

# The Kentucky CITIZEN

STRENGTHENING FAMILIES AND THE VALUES THAT MAKE FAMILIES STRONG

Vol. XXIII No. 6

November/December 2014

## Major victory for marriage in Court of Appeals

*After a number of losses in the lower federal court, the 6<sup>th</sup> Circuit Court of Appeals affirms that marriage **IS** a state concern.*

The string of defeats on the marriage issue has surely had the effect of demoralizing those who support the traditional definition of marriage. But for once, defenders of traditional marriage have something to cheer about.

After Justice John G. Heyburn II overturned Kentucky's marriage law in two separate decisions, one in February and one in May, Kentuckians who voted in favor of the traditional definition of marriage had to feel the sting of the increasing willingness of unelected federal judges to overturn laws that had the clear support of voters.

Kentucky's marriage law was approved by voters in 2004 by more votes than approved *and* disapproved any constitutional amendment in the Commonwealth before or since. But despite the widespread public support for the law – support that, accord-

ing to recent polls, continues to persist – Judge Heyburn still felt it within his power to overturn. But in November, the federal 6th Circuit Court of Appeals reversed decisions in Michigan, Ohio, Tennessee and

demanding that same-sex marriage be legalized. And despite saying that he was justified in his decision on the basis of the Supreme Court's *Windsor* decision, he went well beyond that decision in finding Kentucky's law unconstitutional.

In fact, the Supreme Court's *Windsor* decision found the federal Defense of Marriage Act (DOMA) unconstitutional in large part because it interfered with the longstanding right of states to define marriage. How could Judge Heyburn rule against Kentucky's right to define marriage when the right of states to define marriage was a key component when the *Windsor* decision struck down DOMA?

According to Sutton, the issue has already been dealt with by the U.S. Supreme Court in its *Baker v. Nelson* decision in 1972, when Minnesota rejected a claim similar to those now being made. In *Baker*, both the due process clause and the equal protec-

*(Continued on top of page 3)*

**Stan Cave, attorney for The Family Foundation, wrote three *amicus* briefs for the case, two at the District Court level and one at the Court of Appeals. Most rewarding is the fact that many of his arguments were incorporated into Judge Sutton's majority opinion.**



Stan Cave

Kentucky that had stricken down the marriage laws of these states.

In his decision reversing Heyburn and judges from three other states, Judge Jeffrey Sutton, writing for the 6th Circuit, chided the lower courts (including Kentucky) for ignoring Supreme Court precedent and for going beyond what the Supreme Court's own rulings permitted in striking down Kentucky's law. Heyburn's decision was reversed, reinstituting Kentucky marriage law.

In his February ruling, Heyburn, a federal district court judge, struck down the part of Kentucky's marriage law that prevented the recognition of same-sex marriages from other states. In his May ruling, he struck down the main part of the law defining marriage as between a man and a woman.

In both these decisions, he appealed to the U. S. Constitution's 14th Amendment. He ruled that both the 14th Amendment's "due process" and "equal protection" clauses



**Martin Cothran (right), senior policy analyst for The Family Foundation, debated Judge John Heyburn II at the annual meeting of the Women Lawyers Association in Louisville on Nov 13. Judge Heyburn, who ruled against the 2004 Kentucky Marriage Protection Amendment twice in his District Court, was overturned by the 6th Circuit on Nov 6. Video of the debate can be viewed at:**

**[www.kentuckyfamily.org](http://www.kentuckyfamily.org)**

# Obama rebuked by U.S. Senate wins across nation

*Americans responded to Obama and his policies with unusual force, setting up Congress to spar with the President.*

“Now, I am not on the ballot this fall,” President Obama said on Oct. 3 in Evanston, Il., intending to motivate Democrats to vote. “But make no mistake: These policies are on the ballot — every single one of them.” When the President equated the Nov. 4 election with a vote on his policies, he himself changed the outcome of the political landscape of America at this moment in time.

The people of America responded to his declaration in a way that stunned the pollsters and the pundits alike. Obama’s policies “are on the ballot” and the American people rejected them (and their Senate proponents) at the ballot box in record numbers — instead of narrowly winning the Senate, the Republicans now hold a majority of 53-46 and may extend it to 54-46 on Dec. 6 when Louisiana holds a runoff between the two top vote recipients of Nov. 4 – incumbent Sen. Mary Landrieu and

challenger, Con. Bill Cassidy.

