

The Kentucky CITIZEN

STRENGTHENING FAMILIES AND THE VALUES THAT MAKE FAMILIES STRONG

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More pro-family legislative victories possible

A number of “little” bills that affect the family are now moving in this Session. YOU can still be the difference.

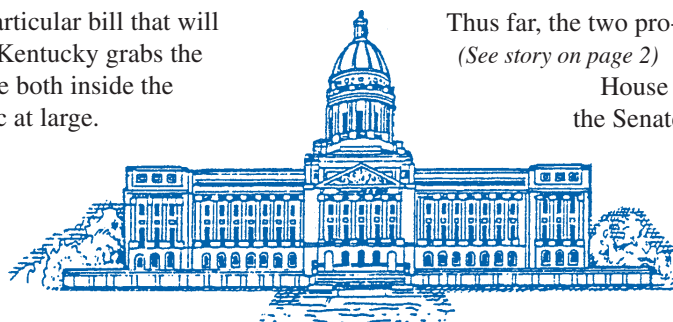
Oftentimes in past sessions of the General Assembly, a particular bill that will have tremendous impact on the family and family life in Kentucky grabs the media’s attention and becomes the center of a huge debate both inside the Assembly’s Chambers and across the state with the public at large.

In 2004 such a debate happened around the Marriage Protection Amendment (which ultimately passed and was ratified by the people that Fall, only to be overturned by the U.S. Supreme Court in the 2015 *Obergefell* decision). In 2008 it was the proposal to introduce and massively implement casino gambling (which ultimately failed). In 2013 it was the Religious Freedom Restoration Act (which ultimately passed).

This year the storyline in the General Assembly has been different. With the strong showing in the first week of the Session where Republicans flexed their newfound muscle of super majorities in both Chambers, seven bills were passed in five days. Though each has an impact on life in Kentucky, the two that most heartened pro-family citizens were House Bill 2: The Ultrasound Bill and Senate Bill 5: The 20-Week Ban on Abortion (Pain Capable Bill).

The reason for their significance lies in the fact that no new pro-life bill had been allowed on the House Floor for 10 years. Many passed the Senate only to die in the House without a debate on the House Floor. This was all a part of a strategy that Speaker Greg Stumbo had engineered to keep Democrats in power. When word got out across the state of this type of manipulation and deceit, the House flipped in a significant way — from a 53 to 47 Democrat majority to a 64 to 36 Republican majority.

The fact that most rural Democrats had postured themselves as “pro-life legislators” in their home district, but did not deliver per Stumbo’s strategic design caused an electoral upheaval, barring many of those incumbents from returning to Frankfort. That has put the Republicans on notice to prove themselves — deliver or face the same fate.



Thus far, the two pro-life bills are the cornerstones, but other good bills are coming. (See story on page 2)

House Bill 2: The Ultrasound Bill, passed the House 83-12 and then the Senate three days later 32-5. Senate Bill 5: The 20-Week Ban on Abortion (Pain Capable Bill), passed the Senate 30-6 and then the House three days later 79-15.

Now, less impactful but still important bills are making their way though the Assembly. Bills range from defunding Planned Parenthood, creating Charter Schools, allowing Biblical Literacy courses in public schools, protecting students’ First Amendment free speech and religious liberty rights, keeping sex offenders out of public parks where children play, promoting divorce reform and stopping human trafficking. Each Kentucky citizen can become more informed and involved to make a difference. **See story on page 2 and bottom of page 8.**

BUT, more is needed . . .

The “elephants” in the room are the major issues of 1) bathroom privacy and 2) conscience protection regarding marriage.

Kentuckians who have traditional values should be grateful for the tremendous amount of work that was done and is being done in this 2017 Session. Yet, it’s easy to look at the “hot button” issues of today and recognize that they were not addressed. Consider these facts:

Minor girls who are required by law to be in school will still have to be confronted by boys in their bathrooms, locker rooms and shower rooms.

The same-sex marriage *Obergefell* decision was decided in 2015 and yet even now no one in Kentucky has conscience protections. (The County Clerks had their forms changed; they *did not* receive conscience protection/religious liberty.)

To work with us on these issues in your county in the months to come, please contact The Family Foundation now. We CAN make a difference.

kent@kentuckyfamily.org or 859-255-5400



Included in this *CITIZEN*:

**Status of family bills
in the 2017 Session p. 2**
**The court case on
The Ultrasound Bill p. 4**
**The Confirmation of
Judge Neil M. Gorsuch . . . p. 5**
**The Student Privacy/
Bathroom Issue p. 6**
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Other bills can still pass or fail *(with your help)*

Not all good bills are “monumental.” Some bills just move the state one step down the road to a more family-friendly environment. **AT PRESS TIME**, each of these bills still had an opportunity to pass. It is up to you – lift up YOUR voice.

