Opinion: We are no longer ruled by law, but by personal opinion.

One nation under judges

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The Kentuckian CITIZEN

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One of the issues that we as a society have to grapple with is the role of the courts in our legal system. The courts are supposed to be the ultimate arbiters of the law, interpreting and enforcing it as it is written in the Constitution and other statutes. However, in recent years, we have seen a trend where the courts are not only interpreting the law, but also creating it, often in ways that are not consistent with the original intent of the lawmakers. This is known as judicial activism, and it has been a source of concern for many people.

A recent example of this trend can be seen in the case of Bourke v. Beshear. The case involved a challenge to Kentucky’s marriage protection amendment, which prohibited same-sex marriage within the state. The amendment was passed by the voters in 2004, and it had the endorsement of the state’s Attorney General, Jack Conway. However, in February of 2014, Federal Judge John G. Heyburn II struck down the part of Kentucky’s marriage law that allows the state to determine its own marriage policy by not having to recognize same-sex marriages from other states.

The decision in Bourke is significant because it is one of an increasing number of court cases that reflect a constitutional interpretation that was not intended by the framers of the Constitution. In this case, the court is essentially saying that the voters who passed the amendment have no standing to bring their case to court, and that the law is therefore invalid.

The case has implications beyond the issue of same-sex marriage. It raises questions about the role of the courts in our legal system, and about the separation of powers between the executive, legislative, and judicial branches of government. If the courts can strike down a law passed by the people, then what is the point of democracy? If the people have a voice in the law, then why are the courts not bound by the same principles?

The decision in Bourke is a reminder of the need for a more robust understanding of constitutional law, and of the importance of elected officials in representing the will of the people. If the courts are not willing to respect the decisions of the elected branches of government, then what is the point of having them at all? The answer, of course, is that they are essential in a democratic society, but that they must be held accountable to the people who elected them.

The case of Bourke v. Beshear is just one example of the many cases that are challenging the role of the courts in our legal system. It is a case that deserves careful attention, and it is one that will have implications for the future of our legal system.
Feb. 12: A bad day for marriage in Kentucky

On that day, one federal judge hijacked our state marriage laws and our Attorney General and Governor have been negligent.

Op-Ed: John G. Heyburn, a federal district judge, struck down part of Kentucky’s Marriage Amendment. He ruled that Kentucky must recognize same-sex marriages performed in other states. He argued that the law violated the “Equal Protection Clause.”

The rational basis test automatically considers morality, tradition, or religion as insufficient reasons for discrimination in the law. The rational basis test is a judicial doctrine not found in the Constitution, but has been applied increasingly in legal cases to strike down laws. “Kentucky marriage policy will now be dictated from places like Boston and San Francisco,” said Martin Cothran, spokesperson for The Family Foundation, the call was an “outrageous” wrong, and pointed to the fact that almost 75 percent of Kentuckians had ratified the Marriage Amendment in 2004 and that the judge had effectively dismantled the law.

On Feb. 12, Judge Heyburn held a hearing in his office to determine if Kentucky Attorney General Jack Conway was going to move for a stay to delay the implementation of his order. But Conway did not show up for the meeting, sending other officials from his office instead, who were asked by the judge if they wanted to stay, remained confused and said they would have to ask Conway whether he wanted a stay. The next day The Family Foundation criticized the Attorney General for failing to make compre- hensive arguments in the case and for failing to move for a stay. “If this were a private case,” said Cothran, “it would be legal malpractice.”

After facing criticism for not filing a motion for a stay, Conway’s office finally filed the motion at the eleventh hour. “We shouldn’t have to babysit the state’s attorney general in order to make sure he does his job,” said Cothran, who later in the day criticized Conway for failing to sign a single motion in the marriage case as well as the judge’s order, and Jack Conway.”

The Family Foundation charged that the AG was “spiking the case.”

Later on the 28th, the judge issued a stay, remarking that Conway had “not made a strong argument” for a stay, but that he was not going into any more details. The Family Foundation pointed to the judge’s “lack of view of Conway’s argument,” remarked “Attorney General Jack Conway appears to be sleepwalking through the most important case that has faced him during his term of office.”