It now appears that the President who ran on “Hope and Change” is now running up against the senti-

ments of a majority of Americans saying, “We hope this will all

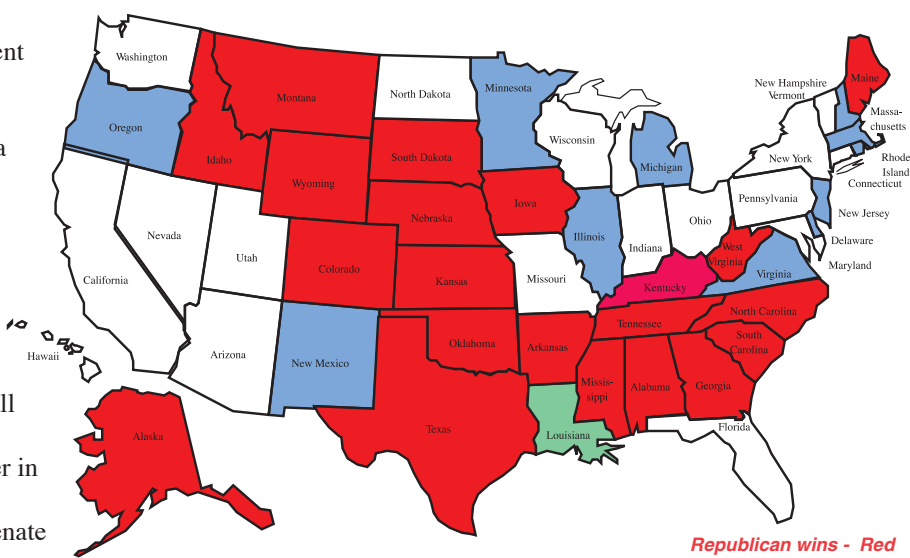
change.”

Kentucky ended up as a winner in this transfer of influence with Sen. Mitch McConnell becoming the Senate Majority Leader. This is only the second time in history a Kentuckian has held that position, the first being Sen. Alben Barkley who rose to that post in 1937.

How will this new Majority and new Majority

**“Now, I am not on the ballot this fall. But make no mistake: These policies are on the ballot — every single one of them.”**

*– President Obama  
Evanston, IL. Oct. 3*



**U.S. Senate results Nov. 4**

Republican wins - Red  
Democrat wins - Blue  
Dec. 6 Run-off - Green

Leader impact the Commonwealth? Only time will tell. But it is clear that Kentuckians can now have impact on the nation.

# State Senate majority grows; House stays the same

*There was a major change in the way Washington will work after the election, but Frankfort may change very little.*

Nov. 4 was an interesting evening for Kentucky Republicans: Their U.S. Senator won by 15 points, they picked up two (or three seats in the State Senate – depending how you count\*), but they made no progress in the State House — still 54 Democrats and 46 Republicans. Turned around, the reverse is true: Democrats lost their U.S. Senate challenge, lost several seats in the State Senate, but retained their same margin of majority in the State House.

However, the ultimate results will lead to decisively different outcomes. There is a major change in Washington because now the U.S. House and U.S. Senate can together spar directly with the President and not have Sen. Reid as Majority Leader running interference. But in Frankfort, there will be more of the same with the House held by Democrats with liberal leanings and the Senate held by Republicans with conservative leanings.

“Unless citizens get actively involved, moral and family issues will be prone to getting stuck, as they have for the last ten years, never to reach the House Floor for debate,” said Kent Ostrander, executive director of The

Family Foundation. “But generally speaking, those newly-elected representatives will be more conservative than those they replaced.”

Ostrander’s assertion is certainly true with Jim Duplessis (R), who defeated nine-term incumbent Jimmie Lee (D), and with David Hale (R), who defeated three-term incumbent Richard

Henderson (D). It is less clear in the 91<sup>st</sup> District where Cluster Howard (D) defeated one-term incumbent Toby Herald (R).

Legislators will return to Frankfort Jan. 6 for four days to elect their Leadership and then break until Feb. 3 when they will return to finish the 26 days of the 30-day “short” Session. Family advocates are hoping that new Leadership will be more favorable to family values legislation.