Senate Bill 8 – Defunding Planned Parenthood: SB8 would set up a tiered funding approach so that publically funded comprehensive clinics would receive federal monies first – before Planned Parenthood. With this bill, Planned Parenthood would likely receive little or no funding. SB8 cleared its Senate Committee 8-3 on Feb. 16 and the full Senate 31-8 on Feb. 22.



Senate Bill 17 – Student Free Speech & Religious Liberty Act: SB17 would prevent schools K thru college from infringing on a student’s right of freedom of speech or expression. SB17 would protect the right to pray over their lunch or refer to God in speeches or composition. The bill passed the Senate 31-3 on Feb. 10 and is now in the House Education Committee.



House Bill 128 & Senate Bill 138 – Biblical Literacy Bill: These bills would allow the study of the Bible in public school for its literary and cultural contribution to Western Civilization and American culture. The bills would *NOT* permit the teaching of religion. Both bills have cleared their committees in their respective Chambers.



House Bills 406 & 524 – Human Trafficking: These bills combat human trafficking, child abuse and child exploitation. HB524 requires the trafficking “hotline” to be posted in schools and highway rest areas and criminalizes certain activities involving minors. HB406 contains those provisions and additional ones. HB524 passed out of its House Committee 15-0 on Feb. 22.



Senate Bill 159 – Civics Test for Graduation: SB159 would require students from public schools in Kentucky to pass a civics test before they could graduate. The 100-question test would be taken from the US Citizenship and Immigration Service’s test. Students would be permitted to retake the test as often as needed in order to pass. The bill has passed the Senate Education Committee.



House Bill 520 – Charter Schools: HB520 is the first step toward educational choice by the state legislature. It authorizes public Charter Schools as parents request them and as the schools are properly authorized. The bill’s major weakness is that it allows only one authorizing entity, but it is a step in the right direction for Kentucky.



House Bill 408 – Prohibiting Distribution of Child Pornography: HB408 prohibits the copying and distribution of any material that portrays child pornography or a sexual performance by a minor, including among litigants during court cases dealing with child pornography. HB408 passed out of its House Committee unanimously on Feb. 22.



House Bill 38 – Prohibiting Sex Offenders from Public Playgrounds: HB38 would prohibit sex offender registrants from being on the grounds of a publicly owned playground without advance written permission. This bill passed the House 91-3 on Feb. 10 and is currently in the Senate Judiciary Committee.



Senate Bill 400 – Facilitating Gambling Expansion: For 6 1/2 years The Family Foundation has been in court trying to stop unlawful gambling machines that have never been voted upon by the General Assembly or approved by the Courts. This bill gives the Horse Racing Commission more power to **AFFIRM** the machines! It is on a fast track to pass unless citizens call in.



Senate Bill 201 – Grandparent Visitation Rights: SB201 provides guidance as to when grandparents may seek visitation rights, the factors the court must consider when awarding those rights, and declares that those visitation rights survive adoption of the grandchild by a stepparent or a person of biological relation if it is still in the best interest of the child.



House Bill 180 – Child Placement with Fictive Kin: HB180 establishes that the Cabinet for Health and Family Services may approve fictive kin as a placement for a child. It defines “fictive kin” as “an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child.”



House Bill 14 – Hate Crimes Against Peace Officers: HB14 would upgrade to a hate crime offenses committed against an individual because of that individual’s actual or perceived employment is as a peace officer, member of a fire department, or emergency medical services personnel. HB14 passed the House on Feb. 13 with a vote of 77-13-1.



House Bill 58 – The “Tim Tebow” Bill: HB58 allows home school students to participate in public school extracurricular activities and sports teams in their district. It is named after the home school student who lacked access to team sports, but achieved elite status winning the Heisman Trophy and the National College Football Championship.



House Bill 427 – Divorce Reform for the Judicial System: When minor children of the marriage are involved, no decree of divorce shall be entered until the parties have lived apart for 180 days. HB427 also allows the court to order a divorce assessment consultation. However, a decree of divorce may be issued in the case of domestic violence, abandonment, or incarceration.



Bill status is **AT PRESS TIME** – status will change.

