

The Kentucky CITIZEN

STRENGTHENING FAMILIES AND THE VALUES THAT MAKE FAMILIES STRONG

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2021 Assembly Session: Much like UK and U of L basketball – Some good, some disappointment

The surprise is the mixture that was delivered when both Chambers are heavily controlled by Republican super-majorities.

In January, expectations were high coming into the 2021 Session because of the super, super majorities that had been secured in last Fall's Nov. 3 and in the 2016 presidential elections. Without doubt, former President Donald Trump has had "coattails" in the Commonwealth.

If you examine these last two Presidential election cycles, Kentucky has clearly been a "Trump state." In 2016, 63 percent of Kentucky voters supported Donald Trump, with only 33 percent supporting Hillary Clinton, making Kentucky one of the five largest "Trump States" in America, based on percentages. (Along with North Dakota, Oklahoma, West Virginia and Wyoming.)

Last year, Trump received 62 percent of the vote in Kentucky compared to Joe Biden's 36 percent of the vote, making Kentucky one of the eight largest "Trump States," again, by percentages. (Along with Alabama, Arkansas, Idaho, North Dakota, Oklahoma, West Virginia and Wyoming.)

Both of these Presidential Elections fueled significant Republican advances in the Kentucky House and Senate Chambers,

leaving the Republicans with margins of 75 to 25 in the House and 30 to 8 in the Senate. Note that 51 votes in the House and 20 votes in the Senate are a

simple majority, 60 votes in the House and 23 votes in the Senate are needed to pass a Constitutional Amendment, but they have 75 and 30 members respectively — "Super, Super-Majorities"!

Early this year, their margins bode well for conservatives across the state who wanted to see some protections from the ever-increasing footprint of liberal social policies across Kentucky and across the nation. But the Session did not move in that direction.



Kent Ostrander is the executive director of The Family Foundation

Without doubt, Covid played a part in this shortfall from

the potential for a number of reasons:

First, the legislature had to address a number of issues which Gov. Beshear had raised with his handling, or mishandling, of the Covid crisis. Without doubt, Gov. Beshear did not do "the worst job on Covid" in America, but his orders did fall short of "perfect" and legislators have attempted to correct some of his missteps with

legislation.

Secondly, Covid emerged last year in the last month of the Session, forcing all kinds of complications in the general running of the 2020 Session. Much was left undone because legislators did not know enough about Covid and how

dangerous it might be. What was left undone needed to be passed this Session.

And thirdly, the normal two-year budget process was cut short to only one year, again because of Covid. That

meant that legislators in 2021 had to pass another one-year budget in this year's "short" Session, when budgets are normally never contemplated.

Yes, there are reasons – even good reasons – why the conservative majorities fell short in 2021. But we must always be pushing forward because, certainly, those who have an entirely different philosophy of life are pushing against the family and family values.

As Kentucky citizens, now is not a time to find fault. Let us rather rejoice in what was achieved, learn from where we can do better in encouraging and strengthening our legislators to push forward, and come out "ready to go" in 2022.

(See details on bills on pages 2 & 3.)



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Early this year, their margins bode well for conservatives across the state who wanted to see some protections from the ever-increasing footprint of liberal social policies across Kentucky and across the nation. But . . .

INSIDE

The Fate of Bills in 2021	page 2-3
The federal "Equality Act"	page 4
Promise to American Children	page 5
The Pope & Same-sex Marriage	page 5
Louisville's Pro-life Officer	page 6
SB 120: Follow the Money!	page 7
Would you like to help us?	page 8

The GOOD: *Bills strengthening the Family that passed.*



Senate Bill 8: Conscience Protections for Vaccines - By Sen. Mike Wilson: Senate Bill 8 provides exemptions from mandatory immunization for any child, emancipated minor, or adult who, personally or by a parent or guardian, submits a written sworn statement objecting to the immunization based on conscientiously held beliefs. It also prohibits any administrative regulation, administrative order, or executive order from requiring, during an epidemic, the immunization of persons who submit either a written sworn statement objecting to the immunization based on conscientiously held beliefs or the written opinion of the person's physician that such immunization would be injurious to the person's health.