\* Sen. Bob Leeper, an Independent who caucused with the Senate Republicans, was replaced by Danny Carroll, a Republican,

**“Unless citizens get actively involved, moral and family issues will be prone to getting stuck, as they have for the last ten years, never to reach the House Floor for debate.”**

*– Kent Ostrander  
The Family Foundation*

## State House seats that switched Parties Nov. 4



**Jim Duplessis (R), representative-elect House Dist. 25**



**James Tipton (R), representative-elect House Dist. 53**



**David Hale (R), representative-elect House Dist. 74**



**Cluster Howard (D), representative-elect House Dist. 91**

# Marriage case victory

*continued from page 1*

tion clause were ruled irrelevant to the claim that same-sex marriage ought to be recognized. And when it was appealed to the Supreme Court, the High Court rejected the appeal because it failed to constitute “a substantial federal question.”

Despite the enthusiasm among lower court judges, this ruling is still binding until the Supreme Court rules otherwise.

The case was about whether judges or the people should decide the question, said Judge Sutton, writing into the issue sometime next year.

as well for another judge on the three-judge panel. “If a federal court denies the people suffrage over an issue long thought to be within their power,” he said, “they deserve an explanation. We, for our part, cannot find one, as several other judges have concluded as well.”

Judge Sutton’s ruling, which defies the pro-same-sex marriage rulings in several other federal courts, is likely to prompt the U.S. Supreme Court to step back

## Timeline of the case through the District and Appeals Courts

**Feb. 12** – Judge Heyburn rules *FOR* recognition of out-of-state same-sex marriages

**May 19** – Judge Heyburn rules *FOR* validation of in-state same-sex marriages

**Aug. 6** – Oral arguments presented before the 6<sup>th</sup> Circuit Court of Appeals

**Nov. 6** – Judges Sutton and Cook release Appeals Court decision, overturning Heyburn

**Nov. 20** – Plaintiffs file *Writ of Certiorari* to U.S. Supreme Court, appealing for review

## *The Family Foundation is now enrolled in the Kroger donor program*

There are different regions within the Kroger system in the Commonwealth. So we have some **CORRECTIONS** from what we communicated in our last **CITIZEN**.

Kroger recently launched a program called Kroger Community Rewards® to give back to local communities through schools, churches and other nonprofit organizations. The Family Foundation is proud to be a participant in this program . . . but we need your help!

If you shop at Kroger, you can very easily enroll your Kroger Rewards Card to benefit The Family Foundation. A percentage of your purchase totals will then be donated to The Family Foundation on a quarterly schedule. Please join us in this simple fundraising effort (at **NO ADDITIONAL COST** to you). It takes a couple minutes to register your card — *just follow the steps below and note our official incorporation name*. Because of the different regions and their different administrations, we recommend that you log on after Dec. 10.

1. Go to [www.kroger.com/communityrewards](http://www.kroger.com/communityrewards)
2. Sign into your account (or create a new one).
3. Click the “Enroll Now” button.
4. On the “Find Your Organization” page, search for **Family Trust Foundation of Kentucky, Inc** and click “enroll.”

Please call us at 859-255-5400 if you have trouble enrolling, and we’ll be happy to help you! Thank you.