Call 1-800-372-7181

Call the toll-free Legislative Message Line and leave **YOUR** message (for or against) with the operator for **“ALL the legislators from (your) County.”** Share **YOUR** view. Example:

“Pass Senate Bill 8 - Defund Planned Parenthood”

The Legislative Message Line is open Mon-Thurs from 7 AM until 9 PM Eastern Time. It closes at 6 PM Fri.

We encourage both spouses to call and we suggest commenting on two bills per call. (See bottom of page 8)

What happens in California doesn't stay in California.

SB17 would go a long way to protect the free speech/religious liberty rights of students K thru college.

Lawmakers often avoid new legislation because they don't want to overregulate or create unintended consequences, both reasonable things to avoid.

Lawmakers also avoid needed legislation if it draws media fire, especially if it isn't happening in their backyard . . . yet.

Hence the adage, "Nothing moves in government unless it's pushed".

In other states, we have seen speakers (the conservative ones) "uninvited," student-led groups (the Christian ones) denied the right to meet on campuses, and others being mocked by faculty and peers and often forced into silence because of their politically incorrect opinions.

A "safe space" debriefing was held in the Student Union, not for the beleaguered conservatives, but for the liberals who felt "unsafe" having a conservative speaker on campus.

anyway. They were met with angry protestors blocking entry to the building. The few students who arrived early enough to get in before protestors arrived were told by campus security to leave by sneaking out the back door.

The campus' response? A "safe space" debriefing was held in the Student Union, not for the beleaguered conservatives, but for the liberals who felt "unsafe" having a conservative speaker on campus.

As much as I disagree on many points with Milo Yiannopoulos, I do agree that political correctness is, like the title of his new book, "Dangerous." Students at UC Berkeley rioted recently, protesting Yiannopolis' talk scheduled by a conservative student group. The subject of the talk was the danger of political correctness. Students opposing Yiannopolis broke windows and lit fires, causing over \$100,000 in damages and basically proving Yiannopolis' premise.

Granted, the University of Kentucky is not Berkeley but the Foundation for Individual Rights in Education gave UK a "yellow" rating, citing concerns about the University's

Last year, California State University President Covino intended to "reschedule" conservative columnist Ben Shapiro's lecture. Shapiro and the politically conservative student group who invited him held the lecture

policy limiting free speech to specified "zones" on campus.

In essence, schools are less and less places where truth is sought, intellect is developed, and ideas are tested and refined. Instead, freedom of thought and speech are in serious peril.

It's true, the most egregious examples occur not in Kentucky but in other states- you know, the ones on the coasts.

Mark Twain was purported to have said, "I want to be in Kentucky when the end of the world comes, because they are always 20 years behind."

But Kentucky might not be 20 years behind on this. It was in Kentucky, after all, that in 2006 Russell County High School Senior Megan Chapman was prevented by a court order from praying at her graduation ceremony.

And in 2015 that the Paintsville elementary Christmas program was censored, "protecting" students from the sinister *A Charlie Brown's Christmas* play. Thank goodness for the bravery of the administration in sparing those students from the "terrible fate" of the millions who have had to hear about the meaning of Christmas while watching this treasured classic.

Sen. Julian Carroll said in last year's committee hearing on Kentucky Senate Bill 17, The Student Free Speech and Religious Liberty Bill, that people are "so afraid of crossing over the line that they aren't getting anywhere near it."

Lawmakers can help protect Kentucky students regardless of their political or religious viewpoint. Passage of viewpoint neutral SB17 would make the appropriate "line" more clear for administrators, teachers, parents and students. Earlier this month, the Kentucky Senate thought it was time to "push" or perhaps "push back" by passing SB17. Now it is time for the House to act.

After all, what happens in California doesn't stay in California.

As I see it . . .



Joyce Ostrander is a policy analyst for The Family Foundation

Joyce

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Kentucky
license plates**

"We can all give a little"

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



**You'll be making a stand for life
and for compassionate, life-saving intervention because
pregnancy care centers will receive 100% of the money
that you donate above the actual cost of your license plate.
In last year alone \$33,200 went to Kentucky's pregnancy
care centers that cover the state.**

THIS is Unbridled SPIRIT in Kentucky!

Four legislators defend new ultrasound law

Four leaders in the House and Senate submit amicus brief in defense of House Bill 2 – The Informed Consent Ultrasound Bill.

Frankfort's 12-year drought on new pro-life legislation came to an end during the first week of the 2017 General Assembly. The historic November election, which flipped the Kentucky House, put Republicans in control. When the new House Leaders allowed legislators to debate and then vote on the pro-life bills, the two bills were quickly and overwhelmingly passed. Signaling pro-life legislation's new priority, more was accomplished in five days than the past 12 years combined.