Senate Bill 9: The Born Alive Infant Protection Act - By Sen. Whitney Westerfield: This bill protects infants, who are born alive, from being denied nourishment and reasonable medical care. SB 9 would apply to infants born alive after an attempted abortion and also to infants who may be born with medical complications or who are not wanted by their parents. (This bill passed the full Senate and its House Committee in 2019, but died for lack of time. It then passed the full Senate and the full House in 2020 during the veto over-ride days, but then was killed by Gov. Beshear's veto.) Though there were four "pro-life" bills passed this year, some regard this as "last Session's bill," not this year's bill.



Senate Bill 64: The Online Enticement Statute - By Sen. Alice Forgy Kerr: Senate Bill 64 clarifies the crime and increases the penalties for adults who solicit a minor under the age of 12 through an intermediary in an effort to engage in sexual acts with the minor. It also enhances the penalties if they travel across state lines for this purpose or if they are a previous sexual offender. It includes the use of online communications systems such as computers, computer bulletin boards and cellular telephones.



House Bill 2: Empowering the AG to Investigate Abortion Clinics - By Rep. Nancy Tate: House Bill 2 allows the Attorney General to seek injunctive relief as well as civil and criminal penalties to prevent, penalize, and remedy violations relating to abortion facilities, abortions, and emergency management orders relating to elective medical procedures. (In 2020, the essence of this bill was amended into Senate Bill 9 (*See above*) and passed by the full Senate and the full House during the veto over-ride days, but then it was killed by Gov. Beshear's veto.) Like Senate Bill 9 above, some regard this as "last Session's bill," not this year's bill.



House Bill 91: The Kentucky Pro-Life Constitutional Amendment - By Rep. Joe Fischer: This constitutional amendment affirms that the Kentucky Constitution does not guarantee the right to abortion or to have abortion paid for with taxpayer dollars. HISTORY: In a 2018 lawsuit brought by Planned Parenthood, the Iowa Supreme Court struck down the Iowa law being challenged and said the Iowa Constitution guarantees the right to abortion. Since then, Planned Parenthood has begun to challenge abortion laws in other states' courts. As a result, two neighboring states (Tennessee and West Virginia) have passed similar measures like HB 91. Note: HB 91 does not ban abortion, but rather it affirms that the right to an abortion is not in the Constitution.



House Bill 155: "Safe Haven Baby Boxes" Act - By Rep. Nancy Tate: In 2016, the "Safe Haven Baby Box" program was added to Indiana Law. Since then, no infants have been reported abandoned, rather, only safely surrendered through the Baby Box program. The program is now available in four states. Boxes are installed in participating fire stations or hospitals, which are manned 24/7. Funds for the hospital-grade containers are raised privately.



House Bill 254: Increased Penalties for Child Porn - By Rep. Derek Lewis: In order to stem the tide of rising sex crimes perpetrated on children, House Bill 254 raises the penalty for *possession* of material portraying a sexual performance by a minor under the age of 12 years to a Class C felony. In addition to *possession* of such materials, it also raises the penalty for the *distribution* of material portraying a sexual performance of a minor under the age of 12 years, once again, to a Class C felony for the first offense, and a Class B felony for each subsequent offense.



House Bill 563: Tuition Tax Credits for Public and Private Schools - By Rep. Chad McCoy: The concept of HB 563 is to allow for more choices for parents as they seek to find the right educational course for their child (or children.) This bill allows up to \$25 million in tax credits to businesses who donate to grant and scholarship organizations that help under-privileged students have access to various schools and programs in other public schools, or in other non-public schools. The bill has been highly criticized by the Kentucky Education Association (the KEA is the Kentucky public school teachers' union) as harming public schools, but some believe their concerns are more born out of a desire to maintain a monopoly within the education system.



Senate Resolution 67 and House Resolution 41: Resolutions condemning anti-Semitism in the Commonwealth of Kentucky - By Sen. Ralph Alvarado and Rep. Dan Fister respectively: These two different-Chamber resolutions work together to both condemn the particular transgression of anti-Semitism, and, as a by-product, establish a standard for religious liberty for all faiths and creeds throughout Kentucky. Thus, *a statement has been made* that the General Assembly will not tolerate anti-religious bigotry.