## **“Let’s go Krogering!”**



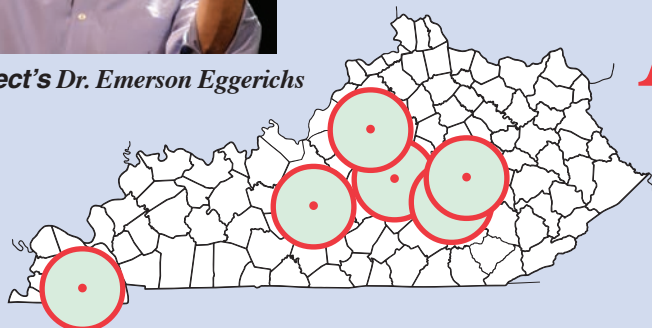




Love & Respect's Dr. Emerson Eggerichs



Love & Respect's Sarah Eggerichs



# *The Kentucky Marriage*

# *Movement*

*Various regional events listed below*

## **Lexington, Dec. 9**

**Loving Extravagantly - Greg Williams**

MOPS at Tates Creek Christian Church

3150 Tates Creek Road, Lexington, KY 40502

## **Elizabethtown, Jan. 23-25**

**Love and Lordship Conference - Greg Williams**

New Hope Community Church

34 Dee Street, Elizabethtown, KY 42701

## **Prospect, Jan. 30**

**Love and Lordship Workshop - Greg Williams**

River Valley Christian Church

12650 West US Hwy 42, Prospect, KY 40059

## **Paducah, Feb. 6-7**

**Love & Respect video conference - The Eggerichs**

Rosebower Baptist Church

1120 Tyree Road, Paducah, KY 42003

## **Lawrenceburg, Feb. 13-14**

**The Art of Marriage video conference - Family Life**

First Baptist Church

111 North Main Street, Lawrenceburg, KY 40342

## **Lexington, Feb. 20-21**

**The Art of Marriage video conference - Family Life**

Porter Memorial Baptist Church

4300 Nicholasville Road, Lexington, KY 40515

**For more or to register, call *(859)255-5400* or go to [www.kentuckymarriage.org](http://www.kentuckymarriage.org)**



*The victory in the Marriage Case at the 6th Circuit Court of Appeals is a H-U-G-E win, but the ultimate victory for marriage in Kentucky (and in this nation) is having millions of healthy marriages light the way for what marriage is and what it can be. They train bank tellers to spot counterfeit money NOT by focusing on phony bills, but by studying the real thing. So it can be with marriage – no one can re-define or counterfeit marriage when everyone sees the real thing all around their community.*

**To request an event for your church (or ALL the churches in your area) call 859-255-5400**

# What is “Emerge Kentucky”?

*It is a new organization that gives more credence to the fact that people are trying to bring California politics into the Bluegrass.*

With the goal of getting more Democrat women elected to office, a group of women from the San Francisco Bay area began Emerge California in 2002. One of those women, Andrea Dew Steele, went on to found Emerge America in 2005.

Steele, now the president of Emerge America, also serves on Northern California Human Rights Watch and her blog has been featured in *The Huffington Post*.

Another high-profile woman serving with Emerge California is Sandra Fluke, who became nationally known when she appeared before Nancy Pelosi’s Democratic Congressional Panel. Fluke, a former president of the Georgetown Law Students for Reproductive Justice, testified in favor of requiring faith-based universities to provide contraceptive coverage under the Affordable Care Act.

**Emerge America’s Director, Alisha Woodward, came to Emerge America from Emily’s List, an abortion rights organization.**

Emerge America’s Director, Alisha Woodward, came to Emerge America from Emily’s List, an abortion rights organization.

Notable Emerge America Board of Advisors members include Cecile Richards, president of Planned Parenthood, and Gloria Steinem. The group’s goal is to establish affiliates in all 50 states. Fourteen states already have Emerge affiliates, including Kentucky.

Emerge Kentucky began in 2009. Emerge Kentucky’s Advisory Board includes all Democrat women serving in state-level office along with other members such as First Lady Jane Beshear and actress Ashley Judd.

Emerge Kentucky graduated its first class of 16 women in 2010; since then, 81 more

women have completed the 70-hour, six-month training program. Rep. Rita Smart (D-Richmond) is Emerge Kentucky’s only alumna to hold state-level office.

However, it was not for lack of trying. In an April 2014 article, *MSNBC* describes “31 progressive women candidates, hand-picked and trained by Emerge Kentucky” who had filed for office in Kentucky in 2014. Elisabeth Jensen, who challenged Congressman Andy Barr in the 6<sup>th</sup> District, was the only Emerge candidate running for federal-level office.

Candidates for state-level office included Kathy Warnecke Ryan, who unsuccessfully challenged 15-year incumbent Alice Forgy Kerr for State Senate in Fayette County.

State House candidates were Ashley Miller (District 32), Debbie Barber (District 36), Gretchen Hunt (District 48), Audrey Haydon (District 50), Jacqueline Coleman (District 55), Rep. Rita Smart (District 81) and Creasa Reed (District 88). Other than incumbent Rita Smart, Emerge alumni were unsuccessful in their bids. Although not Emerge alumni, all incumbent Democrat women House Members as well as former Rep. Linda Belcher serve on Emerge’s Advisory Board. These women did win election.