Senate Bill 5 banned abortion after 20 weeks because of evidence that the unborn can feel pain after that point. It passed the Senate 30-6 and the House 79-15.

House Bill 2, The Ultrasound Informed Consent Act, required that the images of an ultrasound and audio of the heartbeat be shared with the mother so that they have access to the information they need to consent to an abortion. It passed the House 83-12 and Senate 32-5. Despite 80 percent of Kentucky's

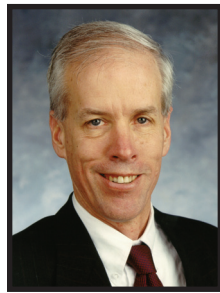
legislators supporting the 20 week ban on abortion, Attorney General Andrew Beshear announced that he would refuse to defend it against any legal challenge. He claimed he would defend the Ultrasound Bill, which received support from 84 percent of legislators. But when the ACLU challenged it, his response to the court stated that "the Attorney General does not take a position." (See story on right)

In response to Beshear's unwillingness to defend Kentucky law, key legislators stepped up to the plate. House Judiciary Chairman Joseph Fischer; the Speaker of the House Jeff Hoover; Senate Judiciary Chairman Whitney Westerfield; and the President of the Senate Robert Stivers joined together to file an amicus brief with the court in support of the Ultrasound Bill.

When asked why they joined the amicus brief, Sen. Westerfield noted "the AG's lukewarm support of legislation protecting human life, passed by an overwhelming bipartisan number of legislators" and Rep. Fischer also pointed to the "absence of any serious advocacy by Beshear."

The brief explains that the legitimate interest which is foundational to the Ultrasound Bill is the General Assembly's "profound respect for what the U.S. Supreme Court calls 'the life within the woman.'" Legislators point to the Supreme Court's determination in *Casey* that "Requiring physicians to state information that is uncomfortable... is not impermissible when the information is truthful, not misleading, and relevant to the decision to undergo an abortion."

Summarizing their case, legislators rely on the U.S. Supreme Court's clear conclusion in both *Casey*



(l to r) Rep. Joe Fischer, Sen. Whitney Westerfield, Speaker Jeff Hoover, and Senate President Robert Stivers

"In the face of the Attorney General's neglect of duty, these legislators . . . deserve our thanks."

– Michael Johnson, TFF policy analyst

and *Carhart*, that "the discomfort that abortion providers inevitably feel about communicating information about fetal development and the pending abortion prior to the procedure does not relieve them of their legal, and indeed, ethical duty to provide that information." As was stated in *Casey*, "The State has an interest in ensuring so grave a choice is well informed."

Gov. Bevin's administration also responded to the ACLU's legal challenge in a brief. It notes that those challenging the law

"complain that the Commonwealth is unconstitutionally compelling them to engage in ideological speech." But there is no "ideological speech" involved, abortionist are just "[s]eeking to avoid . . . sharing truthful information that is already in their possession." As the Fifth Circuit put it in *Lakey*, "the required disclosures of a sonogram, the fetal heartbeat, and their medical descriptions are the epitome of truthful, non-misleading information."

Implying that "a woman cannot handle the ultrasound information about her unborn child," those challenging the law would "effectively make the decision for the woman rather than have her fully informed." But the Fifth Circuit found in *Lakey* that "denying women up to date medical information is more of an abuse to their ability to decide than providing the information."

"In the face of the Attorney General's neglect of duty, these legislators were willing to take on the extra responsibility of defending the overwhelming will of Kentuckians," said Michael Johnson, policy analyst with The Family Foundation. "They deserve our thanks."

The AG refuses to defend Ultrasound Law

On Jan. 10, Attorney General Beshear issued a press release in response to the General Assembly's overwhelming and bipartisan passage of two pro-life laws. Despite the designed appearance of a faithful civil servant resisting "advocates on either side" and devoting himself to the "duty of law," reality reveals a far different picture.

Acknowledging that duty of law required him to defend Kentucky's new Ultrasound Bill, he promised that his office would "defend the agencies sued over House Bill 2."

BUT, when the ACLU requested a temporary restraining order to prevent the law from being implemented, the response Beshear filed with the court stated "the Attorney General does not take a position." In fact, the entire response consisted of less than 200 words justifying his non-position with claims that he has no "authority or duty to enforce the provisions of HB 2."

"Even the ACLU recognizes the attorney general is failing to do his job by not defending HB 2," said Gov. Bevin's spokeswoman, Amanda Stamper. She pointed to the ACLU's statement dismissing Beshear's claim "because it ignores the broad power the attorney general wields under existing Kentucky law."

