The Family Foundation

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# Louisville abortion clinic court case is significant

*With the Commonwealth currently having only one operational abortion clinic, it may be the first state without one altogether.*

Down from 17 abortion providers in 1978, Kentucky is currently one of seven states with only a single abortion clinic remaining. An ongoing court case now could determine if it becomes the first state without one.

Three days of testimony were given before U.S. District Judge Greg Stivers, who heard the trial without a jury, concluded on Sept. 8. Attorneys now have 60 days to submit post-trial briefs. Regardless of the outcome in Louisville, the case is likely to be appealed all the way to the U.S. Supreme Court.

The only remaining abortion clinic in the Commonwealth, EMW Women's Surgical Center is challenging a Kentucky law requiring agreements with a hospital and an ambulance service in case of a medical emergency. Planned Parenthood of Indiana and Kentucky, an affiliate of the nation's largest abortion provider, joined the challenge.

Amanda Stamper, Gov. Bevin's spokeswoman, pointed out that the requirements in question "were enacted in 1998 and not questioned for 19 years" and are "important measures for ensuring women have the proper life-saving procedures in place in the event of an emergency."

EMW appears to have been emboldened by and is seeking to build on the momentum of *Whole Woman's Health v. Hellerstedt*, a 2016 U.S. Supreme Court decision



within which they say this case "falls squarely." The 5-3 decision overruled Texas regulations requiring abortionists to have admitting privileges at nearby hospitals and abortion clinics to maintain outpatient surgery standards.

The legal battle began in March, when Bevin's administration took steps to shut down EMW after finding it lacked proper transfer agreements. Brigitte Amiri, an ACLU attorney for EMW, claimed there were no problems until Bevin became Governor and that the transfer agreements are "about shutting down abortion facilities."

Bevin's attorney, Steve Pitt, countered that "the real problem is that past administrations were lackadaisical in enforcing regulations that required abortion clinics to have transfer agreements with hospitals and ambulance services. You may remember that Planned Parenthood reported that it had done 23 abortions without a license." According to Pitt, that is what caused the Cabinet of Health and Family Services to begin looking at these transport agreements.

Since taking office, Bevin has prioritized enforcement of Kentucky's existing abortion clinic regulations. His administration sued Planned Parenthood's Louisville clinic after learning about the 23 abortions it had performed. Unsanitary conditions were discovered after an extremely overdue inspection of the EMW Women's

Clinic in Lexington, which was also operating without a license. (The very pro-choice Beshear Administration never did inspections of abortion clinics.) The Lexington EMW clinic later closed after the court ruled against it.

Pitt explained that this is not a political issue, but a question of "women's safety and health." The final day of testimony included that of Dr. Richard Hamilton, Chair of Emergency Medicine Services at Drexler University, who explained how the transfer agreements encourage a "safe handoff" of patients between facilities because medicine is a "team sport."

It will be months before Judge Stivers reaches his decision, but all eyes are on Kentucky as the fate of the Commonwealth's last abortion clinic could be determined. Observers will also be watching a separate, ongoing legal challenge against Kentucky's newly enacted ultrasound law.



**Steve Pitt is Gov. Bevin's General Counsel**

*Opinion: Our legislators should be making the decisions on the expansion of gambling, not those who could benefit by it.*

# They are corrupting the process

According to recent news reports, some state lawmakers do not expect expanded gambling to be taken up in next January's General Assembly session. But whether the General Assembly takes up the issue may not matter.

While lawmakers are considering what issues they will be addressing, the Kentucky Horse Racing Commission has been quietly bypassing the state's General Assembly and the Governor and is working behind closed doors and through the courts to potentially legalize all forms



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

state's Constitution and Revised Statutes that allow only for pari-mutuel racing on horse tracks.

games which, rather than involving actual videos of old horse races that at least had the virtue of being live when they happened, instead showed *animated* depictions of old horse races. These too, they claimed, constitute live horse racing.

That the trial judge hasn't laughed these arguments out of court is a scandal in itself.

But the newest episode in this legal version of unanimated legal Looney Tunes has to do with how The Family Foundation has revealed through pre-trial discovery that the Horse Racing Commission's interpretation and application of the definition of pari-mutuel gambling includes nearly, if not all, forms of casino-style gambling.

Lawmakers may think they are in control of this issue; but, in fact, the Horse Racing Commission is doing an end run around the General Assembly by redefining what constitutes pari-mutuel gambling.

They are in the process of legalizing all forms of gambling by the simple redefinition of words.

**... lawyers for the Racing Commission and its racing track allies began attempting feats of logical contortion heretofore untried in order to portray Instant Racing machines as something other than the random number generated, fix-odds wagering devices that they clearly are.**

This is all being done in behind-the-scenes meetings of administration and race track lawyers with no input from anyone other than the racing industry and gambling interests. While everyone else in state government

has made peace with the twenty-first century, the racing industry is still practicing smoke-filled room policymaking.

**While lawmakers are considering . . . , the Kentucky Horse Racing Commission has been quietly bypassing the state's General Assembly and the Governor and is working behind closed doors . . .**

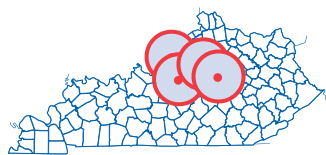
The case fast descended into a legal farce when, confronted with the straightforward Constitutional restriction on other forms of gambling, lawyers for the Racing Commission and its racing track allies began attempting feats of logical contortion heretofore untried in order to portray Instant Racing machines

as something other than the random number generated, fixed-odds wagering devices that they clearly are.