Emerge Kentucky alumni also ran for seats ranging from School Board and County Clerk to Metro Council and Family Court. Some of those Emerge alumni were successful this past November.

**Rep. Rita Smart (D-Richmond) is Emerge Kentucky’s only alumna to hold state-level office.**



## “Kentucky Family Values” is a Super PAC

*This Kentucky-based Political Action Committee’s primary “values” are to get Democrats elected . . . at all costs.*

A 2010 U.S. Supreme Court decision regarding regulation of Super Political Action Committees (PACs) made reporting requirements less stringent for these political groups, say many analysts.

Since that decision, new groups have emerged on Kentucky’s political scene seeking to influence elections by advertising for or against candidates. Although these groups appear on both sides of the aisle, one such group, Kentucky Family Values (KFV) has attracted attention because of controversy regarding its confusing messaging.

“One has to wonder if misleading voters is accidental or intentional,” says Joyce Ostrander, policy analyst for The Family Foundation (TFF). “Their logo is strikingly similar to that of The Family Foundation and their advertising uses messaging such as ‘family values’ and ‘conservative,’ yet they consistently supported Emerge candidates.” (See article above)

“KFV defines family values differently than conservative family values groups such as The Family Foundation,” said Martin Cothran, senior policy analyst for TFF. “Conservative family values groups along with most Kentuckians consider the sanctity of life, traditional marriage, religious freedom and parental autonomy and educational choice to be examples of family values issues.”

Kent Ostrander, executive director of TFF reported multiple inquiries from confused voters during the Nov. 4 election cycle asking why TFF endorsed liberal candidates or liberal causes. “The Family Foundation does not endorse candidates nor does it support the positions that KFV endorses were promoting,” said Ostrander.

In his Oct. 10 blog, Sen. Whitney Westerfield (R-Hopkinsville), pointed out that, “Ironically, the Kentucky Family Values PAC endorses pro-choice candidates and expressly guides voters to ‘Vote No’ for pro-life candidates.” Westerfield titled his article “Deception.”

**The Family Foundation logo (left) compared to the Kentucky Family Values logo (right). Was their choice deliberate?**



According to Kenny Colston of *WFPL News* in Louisville, KFV is a Democrat Super PAC “helping Democrats beat back the GOP’s attempt to take control of the House.” Colston lists the National Education Association as one of their biggest donors.

The *Courier-Journal*’s Tom Loftus also includes Washington-based unions, trial lawyers, payday lenders and Churchill Downs as their contributors.

KFV claims they “are opposed to out-of-state super PACs that are spending millions to buy this election,” yet in the 2012 election, KFV spent over 2 million dollars supporting Democrats and opposing Republicans.

Due to the less stringent reporting requirements for this group, which the Kentucky Registry of Election Finance describes as an “Unauthorized Campaign Committee,” complete and timely information is difficult to obtain regarding donors. In his Oct. 31 article in the *Courier-Journal*, Tom Loftus reported that KFV had raised more than \$2 million for the Nov. 4 election, but had not yet filed any reports with the Kentucky Registry of Election Finance. By comparison, each of the other groups Loftus covered had raised or spent no more than \$260,000.

# Berea City Council votes gay rights down 5-3

*This was a victory for the everyday citizens who decided to stand up for what they believed against activists from the outside.*

When Berea City Council rejected a proposed fairness ordinance that would have included lesbian, gay, bisexual and transgender (LGBT) individuals as a protected class from discrimination, Bethel Baptist Church Pastor Kenny Davis credited the victory to Berea's church community coming together in opposition to the ordinance.

The 5-3 vote on Oct. 7 blocked a three-year effort of the "Bereans for Fairness" advocacy group to pass a fairness ordinance in Berea to prohibit discrimination in housing, employment, and public accommodations based on a person's sexual orientation or gender identity.

It has been a long and difficult three years for Davis and other pastors in this small city of 13,000 citizens nestled in the Appalachian foothills 40 miles south of Lexington. Some pastors, he said, were threatened. He received several hate emails himself.