Just four sentences after acknowledging that it is his "duty to defend laws where the constitutionality is questionable and finality is needed," he declared that his "office will not represent the state on any challenge to Senate Bill 5, the 20-week ban." Needing to justify such a declaration, especially before any legal challenge had been brought against SB 5, Beshear asserts the law is "clearly unconstitutional."

His assertion is odd since neither the US Supreme Court or any court with authority in any portion of the Commonwealth has ever addressed this law. While it is true that two states with similar laws have faced legal challenges, the laws of 14 other states currently remain in effect.

Far from a portrait of a faithful civil servant, reality reveals an attorney general who is ignoring the "duty of law" which he acknowledges.



Attorney General Andrew Beshear

This justice could reshape America's future

Given the current liberal lean to the U.S. Supreme Court and the entire federal judiciary, this conservative nomination is critical.

On January 31st, President Trump announced his nomination of Judge Neil M. Gorsuch, of the U.S. Court of Appeals for the 10th Circuit, to fill the vacancy left by Justice Scalia's unexpected death last February.

According to the Heritage Foundation, "Gorsuch is an eminently qualified and well-respected judge with a record that demonstrates he cares about religious liberty, the separation of powers, and the original public meaning of the Constitution and the laws he interprets. He would be a fine successor to Scalia."

Background

After serving as a law clerk to Judge Sentelle of the U.S. Court of Appeals for the D.C. Circuit and Justices White and Kennedy of the U.S. Supreme Court, Gorsuch practiced law at a prominent D.C. law firm for 10 years.

He then joined the U.S. Department of Justice where he served as principal deputy to the associate attorney general and as acting associate attorney general. In 2006, President George W. Bush nominated him and the Senate confirmed him to the 10th Circuit which has jurisdiction over Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming.

Views on Life

Insight into Judge Gorsuch's views concerning life can be gathered from a book he authored in 2006, titled *The Future of Assisted Suicide and Euthanasia*. Per Princeton University Press, his book "builds a nuanced, novel, and powerful moral and legal argument against legalization [of assisted suicide and euthanasia], one based on a principle that, surprisingly, has largely been overlooked in the debate—the idea that human life is intrinsically valuable and that intentional killing is always wrong."

Views on Role of Courts

Several of his writings and statements give us insight into how Judge Gorsuch views the role that the courts are to play.

Any understanding of Judge Gorsuch's approach to judging must begin with his humble view of being a judge. In a speech at Harvard Law School's Barbara Olson Memorial Lecture entitled *Law's Irony* he stated: "... donning a robe doesn't make me any smarter. But the robe does mean something ... a reminder of the relatively modest station we're meant to occupy in a democratic society. In other places, judges wear scarlet and ermine. Here, we're told to buy our own plain black robes."

Within his *2016 Sumner Canary Memorial Lecture*, he noted that appealing to "their own moral convictions and to claims about social utility to reshape the law as they think it should be in the future" is not the role of judges, but rather legislators. Instead, judges should "strive (if humanly and so imperfectly) to apply the law as it is, focusing backward, not forward, and looking to text, structure, and history to decide what a reasonable reader at the time of the events in question would have understood the law to be."

Consistent with those views, he has been critical of liberals relying on the courts rather than the political process. In a 2005 op-ed in *National Review* he stated: "American liberals have become addicted to the courtroom, relying on judges and lawyers rather than elected leaders and the ballot box, as the primary means of effecting their social agenda on everything from gay marriage to assisted suicide to the use of vouchers for private-school education. This overweening addiction to the courtroom as the place to debate social policy is bad for the country and bad for the judiciary ... As a society, we



**U.S. Supreme Court nominee
Judge Neil M. Gorsuch**

lose the benefit of the give-and-take of the political process and the flexibility of social experimentation that only the elected branches can provide."

Views on Religious Liberty

Among the top ten cases over which he presided as a judge, he identified two religious liberty cases.

In *Yellowbear v. Lampert* (2014), a prisoner's right to access a sweat lodge as a form of religious exercise under the Religious Land Use and Institutionalized Persons Act. This decision was later quoted in U.S. Supreme Court Justice Sotomayor's concurrence in *Holt v. Hobbs* (2015).

In *Hobby Lobby Stores, Inc. v. Sebelius* (2013), Judge Gorsuch joined the majority opinion which concluded that Hobby Lobby and another company had demonstrated a likelihood of success on their Religious Freedom Restoration Act claim against the Obamacare's requirement that they provide insurance coverage for certain contraceptives which prevented implantation of a fertilized egg and the millions of dollars in regulatory taxes.