On March 5, with still no indication from Conway as to whether he was going to appeal the case, the Family Foundation issued a press release pointing to a statement made by his own spokeswoman to The Daily News, saying that Conway was “rushed” by events and said “to defend the Kentucky Constitution.”

On the morning of March 4, after facing mounting criticism for his indecision, Conway announced in a press conference that he was not going to appeal the decision because he agreed with the judge’s ruling that prohibiting same-sex marriage was discrimination. “Jack Conway announced today that he is not going to defend the state’s Constitution and the rights of Ken- tucky voters despite the fact that he took an oath of office to do exactly that,” said Cothran, who was surrounded by reporters outside the state house immediately. Following Conway’s announcement, “The media was dumbstruck and the Attorney General said today that he is not going to do anything about it. Jack Conway has raised the white flag after the first shot was fired. He isn’t going to take any more for the cause. The fight to protect Kentucky voters.”

Moments after Conway’s announcement Greg, Steve Beshear issued a statement saying that in light of Conway’s decision, he would entertain motions to appeal the case. The next day, it was revealed that the job posting from the Governor’s office was only offering $1,000 for an attorney to take the case. “That may sound like a lot of money to some people,” said Cothran, “but in the legal world to that is a deep wage. My plumber makes more than that.” First time Jack Conway spiked the ball at the federal level and now Gov. Beshear appears to be prepared to do it at the appellate level. No wonder we’ve been losing this case.”

The Santa Maria of Marriage

Various regional events listed below

Lexington, March 21-22

Love and Lordship - Greg Williams
Porter Memorial Baptist Church
4300 Nicholasville Road, Lexington, KY 40515

Lexington, April 2-26

The Art of Marriage video conference - Family Life
Broadway Christian Church
187 North Broadway, Lexington, KY 40507

Paducah, May 9-10

Love and Respect video conference - The Eggerichs
Twelve Oaks Baptist Church
2110 New Holt Road, Paducah, KY 42001

Lexington, April 25-26

The Art of Marriage video conference - Family Life
Catalyst Christian Church
4000 Park Central Avenue, Nicholasville, KY 40356

Lexington, May 16-17

The Art of Marriage video conference - Family Life
Lexington First Assembly of God
2780 Clays Mill Road, Lexington, KY 40507

Paducah, May 9-10

Love and Respect video conference - The Eggerichs
Dallasburg Baptist Church
4700 Kentucky 227, Wheatley, KY 40439

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

Join us at the Capitol . . . for life and for marriage

Lexington, April 11-12

The Art of Marriage video conference - Family Life
Dallasburg Baptist Church
4700 Kentucky 227, Wheatley, KY 40439

Nicholasville, May 2-3

Love and Respect video conference - Dr. Emerson Eggerichs
Catalyst Christian Church
4000 Park Central Avenue, Nicholasville, KY 40356

Lexington, April 11-12

The Art of Marriage video conference - Family Life
Dallasburg Baptist Church
4700 Kentucky 227, Wheatley, KY 40439

Nicholasville, May 2-3

Love and Respect video conference - The Eggerichs
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Lexington, April 25-26

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The Kentucky Marriage Movement

Various regional events listed below

Lexington, March 21-22

Love and Lordship - Greg Williams
Porter Memorial Baptist Church
4300 Nicholasville Road, Lexington, KY 40515

Lexington, April 2-26

The Art of Marriage video conference - Family Life
Broadway Christian Church
187 North Broadway, Lexington, KY 40507

Paducah, May 9-10

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Please join us at the Capitol . . . for life and for marriage

Wed., March 19

11:00 AM
Catalan Rotunda
Frankfort

House Bill 575: Ultrasound and Informed Consent

Senate Bill 221: Legislative “Standing” Bill

Be sure to make your calls - yellow box pages 4-5
HB 575 reaches Constitutional Majority

But the ultimate question is this: “Will House Leadership allow a vote?”

With 61 cosponsors on a bill that is filed in a Chamber made up of 100 representatives, there should be a sense of confidence that the bill will pass when it reaches the floor. But there is no confidence. Here’s why:

• The number of the Kentucky House caucus is 61. Republicans make up 32 of them, Democrats make up 29 of them. Democrats control what the Minority Party of the House. (Republicans make up the Majority Party of the Senate.) Three of 10 Senate Democrats decide who will be in the 62nd row of power in that Chamber. So the Majority Floor, the Majority Caucus and the Majority Leader are co-sponsors of the majority party.