The *SAD:* *Very good bills that were NOT passed.*



Senate Bill 83: The Medical Ethics and Diversity Act - By Sen. Stephen Meredith: This bill would have provided religious liberty / conscience protections for medical professionals who are being confronted with an increasing number of controversial medical practices such as abortion, cloning, harvesting fetal organs, assisted suicide, and surgical and hormonal treatments to attempt to change children's biological sex. There are significant moral and ethical disagreements in the medical community. This bill would have protected a medical professional from being forced to participate in treatments that are against their conscience. All personnel would have still been required to provide emergency services for all people, but they could simply step away from controversial elective procedures.



Senate Bill 97: Parents' Rights Protection Act - By Sen. Stephen West: This bill would have affirmed that the rights of parents are "fundamental rights." The Government would have needed to prove it had a compelling interest (such as protecting a child from abuse) before it infringes on the rights of parents to make decisions regarding the upbringing of their children. Historically, parents' rights have been considered fundamental, but recently there has been a rising number of cases where the courts allow others to make decisions for children without parental knowledge and parental consent. This bill would have protected families by not allowing the government to unnecessarily undermine parental rights.



Senate Bill 106: "Save Women's Sports" Act - By Sen. Robby Mills: This bill would have prohibited biological males from competing as girls in girl's athletic events at Kentucky's public schools and colleges. Recently there has been an increase in the number of males who dress like and think they are the opposite biological sex. Women's sports, locker rooms and even educational opportunities are beginning to be won by these biological males. For example, since 2017 two high school males in Connecticut have competed as women and have taken 15 Connecticut high school track championships away from nine different girls. Previously, they ran as males and never won. Track is not the only sport impacted. As a result, girls are losing opportunities to advance to the next levels of competition where they can compete for scholarships and educational and career opportunities.



House Bill 218: "The Church is Essential" Act - By Rep. Shane Baker: Given the ups and downs of this past "Covid Year," this bill would have ensured that churches and other religious organizations receive equal treatment during a public crisis, allowing them to remain open on the same terms as other businesses and services that are deemed essential. It further would have protected religious organizations against government discrimination based upon the organizations' religious identity or activities."



House Bill 460: The Omnibus Pro-Life Act - By Rep. Nancy Tate: This bill had a number of components centered around the issue of abortion in an attempt to update Kentucky law. It is a group of adjustments that improve the effectiveness of existing statutes by reviewing what has been taking place and improving areas of deficit in the current law. Areas addressed in HB 460 included: 1) Documentation of parental consent for minors; 2) Criteria for the judicial bypass process for a minor who does not want to inform their parents that they are pregnant and of their intent of have an abortion; 3) Expand the reporting requirements for abortion to help gather appropriate statistical data; 4) Requiring a report with findings from an annual audit and abortion facility inspections; 5) Prohibiting abortion inducing drugs from being mailed or shipped directly to the patient; 6) Requiring dignified disposal of fetal remains; and 7) Prohibiting public agency funds from being paid to any entity or organization or individual that performs or refers for abortion.

And The *UGLY:* *A hurtful bill, forcibly passed.*



Senate Bill 120: Legalizing Historical Horse Racing "Slot" Machines - By Sen. John Schickel: The question of whether so-called "Historical Horse Racing" (HHR) machines are legal has been the center of a 10-year court case brought by Kentucky's eight horse racing tracks and the Kentucky Horse Racing Commission, beginning in 2010. The Family Foundation petitioned to enter the case because the effort appeared to be nothing more than a strategy by Gov. Steve Beshear to circumvent the General Assembly after he had failed to expand gambling for three Sessions in a row, as he had planned. Finally, on Sept. 24 of last year, the machines were declared "not pari-mutuel," and therefore illegal, by the Kentucky Supreme Court. On Jan. 21, 2021, the Court then denied the tracks' appeal to re-hear the case. (*See article page 7 for more*)

Senate Bill 120 is nothing more than an attempt to adapt the law to the machines, rather than adapting the machines to the law. The bill purports to: 1) re-define what "pari-mutuel" means so the slot-type machines become "legal." But there are major problems both with the process and with the substance of the bill. Here's *just some* of the problems:

- I. How can a simple law alter an internationally known term, especially when the Kentucky Supreme Court had already defined the parameters for "pari-mutuel"?
- II. How can a law "forgive" retroactively the *illegal activity* of the HHR machines between 2011-2021 so that the illegally derived profits do not have to be returned?
- III. How can the Senate, which has a rule *NOT* to intervene in an ongoing court case with legislation, turn around and do so for the horse industry while the case is not final?
- IV. Why was SB 120 brought forward into the Senate when the Republican Caucus (*the SUPER-MAJORITY Caucus*) was not in favor of the bill?
- V. Why was SB 120 rushed through the legislative process (in just eight Session days) bringing in a *MAJOR* change of public policy for the Commonwealth?
- VI. Why was SB 120 *NOT* a constitutional amendment like the legislature used to expand gambling with The Kentucky Lottery and with charitable gambling?