President Trump strongly endorsed Judge Gorsuch saying, this is "a man who our country needs badly to ensure the rule of law."

The Confirmation Process

Senate Judiciary Committee Chairman Chuck Grassley expects the new justice to be sworn in sometime in April. But the pace of the confirmation process is dependent upon whether Senate Democrats will seek to block the confirmation and what Plan B may be for Senate Republicans if they do.

Regardless of how quickly the process goes, NPR has identified the five steps that must take place:

- **Referral to the Judiciary Committee:** The Judiciary Committee, which currently consists of 11 Republicans and 9 Democrats, must approve the nominee by a bare majority to send him to the full Senate for a vote.
- **Pre-hearing Research:** Judge Gorsuch will pay courtesy visits to senators as they pore over his past speeches, public statements, press clippings, and judicial opinions. Additionally, they will review his responses to the 68 page questionnaire drafted by the top Republican and Democrat on the Judiciary Committee.
- **Confirmation Hearing:** This can take several days as Judiciary Committee members directly question him and outside witnesses are questioned. After the proceedings, further questions for the nominee may be submitted in writing.
- **Committee Vote:** The committee votes on whether to approve the nominee and then "reports" its "recommendation" to the full Senate.
- **Full Senate Vote:** If Democrats wish to block the nominee, it is possible that a filibuster could force Republicans to obtain 60 votes before confirming the nominee. This means Democrats could effectively block – or "filibuster" – the confirmation if fewer than 8 Democrats support the nominee.

In the event of a filibuster, Republicans could employ the so-called "nuclear option," by changing the Senate rules to only require a bare majority of votes to confirm the nominee.

**Call and leave your opinion of Gorsuch for
Sen. Paul 202-224-4343 and
Sen. McConnell 202-224-2541**

Bathrooms: Kentucky schools need guidance

The lack of activity in this 2017 Session means school girls will face boys in their bathrooms and locker rooms for another year.

Most Kentuckians are aware of the controversy surrounding North Carolina's "Bathroom Bill" and the Obama Administration's directive ordering schools to allow members of the opposite biological sex to use the same bathroom, locker room, and overnight facilities. But some may doubt that there is any controversy or problem in Kentucky.

In truth, California policies have already been brought into Kentucky schools. The Kentucky Gay, Lesbian, and Straight Education Network's (GLSEN) 2015 National School Climate Survey revealed that in 36 percent of Kentucky school situations involving transgender students, students of the opposite biological sex can use the same facilities despite Kentucky law recognizing them as inherently private. That's a higher percentage than 11 of the 30 states GLSEN's survey examined, even surpassing New York!

If that wasn't enough, the agenda is too often pushed without parental awareness. At a December meeting of 4-H workers, a question was raised about what parents would say if they found out their child had been camping in mixed sleeping and bathroom facilities. . . the response from the 4-H Leader at UK was "do not tell the parents."

The reality is that even if Kentucky's lawsuit against the Obama Administration's directive is successful or if the Trump Administration revokes the directive, Kentucky schools are still in need of guidance. (*And see Gloucester v GG story below right.*)

Despite common sense arguments in favor of legislation that would protect the safety and privacy of all K-12 students (who are mostly minor children and required by law to be at school), a few conservatives have been spooked by arguments that Kentucky will suffer the same fate as North Carolina, if legislators pass such legislation. Liberals argue that



North Carolina lost business and the governor lost reelection as a result. This argument has everything going for it but the evidence.

In fact, the North Carolina governor was tepid in his support of the legislation and tarnished by other issues that cost him popularity. Meanwhile, the sponsor of the North Carolina bill did not lose last November, but rather was promoted by his constituents from the House to the Senate, winning by a 13 point margin. And the state's Lt. Governor, Dan Forest, the chief advocate for the bill, won reelection by over 300,000 votes! (More than by the margin that President Trump won the state.)

And not only that, not a single Kentucky lawmaker who has co-sponsored a similar measure in the last two years or voted for a similar measure last year lost his seat last November. Not one.

And a loss of jobs in the state? North Carolina experienced the eighth fastest job growth of any state in 2016 and is predicted to add over 100,000 jobs in 2017. It also outpaced the average of other states in numerous economic indicators.

Didn't hear this on the news? That's because these facts don't fit the liberal media narrative.