Clearly, it would only take 28 votes from the Minority Party to have the opportunity to give light to one of the Leadership positions.

Because you are not courting the Leadership position, you are courting, and your cosponsors prove the Ultrasound Bill would pass if voted on: HB 215-Pain-Capable Unborn Child Protection Act

HB 251-Admitting Privileges – abortionist must be Democrat co-sponsors as of March 7

HB 575 - The Ultrasound Bill

HB 149-Prohibit Clone and Kill.

If co-sponsors prove Ultrasound Bill would pass if voted on:

HB 215-Pain-Capable Unborn Child Protection Act

HB 489-Abortion Ban.

SB 79-The Ultrasound Bill.      2008 Session:

HB 164-Prohibit Horse Pool Bet and Close. 2009 Session:

HB 179-Fully Informed Consent.

HB 386-Prohibit Destructive Embryonic Research.

SB 102-Face-to-Face Consultation.

SB 103-The Ultrasound Bill. 2007 Session:

SB 38-The Ultrasound Bill.

SB 79-The Ultrasound Bill.

SB 9-Ultrasound Bill/Face-to-Face Consultation.

SB 179-Fully Informed Consent.

SB 251-Admitting Privileges – abortionist must have admitting privileges at a local hospital.

SB 38-The Ultrasound Bill.

SB 9-Ultrasound Bill.

SB 40-The Ultrasound Bill.

SB 79-The Ultrasound Bill.

SB 179-Fully Informed Consent.

SB 103-The Ultrasound Bill.

SB 164-Prohibit Horse Pool Bet and Close.

SB 38-The Ultrasound Bill.

SB 79-The Ultrasound Bill.

SB 9-Ultrasound Bill.

SB 103-The Ultrasound Bill.
New Ultrasound Bill offered in bipartisan way

HB 184 - The Ultrasound Bill - had 59 cosponsors, but was blocked by House Leaders. HB 575, its replacement, is even better!

By press time on March 7, 61 sponsors (only 1 vote is needed to pass), but forces are already at work to kill it along with other pro-abortion bills. Your calls will help get it out.

Call the toll-free Legislative Message Line and leave the following for your Representative(s).

It’s easy and convenient. You do not have to speak to them – simply leave a message for them with a message that will protect the woman from an unnecessary abortion. “When there is no heartbeat, the pregnancy often ends in miscarriage,” explains Cindy McDaniel, Director of Assurance pregnancy center in Lexington, KY. “Another benefit, especially to pregnant women, is that it would allow the pregnant woman to view the ultrasound which is already routinely done and charged for by the abortionist. But, it would also require that the woman be made aware of information vital to her abortion decision (age of unborn child, presence of twins, and absence or presence of a heartbeat) as well as reeling out a dangerous coercive pregnancy.

The only abortion provider in Kentucky is EMW with a clinic in Louisville and a satellite clinic one day per week in Lexington. Women make appointments using EMW’s online scheduler. HB 575 would require abortion providers to have a direct link to the website where the abortion choices are shown.

The abortion choice site would be managed by the Kentucky Department of Health and Family Services’ (KDHF) Medical Direction and Confidential Services of the Family Foundation. “Their state-run site was developed with input from both pro-abortion and pro-life groups.”

The following info will be provided:

- gestational age
- if multiple unborn children are present
- viability (heartbeat or absence)
- location of fetus (confirming it’s not an ectopic pregnancy)

A state-run website (like Kalamu) will offer scientific, medical information showing risks/benefits Health and Welfare Committee since Jan. 13 along with other pro-life bills.

By press time on March 7, 61 sponsors – a Constitutional Amendment had signed on to the new ultrasound bill, HB 575. Unfortunately, House Leadership assigned the same bill to Health and Welfare – the “graveyard committee.” If it’s going to receive a fair hearing, it will only happen if an overwhelming majority of Kentucky lawmakers step up to the plate. The legislators are perfect for that task since they know what they passed into law and why they passed it.

Heyburn struck down the second pro-marriage amendment it had ruled (a Kentucky bill similar to Kansas’) and overruled the state’s most conservative federal court’s decision to allow gay marriage which overturned the Kentucky constitution’s ban on same sex marriage.