The Racing Commission argued that Instant Racing machines playing videos of old races involving horses long deceased counted as "live" horse racing. Then, apparently thinking they had not adequately plumbed the depths of absurdity, they proposed other slot-machine-like

of gambling in the state, including casino gambling.

Seven years ago, the Racing Commission and all of the state's horse racing tracks asked a Franklin County Court for approval for their plan to install Instant Racing slot-like machines at the state's horse tracks. But The Family Foundation contested the action, pointing out that the machines would violate restrictions in the



## *The Kentucky Marriage Movement*

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**Lexington, October 13-14**

**Art of Marriage video conference - FamilyLife**  
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**Willisburg, Sept. 27 - Nov. 8**

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**Louisville, October 27-28**

**KMM exhibit at Building Kingdom Marriage Conference**  
New Life Church  
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**For more information, call (859)255-5400 or go to [www.kentuckymarriage.org](http://www.kentuckymarriage.org)**

# “All hands on deck!”

Now more than ever, Kentucky's Leaders need to hear from you!

On March 4, 1865, President Lincoln said in his second inaugural address that America was under the judgment of God for allowing slavery long past our Founding.

“Yet, if God wills that it (the Civil War) continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said ‘the judgments of the Lord are true and righteous altogether.’”

Lincoln would be shot and killed just six weeks later. There were roughly 4 million Africans enslaved in America at that time.

That was then, this is now . . . consider: in 1973 the United States Supreme Court declared it was okay to kill unborn children. To date, roughly 60 million have been killed.

In 2015, the Supreme Court of the United States declared that marriage could also be between two men or two women. People who have religious beliefs that prevent them from participating in a same-sex marriage celebration are being sued . . . *and are losing in court.*

And now, the nation is torn regarding the right for a biological boy to decide that he is a girl and use the women's restroom, locker room and shower room. (Remember, this “girl” still has male sex organs and most likely desires to have sex – like any other man does – with the other women in the rest room, locker room and shower room.)

Most Kentuckians agree that America is going in the wrong direction. That means we “see” what is going on. And this means we must act! Those that do not see cannot be held accountable, but those that do see will be held accountable.

“It's not my fault. I'm not doing any of those things,” we say. That sounds nice, but *WE* are “the salt of the earth” . . . and if *WE* don't release our savor/our flavor then we “are worth nothing but to be thrown out and trampled under foot of men.”

Isn't that exactly what is already happening? (Look at abortion, marriage and bathrooms.) Don't get upset at others who push those things – get upset at those of us who know better but do not push back!

Another way to say the same thing is to recite the oft-quoted phrase by Edmund Burke, “All it takes for evil to triumph is for good men to do nothing.” In other words, the salt simply chooses *NOT* to flavor the community. But *WE ARE* the salt!

All of that is the Bad News. Here is the Good News: God is moving in Kentucky, and He wants to use Kentucky as a leader in the nation! Examine the facts: God gave us Gov. Bevin in 2015. He is a good man — he's *NOT* perfect, but he is a good man.

In 2016 God gave us a whole new slate in the House of Representatives. Those are not perfect either, but they are a major step forward from where we were as a state.

We just need to move forward! (And here is the key . . .)

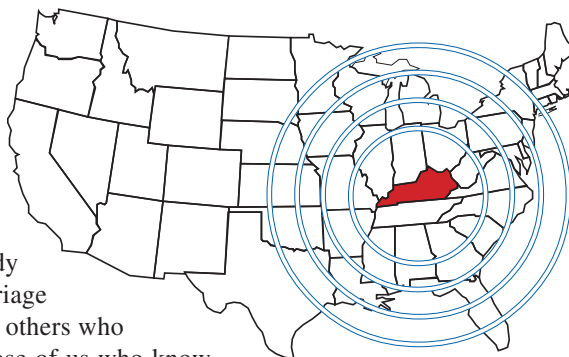
In politics, nothing moves unless it's pushed.

Grasp this reality: It's easier for an elected official to *NOT* stand for something where he/she will face resistance than it is for him/her to take a stand and be criticized.

Military personnel get it. If you don't take the position from the enemy, they will keep it. Soldiers understand that they must risk their lives to do the will of their com-



**Kent Ostrander is the executive director of The Family Foundation**



## The Kentucky CITIZEN

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manders and protect this nation.

Unfortunately, many politicians will not even risk their re-election to take the ground that must be taken *politically*. That's where you and I come in to do our part.

We have the power in our words to encourage, to challenge and to lift up those in office who are afraid or weary or lost on the issues.

Please take your stand by making the calls outlined on page 1. (Gambling is the “issue of the day” – there will be other issues.) Leaders will be tempted to do the easy thing – to bring gambling in to “collect” the money that is needed for the pension. But that's just a rip-off. And government is supposed to *protect its people*, not authorize the nation's ultimate rip-off artists.

Make the calls and then stand in faith – like a prophet who stands before the king and speaks the truth. See what God will do. You will likely be surprised when you see the mountain moved and godly decisions made.

THEN . . . you really are the salt of the earth!

Help us get others to call by . . .



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