“The Equality Act” is anything but **EQUALITY**

With the new Administration in control, many very liberal, very progressive things are emerging — many Biden “surprises.”

The so-called “Equality” Act, federal legislation, wraps itself in the flag of the Civil Rights Movement, while repurposing the Civil Rights Act of 1964 to make discrimination the law of the land. In reality, it is a wolf in sheep’s clothing.

Here’s what you need to know . . .

Background: Where We Stand

The U.S. House of Representatives voted 224-206 to pass House Resolution 5—the Equality Act on February 25.

This is the second time that the U.S. House has passed the Equality Act, but this time is different because it will be considered in the U.S. Senate and President Biden has promoted the legislation as one of his priorities.

Though Senate Majority Leader Schumer has vowed to bring the Equality Act up for a vote, its passage is not guaranteed.

The U.S. Senate is currently split in a 50-50 tie, with Vice President Harris casting the tie-breaking vote for Democrats. However, Republicans will likely attempt a filibuster—a procedural move that allows a prolonged speech to obstruct progress in a legislative assembly.

According to the Senate rules, which are subject to change, it requires 60 votes to end a filibuster. So, 10 Republicans must vote with Democrats in order to end the filibuster and pass the Equality Act.

But, Democrats are considering doing away with the filibuster.

Five Concerns with the “Equality Act”

1) Hijacking the Civil Rights Movement

After America’s Civil War, the U.S. Constitution was amended to abolish slavery, make former slaves citizens, and give the right to vote (regardless of race).

But many states enforced laws that essentially robbed the African American population of their right to vote; Jim Crow laws enforced strict segregation; and white supremacist groups like the Ku Klux Klan carried out violence against African Americans.

In the midst of this persecution, the Civil Rights Act of 1964 ended segregation in public places and banned employment discrimination on the basis of race, color, religion, sex, or national origin. Martin Luther King, Jr. called it nothing less than a “second emancipation.”

It is disingenuous for LGBTQ+ advocates to claim the history of slavery, widespread legalized segregation, government-sanctioned violence, and other hardships that African Americans faced on such a large scale.

LGBTQ+ advocates have achieved significant political influence, many legal victories, widespread benefits in employment, and a great level of acceptance throughout society.

They are NOT oppressed like African Americans were. There is no widespread systemic anti-LGBTQ+ discrimination permeating all of our society or government-sanctioned violence against individuals.

If the LGBTQ+ advocates don’t truly need the Civil Rights Act as a shield, then what do they have planned for when they obtain this powerful tool? Unfortunately, their misuse of local “sexual orientation and gender identity” laws throughout the United States and Kentucky have provided a disturbing glimpse into what will come.

2) Religious Liberty

The belief that marriage is “a timeless institution” that is “by its nature, a gender-differentiated union of man and woman” is held by hundreds of millions of Americans. It is a view that the U.S. Supreme Court expressly refused to disparage when it legalized same-sex marriage, recognizing that it is held “in good faith” by “reasonable and sincere” Americans on the basis of “decent and honorable religious and

philosophical premises.”

The belief is one that the Court emphasized was protected by the First Amendment, declaring that people “may continue to advocate with utmost, sincere conviction that, by divine precepts, same-sex marriage should not be condoned” and that the “First Amendment ensures that religious organizations and persons are given proper protection....”

But the Equality Act attempts to stigmatize those “reasonable and sincere” Americans by equating their “decent and honorable” beliefs with the disgraceful attitudes of racism.

In fact, Section 2 of the Equality Act specifically lists the belief “that marriage should only be between heterosexual couples” as a “sex stereotype” that can form the basis of unlawful discrimination.

Justice Kennedy, who authored virtually every Supreme Court victory for LGBTQ+ advocates warned in *Masterpiece Cakeshop* that “the government, if it is to respect the Constitution’s guarantee of free exercise, cannot impose regulations that are hostile to the religious beliefs of affected citizens and cannot act in a manner that passes judgment upon or presupposes the illegitimacy of religious beliefs and practices.”