Virginia’s is even worse! In their attempt to declare marriage unconstitutional, the Constitution of the Commonwealth of Kentucky is being cited, not its replacement, is even better!

“Pass the ‘Standing Bill’ - SB 221”

The Attorney General and the Governor won’t defend our laws, this allows legislators to step into their shoes and have standing in court.

Note: At press time (March 7), HB 575 had 61 co-sponsors (only 1 vote is needed to pass), but forces are already at work to kill it along with other pro-abortion bills. Your calls will help get it out.

To view the model website from Kansas go to http://www.womansrighttoknow.org

Note: You can call in the evening! The Legislative Message Line is open from 7:00 am until 11:00 pm EST Mon. thru Thurs. It closes at 6:00 pm on Fridays.

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Legislators offer to defend marriage with bill

Senate Bill 221 filed to give “standing” to legislators when Governor and Attorney General refuse to defend Kentucky law.

Judge John G. Heyburn’s Feb. 12 decision to overturn part of the 2004 Marriage Protection Amendment and Attorney General Jack Conway’s poor defense of it in his own case has caused some great push back in the State Senate. Senate Bill 221 was filed on March 6 by Sen. Scott Gregory (R-Monroe) to enable legislators to have standing in court to defend their state’s constitutional amendments when they are not being properly defended by the Governor or the Attorney General.

According to Sen. Scott Gregory of Kansas For Life, “It has been a successful way to get good information to the women with both a private,圃renicipal and convenient choice. It would allow the woman to view her own ultrasound prior to making the decision to abort.”

The following info will be provided:

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- if multiple unborn children are present
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- location of fetus (confirming it’s not an ectopic pregnancy)

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HB 575 reaches Constitutional Majority

But the ultimate question is this: “Will House Leadership allow a vote?”

With 61 cosponsors on a bill that is filed in a chamber made up of 100 representatives, there should be a sense of confidence that the bill will pass on the floor. But there is no confidence. Here’s why.

Of the 100 members of the Kentucky House of Representatives, only 28 are Republicans, making the Democrats the Majority Party of the House. (Republicans made up the Majority Party of the Senate.) These 74 House Democrats decide who will be in the “winners” and “losers” in that chamber. The 28 Republican co-sponsors of HB 575 are the only Republicans who will have admitting privileges at a local hospital.

There are Republican co-sponsors as of March 7:

- Adams, Julie - 32
- Bennett, Susan - 87
- Bembry, John - 33
- Bunch, Regina - 82
- Burch, Tom - 30
- Carney, John - 97
- Coles, Ron - 19
- Cornelius, Tony - 13
- Creaghe, Jeff - 27
- DeWeese, Bob - 48
- DeWeese, J.J. - 22
- Emery, Jr., C. B. - 41
- Floyd, David - 50
- Harrison, Mike - 56
- Heisch, Richard - 2
- Herbst, Troy - 91
- Hoover, J.S. - 83
- Issacs, Gerry - 5
- Kerr, Thomas - 64
- King, Kim - 22
- Kosberg, Adam - 69
- Lee, John - 40
- Linder, Brian - 61
- Mayfield, Donna - 35
- Meade, David - 80
- Meredith, Michael - 4
- Miles, Suzanne - 7
- Moore, Brian - 55
- Moore, Tim - 36
- Osborne, David - 99
- Quaile, Terri Ross - 62
- Ragsdale, Barry - 90
- Rowland, Bart - 7
- Rudy, Steven - 1
- Santoro, Saul - 60
- Shell, Jonathan - 36
- St. Onge, Diane - 63
- Stump, June - 56
- Turner, Tommy - 85
- Wallace, Ben - 10
- Waddell, Steve - 83
- Wachter, Addy - 65
- Wills, Frank - 86
- Wilson, Rick - 2
- Yeast, Margaret - 45

Democratic co-sponsors as of March 7:

- Collins, Abbott - 97
- Cory, J.B. - 35
- Davidson, Robert - 30
- Darrell, John - 37
- Davison, Mark - 19
- Davis, Mike - 5
- Duff, Junior - 5
- Gaffney, Todd - 7
- Green, Jeff - 25
- Humpherson, Richard - 74
- Jacobson, John - 20
- Jr., Martin - 16
- Mikes, Terry - 24
- Morse, Tom - 57
- Newcomb, John - 41
- Riner, Tom - 41
- Stengel, Karl - 20
- Steele, Fitz - 64
- Thompson, Tommy - 14
- Watkins, Gerald - 3