Texas stands against bathroom bullies



Commenting on the filing of the Texas Privacy Act, Lt. Gov. Patrick stated:

"The people of Texas elected us to stand up for common decency, common sense and public safety. This legislation codifies what has been common practice in Texas and everywhere else forever — that men and women should use separate, designated bathrooms. It...ensures that businesses have the freedom to determine their own bathroom policies and that no public school can institute a bathroom policy that allows boys to go in girls' restrooms, showers and locker rooms and girls to go in boys' restrooms, showers and locker rooms."

In response to threats from the NFL regarding future Super Bowl games, Gov. Abbott simply noted that "NFL decision makers also benched Tom Brady last season. It ended with the NFL handing the Super Bowl trophy to Brady."

The key U.S. Supreme Court case: *Gloucester v. GG*

On March 28, the U.S. Supreme Court will hear oral arguments for *Gloucester v. GG*. The case revolves around a transgender student's desire to use the school bathroom that matches gender identity instead of biological sex.



The Court will examine whether or not the school must defer to the Department of Education's interpretation of Title IX which maintained that students have a right to choose their restroom and locker room.

The Facts: During the 2013-14 school year, G.G. was diagnosed with gender dysphoria. Responding to the privacy and safety concerns of parents, the School Board adopted a policy which accommodated transgender students through the use of single-stall unisex restrooms or restrooms that correspond with their sex assigned at birth.

On Jan. 7, 2015, the Dept. of Education (DOE) issued an opinion letter to schools stating that Title IX required schools receiving federal funds to allow transgender students to use facilities consistent with their gender identity.

Relying on the DOE's letter, G.G. sued the School Board, seeking damages and an injunction to prevent the school from implementing its policy.

The district court sided with the School Board, but the U.S. Court of Appeals for the Fourth Circuit reversed, relying on the DOE's letter.

Opinion: It takes just a moment to set the record, and the Lexington Herald-Leader, straight.

The *H-L*'s hypocrisy on "wasting time"

Editor's Note: On Feb. 15, the Lexington Herald-Leader editorialized against The Family Foundation for its support for a number of pro-family legislative initiatives. But it was especially concerned over The Foundation's support for Senate Bill 17, which would require schools to treat religious expression no differently than non-religious expression for students in class assignments and speech on campus. The Herald-Leader charged that the bill was not needed, since such speech was already Constitutionally protected, and was only an attempt by conservative state lawmakers to "divide and pander." The following is The Family Foundation's response.

In a recent editorial, the *Herald-Leader* claims that conservative state lawmakers are "finding ways to waste their time on meaningless bills that divide and pander."

It is fairly apparent that they don't teach logic in journalism schools, but there must be a class all journalists take teaching them certain fallacies to use in their editorials. In this case, it is the "wasting their time" fallacy. It is trotted out when-



Martin Cothran is the senior policy analyst for The Family Foundation

ever lawmakers do something liberal newspaper editorialists don't like.

And it begs the question of why, if it is a "waste of time" for lawmakers to make laws about it, is it

any less a waste of time for journalists to write editorials about it? If it is an unimportant issue, then why is the *Herald-Leader* wasting increasingly valuable space to print editorials about the issue in

their increasingly shrinking newspaper?

Despite the protestations, the *Herald-Leader* thinks issues like free religious speech in schools is terribly important—terribly important to denigrate, that is.

After saying how very glad it is that lawmakers are not pursuing other bills it labels "discriminatory," it then goes on to defend the kind of discrimination Senate Bill 17 prohibits—namely discrimination against religious students in speech and class assignments.

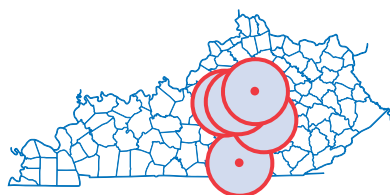
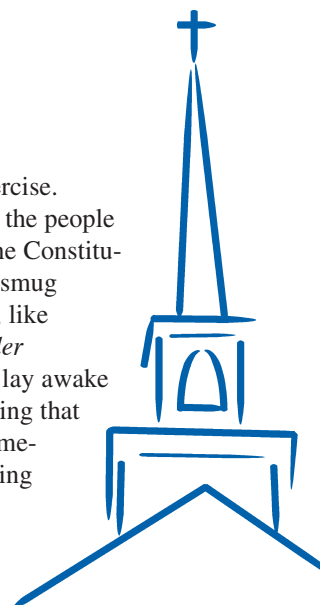
Like the ACLU, who testified against Senate Bill 17 in last week's committee

meeting in Frankfort, the *Herald-Leader* claims to love the First Amendment, but then starts to babble incoherently when the subject turns to that troublesome part of the First Amendment that protects free

religious exercise.