The Equality Act goes even further; it guts the Religious Freedom Restoration Act (RFRA), the strongest religious liberty protections under federal law.

Section 1107 states: “The Religious Freedom Restoration Act of 1993 shall not provide a claim concerning, or a defense to a claim under, a covered title, or provide a basis for challenging the application or enforcement of a covered title.”

The so-called Equality Act does not respect diversity or promote equality, it “passes judgment upon and presupposes the illegitimacy of religious beliefs and practices” of hundreds of millions of Americans. Thus, the Equality Act demeans and discriminates against a class of people the Civil Rights Act of 1964 specifically protects.

3) Safety and Privacy

All single-sex spaces will be open to both sexes under the Equality Act. Adding “sexual orientation” and “gender identity” to the Civil Rights Act (Title III on “public facilities,” Title II on “public accommodations,” and Title VI on “public funding”) would create a nationwide transgender policy that grants access on the basis of one’s self-identified gender identity.

This policy would affect girls’ and women’s showers, locker rooms, women’s shelters, and women’s prisons. Understandably, this raises serious safety and privacy concerns because it could allow sexual predators to exploit the rule.

4) Women’s Rights

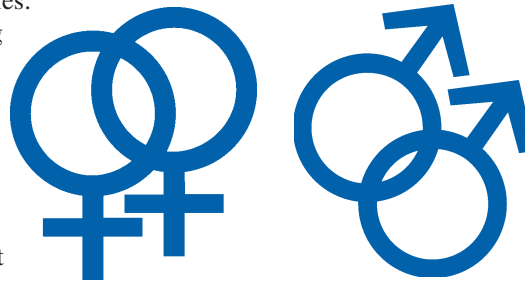
Changes to Title VI of the Civil Rights Act do not uphold Title IX of the 1972 Education Amendments Act. This is a step backward for the long-sought recognition of women’s rights.

In sports, the male body has a physical advantage over female athletes (even after two years on estrogen). This unfairly causes female athletes to lose their spots on the team, scholarships, and other opportunities designed for girls and women.

5) America’s Children

Adding “sexual orientation” and “gender identity” to the Civil Rights Act’s Title IV “desegregation of public education” could pave the way for federal courts to require K-12 curriculum, the same way they required black history curriculum.

Additionally, changing Title VI on “federal funding” means that all private and religious schools that receive any federal assistance would be required to adopt policies advocated by LGBTQ+ advocates, including in sports and private single-sex facilities.



A promise to America's children and our future

In the midst of our culture's onslaught, our children need us to be there for them . . . We must let kids be kids.

Earlier this year, The Family Foundation of Kentucky and our coalition partners across the nation released the *Promise to America's Children*.

Passionate to protect children – our own, and all those across America – we joined hands to stand up for innocent children, so that kids can be kids.

At its heart, the *Promise to America's Children* is about protecting and nurturing our children's minds, bodies, and relationships.

Additional detail and information may be found at promisetoamericaschildren.org



I PROMISE to nurture and protect your mind as you grow, doing everything in my power to keep you from harm, to instill values, and to give you the best opportunities for success.

Every child deserves to be protected from being used in or exposed to pornography; an education that is suited for their specific needs and development as guided by their parents; the right to free speech; and the opportunity to be guided and supported in making the healthiest decisions for their current and future physical, mental, emotional, social, and spiritual health.

Promise to My
CHILD



I PROMISE to honor and protect your body as you grow, affirming your dignity and worth in the body you have been fearfully and wonderfully given.

Every child deserves safety and privacy in sex-specific spaces; the opportunity to participate in fair and safe athletic competitions; and the opportunity to be affirmed and in their genetically-determined sex, and to be supported as they mature through puberty and other normal adolescent changes that shape their maturity and reproductive capacity.



I PROMISE to invest in, nurture, and protect our relationship because you are unconditionally loved by and of infinite worth to me.

Every child deserves a "forever family." Authorities should not limit or reduce the pool of foster or adoptive parents by forcing either child welfare agencies or prospective adoptive or foster care parents to violate their moral or religious beliefs.

Every child deserves a relationship with their mother and father. No child should be taken from their parents over disagreements between their parents and the state about sexual orientation/gender identity counseling, therapy, or medical procedures.

Every child deserves to have their parents informed of and involved in important life decisions.