Here is the breakdown of support by Party for HB 575

Republican co-sponsors: 61
Democratic co-sponsors: 2

On Feb. 20, the Kentucky Supreme Court granted The Family Foundation a major victory in its 7-0 “Instant Racing” decision which will enable Stan Cave, attorney for The Foundation, to do the discovery he asked to do over three years ago. “Today’s opinion is a victory for transparency,” said Cave in response to the Court’s decision. “We said all along we were entitled to ask questions and take depositions. The Court saw through the secrecy and concealment of the Instant Racing proponents and now is going to allow light to be shed on what these devices really are.”

The case began on July 20, 2010, and the Family Foundation was granted entrance into the case six weeks later on Sept. 2. However, at the insistence of the attorneys for the horse racing tracks as well as the Kentucky Racing Commission and the Kentucky Raceway Owners, The Foundation was almost immediately denied discovery by the court before it had even asked one question.

The Family Foundation lost at the trial court level but appealed the decision to the Kentucky Court of Appeals. On June 15, 2012, the Court of Appeals ordered a rental with discovery. But the Race Tracks, the Racing Commission and the Revenue Cabinet appealed that decision to the Kentucky Supreme Court. The High Court accepted that appeal on Jan. 11, 2013, and oral arguments were heard on Jan. 25, 2013. This Feb. 20 ruling starts the process all over again in Franklin Circuit Court.

The Family Foundation was not only glad to receive much needed information from the court. Those seeking “Instant Racing” will now have to try to convince the Kentucky Supreme Court of the Foundation’s authority to provide light on the secrecy and concealment of the Instant Racing proponents. And there can be no guarantee that many of the facts that are so crucial beyond the scope of that entity.

Stay tuned . . .
Feb. 12: A bad day for marriage in Kentucky

On that day, one federal judge hijacked our state marriage laws and our Attorney General and Governor have been negligent.

Op-Ed

John G. Heyburn, a federal district judge, struck down part of Kentucky’s Marriage Amendment. He ruled that Kentucky must recognize same-sex marriages performed in other states. He argued that the law violated the “Equal Protection Clause” of the Constitution and was discriminatory.

The rational basis test automatically considers morality, tradition, or religion as insufficient reasons for distinctions in the law. The rational basis test is a judicial doctrine not found in the Constitution, but has been applied increasingly in legal cases to strike down laws. “Kentucky marriage policy will not be distanced from places like Boston and San Francisco,” said Martin Cothran, spokesperson for The Family Foundation, “if it is not overturned.”

On Feb. 12, Judge Heyburn held a meeting in his offices to determine if Kentucky Attorney General Jack Conway was going to move for a stay to delay the implementation of his order. But Conway did not show up for the meeting, sending other officials from his office instead, who were asked by the judge if they wanted a stay, survived confidential and asked they would have to ask Conway whether he wanted a stay. The next day, The Family Foundation criticized the Attorney General for failing to make a complete agreement in the case and failed to move for a stay. “If this were a private case,” said Cothran, “it would be legal malpractice.”

After facing criticism for not filing a motion for a stay, Conway’s office finally filed the motion at the eleventh hour. “We shouldn’t have to babysit the state’s attorney general in order to make sure he does his job,” said Cothran, who later in the day criticized Conway for failing to sign a single motion in the case. “I strongly press Conway to sign a single motion in the Attorney General’s office who hadn’t signed a motion in the marriage case or the judge’s office, and Jack Conway.”

The Family Foundation charged that the AG is “spiking the case.”

On Feb. 28, Cothran said Conway was unable to explain the motion. As it turned out, Conway’s office had moved for a stay, but the stay only affected the effective date of the judge’s ruling, not the implementation of the ruling. The chief effect was to allow the Attorney General more time to decide whether he was going to appeal the ruling. “Jack Conway won’t file a motion for a stay of the order, not a stay for Jack Conway,” said Cothran, said Conway.