"Anytime you take a stand, there are going to be consequences," Davis said. "Things were said about me and what I believe that simply weren't true. I have no animosity whatsoever toward gays, and I don't want to see gays hurt in any way. But the Church has to remain true to scripture, no matter the opposition."

Despite the fact that some supporters of the ordinance had characterized the pastors as hate-filled and mean-spirited bigots, "they stood together not wavering, but sharing the gospel, and sharing the love of Christ," Davis said. "Unfortunately, some members of my church bought into the rhetoric instead of remembering who I am."

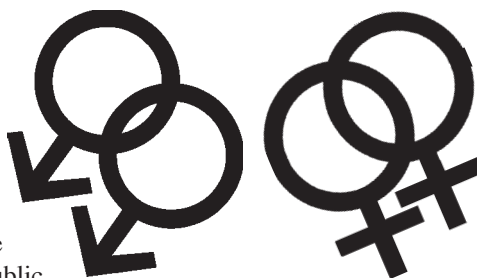
But not all.

Davis related how one Berea College student attending his church opposed the ordinance despite his being gay. "He just thought the ordinance was wrong because it would create more animosity and more problems." That stance caused the senior to be ostracized from many in the gay community.

If the ordinance had passed, Berea would have become the eighth Kentucky city to adopt a so-called "extended jurisdiction" ordinance that would have added LGBT individuals as a protected class. So far only Lexington, Louisville, Covington, Frankfort, Danville, Morehead, and Vicco have passed such laws.

Supporters of the Berea ordinance argued its passage was necessary to allow the Berea Human Rights Commission, formed in September 2011, to investigate claims of discrimination against gays. Currently, the seven-member Commission is limited to investigating claims of discrimination based on religion, race, sex, age or physical disability. Opponents questioned the need for an ordinance since the commission had not received any complaints of discrimination based on sexual orientation or gender identity.

Davis believes the ordinance proposal is less about civil rights and more about advancing a national movement to make homosexual behavior acceptable, and he bristles at the notion that the campaign is similar to the civil rights struggles of the '60s. "This is not about skin color," he said. "It's a matter of behavioral



choice. The Church must not compromise what God says about homosexuality. Certainly, homosexual behavior can be forgiven, but it is still wrong."

He also argues that the ordinance would have been bad for business in Berea, noting how a baker in Lakewood, CO has had costly legal battles involving alleged discrimination when, based on his religious beliefs, he

refused to bake a wedding cake for a gay couple. Colorado has a statewide law prohibiting discrimination based on sexual orientation or gender identity.

While the proposed ordinance has polarized this relatively small college town, neither side expects the issue to go away. (See sidebar article.) At the Oct. 7 meeting a standing-room-only crowd of opponents wearing red t-shirts designed by Davis co-mingled with supporters wearing blue t-shirts. The crowd grew so large that some were sent to a service station next door to watch the deliberations on television.

Following the vote, the "Bereans for Fairness" declared LGBT fairness in Berea would continue, saying, "Despite the narrow defeat of the fairness ordinance, it's likely Berea has not seen the end of this issue."

Meanwhile, Davis vows to continue to be vigilant, engage City Council, reach out to the community with the truth of scripture, and pray.



**Pastor  
Kenny Davis**

## Gay strategies pressure Kentucky

*Despite the support of the secular culture and media, many of their efforts have stalled.*

Despite setbacks in such communities as Berea, Owensboro, and Henderson and the failure to get a statewide "fairness" law passed this year in the General Assembly, gay rights activists still promise to keep up their fight to add LGBT individuals as a protected class from discrimination. And they have a number of strategies to accomplish that goal.

One strategy national leaders of the movement have embraced is focusing on rural communities rather than on urban America, especially targeting communities with a college or university presence. "The divide is not between red states and blue states," wrote Silas House in a *New York Times* opinion piece, "but between urban and rural America."

The three largest cities in Kentucky (Louisville, Lexington and Covington) have already adopted fairness ordinances with extended jurisdiction for gays. But only four smaller communities have done so: Danville, Frankfort, Morehead, and Vicco. With the exception of Vicco, all these cities have a college or university presence. Other communities "The Fairness Coalition" has targeted are Richmond, Bowling Green, Bardstown, Elizabethtown, Murray and Shelbyville.