Catholic Church speaks out on same-sex unions

Many were concerned where the current Pope might be going with this issue, but the Catholic Church stayed with orthodoxy.

For years now, there have been questions surrounding Pope Francis's stance on same-sex unions. Many Evangelicals and Catholics alike have had grave concerns about Pope Francis's views on such unions. On March 15, 2021, the Vatican released a statement that had been approved by Pope Francis stating exactly where the Roman Catholic Church stood on same-sex unions. In this statement, the Vatican took a stand for Biblical truth and against the LBTQ movement.

The Vatican's Congregation for the Doctrine of the Faith, which is responsible for defending Catholic doctrine, is the body responsible for the statement. This body is the Vatican's top doctrinal office. The declaration made it clear that the Catholic Church believed that same-sex unions are a sin.

"But the point is that these arguments are not just the Vatican's arguments. They must be our arguments. They must be our arguments that what is intrinsically disordered cannot be affirmed by faithful Christians."

– Dr. R. Albert Mohler

absolutely no grounds for considering homosexual unions to be in any way similar or even remotely analogous to God's plan for marriage and family."

The Vatican inferred that if a blessing was bestowed on a same-sex union it would be



Catholic priests cannot bless same-sex unions because "God cannot bless sin," the statement said.

It went on to say, "The blessing of homosexual unions cannot be considered licit . . . there are

an "imitation" of a nuptial or marriage blessing. This would be an error as it would contradict the church's teaching on marriage. This statement undergirds the Christian faith's historic doctrine on marriage, that marriage is a sacred and limited union between one man and one woman.

The statement went on to say that the church "does not have, and cannot have," the power to bless same-sex relationships. The Vatican has always believed that any deviation from God's plan for marriage is a sin.

This response from the Vatican's Congregation for the Doctrine of the Faith was issued as a response to questions from pastors and others in the Catholic Church as to

whether priests can bless same-sex unions. There has been much speculation surrounding Pope Francis on this issue. As many from inside and outside the Catholic faith were hoping that the Pope would take a more progressive stance on same-sex unions, Pope Francis reaffirmed and upheld the church's teaching on the sacred union of marriage.

Bill Donohue, president of the Catholic League, said "This finishes it, there's nothing left to discuss. It's non-negotiable. The Vatican left nothing on the table with these people pushing this agenda . . . (the church) will never ever bless homosexual unions, never mind gay marriage."

Faithful Christians, both Evangelical and Catholic, are thankful for the Vatican's statement. Dr. R. Albert Mohler, president of The Southern Baptist Theological Seminary, states, "But the point is that these arguments are not just the Vatican's arguments. They must be our arguments. They must be our arguments that what is intrinsically disordered cannot be affirmed by faithful Christians."

Pro-life demonstration gets officer desk duty

Abortion clinic's claims of intimidation appear false — off duty officer walked on sidewalk and held sign before clinic opened.

Some details remain uncertain and LMPD's internal investigation is not yet complete, but the EMW abortion clinic's claims that the officer intimidated patients and medical staff while wearing his uniform and gun appear to be false.

The officer has been placed on administrative reassignment—stripped of his arrest powers and ability to work cases—while an internal investigation of his conduct is underway.

On Feb. 20, the unnamed officer became the subject of an investigation and public scrutiny when a Twitter account run by the abortion clinic's volunteer escorts posted that "There is an @LMPD police car in front of the clinic. The officer, with his gun on his hip, is marching in front of the clinic with a 40 days for life sign."



Officer with jacket over uniform

fact that the sidewalks appeared to be nearly completely empty, with only the officer and two others visible near the clinic.

According to the clinic's own eyewitness escorts, the officer was gone by 7 am and the clinic does not open until 8 am. WDRB's review of surveillance video suggests the officer could have even left earlier.

While the exercise of their rights may look different while on duty and when representing the government, police officers are still citizens and entitled to First Amendment protections.

This officer was not on duty, according to LMPD Police Chief Erika Shields's Mar. 2 statements to the Metro Council Government Oversight and Audit Committee. Shields did not say conclusively whether the conduct violated department protocol.

Regardless, the facts have not prevented the EMW abortion clinic from condemning

this officer, attacking LMPD, and advocating for a reconsideration of a legally problematic measure to create a so-called "safety zone" around the clinic to force pro-life demonstrators further away from the building's entrance.