Later on the 28th, the judge issued a stay, remarking that Conway had “not made a strong argument” for a stay, but that he was issuing one anyway. The Family Foundation, pointing to the judge’s low view of Conway’s argument, remarked, “Attorney General Jack Conway appears to be sleepwalking through the most important case that has faced him during his term of office.”

On March 5, with still no indication from Conway as to whether he was going to appeal the case, The Family Foundation issued a press release pointing to a statement made by his own spokeswoman to The Daily Brave, saying that Conway was “in the process of determining whether he is going to appeal the decision.”

On the morning of March 4, after facing mounting criticism for his indecision, Conway announced in a press conference that he was not going to appeal the decision because he agreed with the judge’s ruling. Not prohibiting same-sex marriage was discrimination. “Jack Conway announced today that he is not going to appeal the decision and the rights of Kentucky voters despite the fact that he took an oath of office to do exactly that,” said Cothran, who was surprised by reporters outside the courthouse to do anything about it. Jack Conway has raised the white flag after the first shot was fired. He isn’t going to win any medals for bravery in the fight to protect Kentucky voters.”

Moments after Conway’s announcement, Gov. Steve Beshear issued a statement saying that in light of Conway’s decision, he would authorize attorneys to appeal the case. The next day, it was revealed that the job posting from the Governor’s office was-only offering $75 per hour for an attorney to resolve the case. “That may sound like a lot of money to some people,” said Cothran, “but is the legal world that is done wages. My plumber makes more than that. First he had to Jack Conway sleeping the case at the federal district level and now Gov. Beshear appears to be prepared to do it at the appellate level. No wonder we’ve been losing this case.”

It’s about YOU!

(If you care about the Sanctity of Marriage, you have a duty to get involved and make sure they’re heard.

If you care about the Sanctity of Human Life and the Sanctity of Marriage, join us at the Capitol:

To help, call or email us: (859)255-5400 tffky@mis.net

We truly need your help.

Please join us at the Capitol . . . for life and for marriage

Wheatley, April 11-12

The Art of Marriage video conference - Family Life

Dallas Baptist Church

4790 Kentucky 227, Wheatley, KY 40359

Lexington, April 25-26

The Art of Marriage video conference - Family Life

Broadway Christian Church

187 North Broadway, Lexington, KY 40507

Paducah, May 9-10

Love and Respect video conference - The Eggerichs

Twelve Oaks Baptist Church

2110 New Holt Road, Paducah, KY 40021

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

The Kentucky Marriage Movement

Various regional events listed below

Love & Respect’s Marriage Movement

The Art of Marriage video conference - Family Life

Catalyst Christian Church

4000 Park Central Avenue, Nicholasville, KY 40356

Lexington, May 16-17

The Art of Marriage video conference - Family Life

Lexington First Assembly of God

2780 Claus Mill Road, Lexington, KY 40507

Art of Marriage video conference - Family Life

Wheatley, April 11-12

Love and Respect - Greg Williams

Porter Memorial Baptist Church

4300 Nicholasville Road, Lexington, KY 40515

Nicholasville, May 2-3

Love and Respect video conference - The Eggerichs

Catalyst Christian Church

4000 Park Central Avenue, Nicholasville, KY 40356

Paducah, May 9-10

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Please join us at the Capitol . . . for life and for marriage

Wed., March 19

Catalyst Christian Church

187 North Broadway, Lexington, KY 40507

House Bill 575: Ultrasound and Informed Consent

Senate Bill 221: Legislative “Standing” Bill

Be sure to make your calls - yellow box pages 4-5
Two key issues: Ultrasound and Marriage

No new pro-life bill has reached the House Floor in nine years, with the last ultrasound bill—HB 575—having been introduced in 2004. While current House leadership has rejected efforts to address the bill, Attorney General Jack Conway has failed to appeal the ultrasound case. The bill’s failure is due in part to the inability of the General Assembly to defend marriage in court. Instead, the bill’s opponents have used a “standing” bill that allows members of the General Assembly to defend the will of the people in court.

In reality, the views of current courts are systematically invalidating marriage laws in other states, forcibly taking marriage policy out of the hands of those whose constitutional obligation it is to defend those laws and the rights of the voters who passed them. Many judicial decisions on marriage are now being made in the least democratic of our branches of government: the federal courts.

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