Another strategy activists hope will be effective is to make LGBT discrimination a civil rights issue like the Civil Rights movement of the 1960's, but Alveda King, the niece of Dr. Martin Luther King, Jr., has said that "to equate homosexuality with race is to give a death sentence to civil rights. No one is enslaving homosexuals . . . or making them sit in the back of the bus." Two years ago she had this to say: "Neither my great-grandfather, an NAACP founder, my grandfather Dr. Martin Luther King, Sr., an NAACP leader, my father Rev. A.D. Williams King, nor my uncle Dr. Martin Luther King, Jr. embraced the homosexual agenda that the current NAACP is attempting to label as a civil rights agenda."

A third strategy focuses on getting gay rights advocates elected to state, county and local offices so they can pass laws supporting gay rights, but that strategy appears to be backfiring in Kentucky. After Henderson passed its fairness ordinance in 1999, public outcry against the measure was so intense that voters elected new council members who promised to rescind the law. Eighteen months later the law was repealed. After Berea's City Council defeated its proposed fairness ordinance, activists planned to propose it again after the November elections. But since only two members who voted for the ordinance were re-elected to the Council, they may reconsider that plan.



Opinion: Judge Sutton saw through the ever-present “14<sup>th</sup> Amendment Argument” for the smoke screen that it is.

# Traditional marriage *correctly* upheld by Court

If you listen to the debate over marriage now being conducted in our courts, you will quickly notice what is the chief argument against traditional marriage laws: The 14th Amendment. It is used as a sort of incantation by which they think they can magically transform marriage from an inherently complementary relationship between a man and a woman into one which assumes that men and women are interchangeable.



Here is Section 1 of the 14th Amendment which same-sex marriage advocates say requires that we change the definition of marriage:

**The 14th Amendment. It is used as a sort of incantation by which they think they can magically transform marriage from an inherently complementary relationship between a man and a woman into one which assumes that men and women are interchangeable.**

“To deny gays the right to marry violates the 14th Amendment,” they will say, and, largely because most people are not attorneys and do not have the expertise to answer it, the normal person who disagrees does not know what to say.

“No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Same-sex marriage advocates must assume that either the plain meaning of the words of the 14th Amendment requires recognition of same-sex marriage or that those who ratified it understood it to establish a right to same-sex marriage or that courts have traditionally interpreted it to apply to same-sex marriage.

But, in fact, none of these assumptions are true. No one has ever even considered the 14th Amendment to have anything to do with same-sex marriage – or with marriage at all – until the past decade when judges started inventing the right in order to comply with the political agenda of gay rights groups.

**But, in fact, none of these assumptions are true. No one has ever even considered the 14th Amendment to have anything to do with same-sex marriage – or with marriage at all . . .**

And not only does the reasoning of many courts assume what we know to be untrue about the 14th Amendment in general, but there are two things you have to believe in order to justify the argument that the 14th Amendment’s due process and equal protection clauses require recognition of same-sex marriage. Here they are:

I. That same-sex marriage is “deeply rooted in this nation’s history and tradition.”

II. That promoting the growth of children in a home with both their natural parents is not “substantially related to an important govern-

mental objective.”

Unless you can establish the first, the due process argument fails. And unless you can establish the second, the equal protection argument fails. And, of course, no one really believes either of these things, including the activist liberal judges who simply pretend they are not problematic.

Once you actually analyze the arguments, you realize that it is not legal arguments that are forcing courts to invalidate traditional marriage laws, but politics. Judges are not interpreting laws, but making them.

When I recently debated the federal judge who struck down Kentucky’s marriage law, I argued that judges were improperly taking sides in the debate. His response was that he was not taking sides—a response uttered in the midst of a debate on the issue with liberals in the audience cheering him on.

This is where we are generally in this debate: Advocates of same-sex marriage cannot even see their own prejudices when they are right under their noses.

We just need to keep pointing it out.



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

## Empowering Women

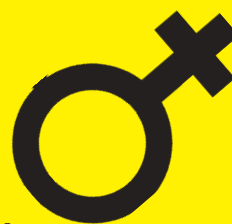
Kentucky women have the opportunity and privilege of transforming the Commonwealth.