According to WDRB's review of the abortion clinic's surveillance footage, the officer pulled up in his police car just before 6 am on Saturday, Feb. 20. After a few minutes, he got out of the car. He was in uniform, but quickly put a coat on. Then, he walked/marched in front of the clinic for 45 minutes and, at one point, was holding a sign that stated, "Pray to end abortion."

There appear to be multiple issues with the abortion clinic's claim that the officer intimidated patients and medical staff while wearing his uniform and gun.

First, there is no indication of intimidation apparent in the released surveillance video. (See below) Also, there have been no specific claims against the officer unless "marching" in front of the clinic and, at one point, holding a sign stating "Pray to end abortion" is what the clinic considers intimidation.



Second, if the officer was in uniform, it did not appear to be obvious to the eyewitnesses from the abortion clinic. Presumably because the officer covered the most recognizable part of his uniform with the coat he put on, the same clinic escorts that reported the

officer's presence also reported that he was *NOT* in uniform. As for his gun, the pictures on the Twitter account show it mostly concealed.

Third and perhaps most importantly, it seems extremely improbable that any patients would have been intimidated because the actions in question occurred at least one hour before the abortion clinic's website says their offices even open. This is supported by the

Apparent inconsistencies raise questions . . .

Prayer vigil (while off-duty) sidelines officer and costs him pay . . . but patrol car in LGBTQ+ Pride Parade celebrated.

Louisville Metro Police decorated a police vehicle with rainbow decals during the 2017 Kentuckiana Pride Parade. The action was defended as part of the Safe Harbor Program and the "overall vision to develop programs and participate in events that support and unify the community."



Police car decorated for gay parade

What exactly is Louisville Metro Police Department's policy regarding the involvement of its officers in extracurricular activities, such as peaceful demonstrations?

If the off duty officer's involvement in a prayer vigil violated the department's policy, does the policy adequately protect the First Amendment rights of its officers?

Opinion: It's a sad day when the General Assembly announces "open season" on the resources of Kentucky citizens.

Senate Bill 120? *Follow the money . . .*

Financial reports are now telling an interesting tale about the consequences of Senate Bill 120, a bill designed by Republican leaders to nullify a recent Supreme Court decision. The Court ruled, in a unanimous 7-0 decision last September, in favor of The Family Foundation's contention that so-called "historical racing" slot machines are illegal.

SB 120 is an attempt by the General Assembly to nullify the Court's decision, something the ostensibly conservative Republican leaders of both chambers should know can't be done. But facts have a hard time standing up to a torrent of power and money. Challenges to the unconstitutional bill are possible in the future.

The Family Foundation, which has led the resistance to expanded gambling in the state for over twenty-five years, was faced with an army of high-priced lawyers (as many as sixty-three by some counts) working in favor of the slots bill, fueled by an untold amount of money.

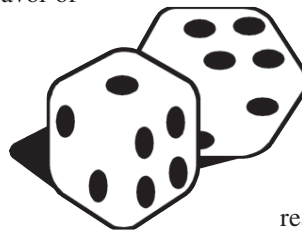
There were two arguments used by proponents of the slots bill. The first was that the state would financially benefit from legalizing the machines. But when it came to actually imposing a meaningful tax on the slots' proceeds, the people making this claim were nowhere to be found.

The government proceeds from slots has been a little over \$51 million TOTAL over the last ten years, a drop in the bucket compared to the hundreds of millions of dollars pocketed by wealthy race track owners, many of whom live outside of Kentucky.

The second argument in favor of the slots bill was that it would help the horse industry. But, of course, slot machines are competing for the same gambling attention (and dollars) as the horse tracks. Don't be surprised if, in ten or twenty years, you start reading news stories about horse tracks closing down because the stands are empty while everybody is instead over in the air-conditioned building down the road playing the slots.

This is what happened in Nevada. It will happen here.

One of the responses to slots opponents, who argued that the legislation was attempting to legalize an expansion of gambling in the state, was that the expansion was already here. But, as the Kentucky Supreme Court ruled, it was here illegally. Now SB 120, has claimed to give a stamp of approval and is already speeding up further expansion.