Too bad the people who wrote the Constitution weren't smug liberals who, like *Herald-Leader* editorialists, lay awake nights worrying that someone, somewhere is having religious thoughts during class time.

The *Herald-Leader* is against sending any class of people to the back of the bus, except in the case of religious people, who they think should not only go to the back of the bus, but shouldn't really be riding the bus at all.



The Kentucky Marriage Movement

Lexington, Feb. 26 - June 25

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

Nicholasville, March 8 - April 5

Love and Lordship Wed. Nite Series - Greg Williams
Jessamine Christian Church
130 Courchelle Drive, Nicholasville, KY 40356

Nicholasville, March 17-18

Art of Marriage video conference - FamilyLife
Catalyst Christian Church
101 North First Street, Nicholasville, KY 40356

Jamestown, May 5-6

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

Richmond/Berea May 7-9

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

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

Can we work together?

*Have you heard this: “United we stand. Divided we fall.”?
Do you believe it? If so, let’s act on it – together!*

Short-Term goals: Call and leave YOUR message on the bills listed on page 2. The Session is now more than half over and we have about two full weeks to engage and have an impact. Read the bills on page 2 and consider the story below. Then make YOUR call! Call as soon as possible. (Both husband and wife.) Your one-minute call is *powerful encouragement*. To stay on top of the bills . . .

1) Sign up for emailed updates:

Email us: kent@kentuckyfamily.org OR call us 859-255-5400

2) Sign up for texted updates on your cell phone: (NEW)

For cell phone updates, text “Kentucky” to number 31996

Long-Term goals: Over the next months, we will be building teams in each county so that when it’s time to move forward on some of the tougher issues (See story on bottom of page 1), there will be men and women of faith in place to make the difference, to rally support and to share information with others. To help in the long term, *please* email or call as listed above. **PLEASE** raise your hand.



In policy, **“Nothing moves unless it’s pushed”**

This is actually a reflection of Newton’s First Law of Motion in physics. Perhaps YOU will be the one who provides the “push.”

Though physics is *NOT* the primary course of study needed in public policy, some of its principles do apply. In physics, Newton’s First Law of Motion explains how inertia affects moving and non-moving objects. Newton’s first law states that an object will remain at rest (or move at a constant speed in a straight line) unless it is acted on by an outside force. So it is with passing legislation; legislation will sit at rest (and *NOT* move) unless there are “forces” at work to get it moving.

Isaac Newton was a 17th century scientist who put forth a variety of laws that explain why objects move (or don’t move) as they do. Newton generated what have become known as “Newton’s three laws of motion.”

Newton’s first law applies to the process of passing legislation. Legislators must have a passion to “stick their necks out” in order to pass a piece of legislation that someone or some group will oppose. It’s simply easier *NOT* to attempt to pass a controversial bill. The more controversial, the less likely it will move. . . **UNLESS** there are forces at work.

The forces at work either add or subtract to a particular legislator’s passion. When the “folks back home” are calling in and encouraging the legislator to move forward, there is a much higher probability that something will get done. When the “folks back home” motivate other legislators in the same way, again, the probability of action increases.

When no one calls in, passion is drained and the *status quo* remains – an object at rest (a bill) will remain at rest.



Kent Ostrander
executive director

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And when something is moving, there can be forces “pushing back” to bring it back to rest. Clearly, Members of the major media are generally liberal and they have a powerful megaphone pushing back on conservative, “family values” legislation.

Similarly, members of the opposite Party often take a position 180 degrees opposite the forward motion of a bill. That’s why YOU can actually make the difference with your “push.” Your call to the **Legislative Message Line** should only take about one minute. Think about it – *it takes less time and it is easier than ordering a pizza!*

Here are a few tips to making your impact for Christian values easy and effective:

Be Kind - You can be firm, but be polite. Your legislator wants to receive your message (he wants your vote next time), so don’t give him a reason to ignore your message.

Be Direct - Though you don’t have to have a bill number, it’s best when you do. Just state clearly what you want. Your legislator will know your wishes when he gets your message; **“Pass Senate Bill 17 - The Students’ Free Speech / Religious Liberty Act.”**

Be Full of Faith - You are speaking to the best of your ability the concerns that the Lord would have; so be confident, even bold with your encouragement.

Do Not Be Religious - Christian-speak and Bible-speak are not “known languages” in Frankfort. Share your message with the operator in the language of the listener – simply make common sense. The truth that you share will have its own impact if it is simply understood. The Holy Spirit will amplify it in His good time.

Go ahead . . . YOU make the call. You and your spouse can give the bills on page 2 your “push.”

Yt