## Want to know how?

Call us to schedule a presentation on simple, effective grassroots activities: 859-255-5400



**Joyce Ostrander, who has served The Family Foundation for the last three years as a volunteer policy analyst and lobbyist, can share the reality of how the Lord will honor sincere steps of faith in the public policy arena. She has her own powerful story of His faithfulness.**



# Would you like to volunteer?

*We are entering a very busy season. Can you help?*

We will be celebrating our 25th anniversary in 2015. *Can you help us?* We are looking for new people, new groups and new churches that would like to lock arms with us. *Can you help us?*

We will have all kinds of updates and materials to share during the 2015 General Assembly. *Can you help us?*

There are many people who need to get “connected” via email, Facebook and Twitter.

*Can you help us?*

We have a women’s outreach that will encourage women’s groups in the key role they can play.

*Can you help us?*

We can speak in your church on “Responsible Christian Citizenship.”

*Can you help us?*

You may get our drift . . . we will all be one when we all volunteer freely in the day of power. (See Ps. 110:1-3a) We submit to you that day is now.

*Please contact us!*



## Help us pass it on!

“Like” us on Facebook:

**The Family Foundation**



Follow us on Twitter:

**@KentuckyFamily**



Sign up for our email list by emailing to:

**kent@kentuckyfamily.org**

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*The Kentucky Citizen* is published by The Family Foundation, a Kentucky nonprofit educational organization that works in the public policy arena on behalf of the family and the values that make families strong.

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# Would you help us financially at this time?

*Your faith and faithfulness can help us bring the Body of Christ together to stand as one for what He desires. Won't you join with us?*

There is so much that needs to be done. Please join with us. We can make a difference by *ALL* taking one step forward . . . and then the next . . . and then the next. Soon we are miles down the road simply because we took individual steps of faith and faithfulness. Consider:

### **STEP of Faith #1 – The 2015 General Assembly Session:**

We are getting ready to engage the 2015 General Assembly where the House Leadership has killed all new pro-life bills for the last 10 years. But we must take our stand and we must speak out. It will take a faith step by all of us, and in God’s providence, *we will prevail!* To quit now is to forsake *why* we are here. To continue to step forward is what we were created to do.

### **STEP of Faith #2 – The Instant Racing Case:**

We have been fighting the expansion of gambling since 1994 when the horse racing industry asked us to join them in stopping what they regarded as “the casino scourge.” Yes, they were concerned about its impact on horse racing, but they pointed out that families would be damaged by readily accessible casino-style gambling. The Family Foundation was won over. We decided to engage with them and we together were successful until 2000, when they decided, “If you can’t beat them, own them.” And they began pushing for control of new casinos . . . “racinos.” We were left alone in the fight.

Yet, families would still be hurt so we stood our ground . . . for twenty years! Government should *NOT* make its own citizens losers so it (and its friends) can be winners.

Now we are engaged in a court case centered upon so-called “Instant Racing” machines – specially-rigged slot machines. We have been at this case for four years . . . and *we will win* if justice prevails.



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

### **STEP of Faith #3 – The Marriage Case:**

The Family Foundation started the battle in 2004 right in the middle of the General Assembly Session. There was no way to pass a constitutional amendment starting half way through the Session. In the legislature the bill “died” three times but was finally passed in the late hours of the “veto override” period.

Then that Fall it passed with a 75 percent to 25 percent margin. It was *H-U-G-E!* More people voted to protect marriage from any re-definition than had ever voted both “Yes” and “No” *combined* on any other Kentucky constitutional amendment.

Now we are engaged in a court battle defending it. We lost in Federal District Court, but we won in the 6th Circuit Court of Appeals — the first Federal Court of Appeals to side with marriage. And we not only won, we won with a well-written majority opinion!

Our attorney, Stan Cave, offered our three different *amicus* briefs in the three different stages of the case. A number of his arguments were incorporated into the majority opinion. (None of the Governor’s attorneys’ arguments were included.)

We have more to do in the Marriage Case, in the Instant Racing Case, and in the 2015 General Assembly. Please join with us. Your gift will help us deliver the *CITIZEN* to keep Kentuckians informed *AND* will enable us to be hands-on in the issues listed above.

I am convinced if we all give *something*, we will have enough.

I thank you.

*Kt*

*Please mail your gift to:*

**“The Family Foundation”  
P.O. Box 911111  
Lexington, KY 40591**