According to a Moody's report, Kentucky Downs, which used to be a horse racing track but is about to become a full-blown casino gambling corporation, is now readying a large-scale expansion of its existing 1,100 slot machines. The company, which uses the traditional horse racing title of "Kentucky Downs," but is really ECL Entertainment, has been

licensed by the Kentucky Horse Racing Commission to add 500 new machines at its just-licensed-since-the-SB120-vote Bowling Green facility. Also planned by the company is a 50 to 100 HHR machine facility at Cumberland Run.

The bill also gives the green light to plans Churchill Downs already had to move forward on facilities with thousands of more machines.

No one has calculated the amount of money that will be transferred to wealthy casino interests from middle and low-to-middle wage earners, who tend to frequent slots parlors. And of course, there is no way to quantify the financial, emotional, and social damage to those prone to gambling addiction—those that this kind of gambling always leaves in its wake.

But there is one thing no one is talking about.

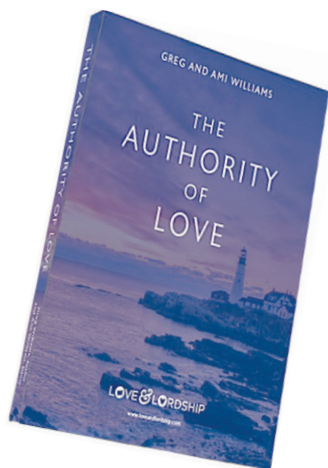
Over the last ten years, historical horse racing slot machines have been operating illegally in the state. Bettors have lost hundreds of millions of dollars during this time. In the final order issued by the circuit court judge in the court case, there was an interesting statement: "The Court concludes that this Final Judgment shall not have retroactive application . . ."

Of course, all such judgments have retroactive application. Does this mean the court is trying to head off lawsuits to recover hundreds of millions of dollars lost on what the court said was illegal gambling?

Stay tuned.



Martin Cothran is the senior policy analyst for The Family Foundation



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Here is why:

Some people give to us because they like the work we do, even though they themselves don't feel "called" to engage in the way we do. Thank you for that vote of confidence and thank you for your generosity.

Some people want to engage and they use the information we give them in the *CITIZEN* to make a difference. *THEY* give to be sure the information continues to flow.

Some people do both — they like what we do AND they want to impact Frankfort and the process there in their own way.

Regardless of why you may want to give, please do give at this time. Listed above is why people chose to give. Here is "where we are" and why we need your assistance:

First, we've just gone through a demanding season with the 2021 General Assembly Session and we need to replenish our financial reserves.

Second, we need to "officially replace" my wife, Joyce, because it is now clear that with her long, slow recovery from the accident, she will be unable to volunteer in Frankfort any longer. (Fortunately, Covid reduced our opportunity to be in Frankfort this year so she was not missed to the full extent of her previous capability.)

Third, we are trying to discern the correct course forward in our court case, now that the legislature has passed Senate Bill 120 (See bottom of page 3 and page 7) There are still several significant legal questions that must be answered! (And court cases are expensive.)

Fourth, now we all have a Kentucky Pro-Life Constitutional Amendment to pass in the Fall of 2022. The Family Foundation, along with Kentucky Right to Life and other groups, will be mounting a **"Yes For Life Campaign"** to assure its passage by the people of Kentucky. Though we all know that Kentucky is a pro-life state, we expect millions of dollars to be spent by out-of-state "pro-choice" individuals and groups in an attempt to sway the referendum. A portion of what you give now will be set aside for the express purpose of passing the **"Yes For Life Amendment"** in 2022.

We are opening our Spring fundraising effort with this *CITIZEN*. As you know, we ask for funds only twice year each -- Spring and Fall.

Please give if you can. You need not give much because we know this truth: If everyone gives *something*, we will have enough! In fact, a gift of *any amount* tells us that



You can mail your tax deductible gift to:

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The Kentucky *CITIZEN*

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you "are there," that we have the correct address, that *you want* the *CITIZEN* and that *you want us* to do this work.

For your information, it costs about \$10 each year to get the bimonthly *CITIZEN* newsletters to your home. Efforts of The Foundation in Frankfort and projects around the state cost more, so you can understand that we are very grateful to those who give above the bare minimum.

Thank you for your consideration!

P.S. We will be pruning the mailing list of those who *we think* are no longer interested in our work. (But we do *NOT* want to lose anyone who desires our publication.) Please, even if you do not give, please let us know (email or mail or phone call) that you *WANT* the *CITIZEN* and that your address is correct.

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