

# The Kentucky CITIZEN

**STRENGTHENING FAMILIES AND THE VALUES THAT MAKE FAMILIES STRONG**

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## 2018 Session: Many successes, a few losses

*Numerous “small” successes totalled into great gains for Kentucky families! BUT, it’s true, there were disappointments . . .*

This year’s legislative agenda created a very unusual Session of the General Assembly—one that could have repercussions for the long-term future of the Commonwealth.

The *BIG* issue was pension reform, which stressed legislators with the challenge of keeping their promises to state workers regarding pensions *AND* balancing the budget so that every-day citizens are not over-taxed for the sake of only one segment of the population. Both are critical and reasonable goals and yet the two didn’t seem to be compatible in any way. This created a tension that didn’t end until the Session was over and prevented a healthy dialogue on many other issues that were eventually dropped.

To make matters worse, partisan elements in the teachers’ union attempted to make it a political issue rather than a policy issue. Clearly, activists recognized that 2018 is, indeed, an election year and they could possibly make political gain.

The GOOD NEWS is that those with state pensions ended up with almost all of what they asked for and the budget is not far from workable.



But the BEST NEWS is that many good bills and resolutions passed that strengthen Kentucky families and the traditional Kentucky values that help keep families strong.

The good bills (*Listed below and on page 2*) were generally found in these categories: sanctity of life, sex trafficking and pornography, and adoption and foster care. And though those categories sound reasonable, there were fierce opponents that showed up to speak against almost all of them.

Issues that could have been addressed but were lost in the tensions of the pension debate included House Bill 326, which would have elevated privacy for *ALL* public school students and would have ended the “bathroom battles,” and House Bill 372, which would have secured real religious liberty for pastors, churches, religious schools and religious organizations in regards to the newly created definitions of marriage and sexuality. (*See bottom of page 3 for more*)

Though the losses were stinging, the “offensive” victories of good bills passed and the “defensive” victory killing the expansion of gambling made the Session worthwhile.



### **House Bill 454: Banning Dismemberment Abortion** *Rep. Addia Wuchner*

This bill prohibits an abortion on a pregnant woman that will result in the dismemberment, bodily crushing, or human vivisection of the unborn child when the probable post-fertilization age of the unborn child is 11 weeks or greater, except in the case of a medical emergency. Animal cruelty laws had protected animals more than our abortion laws protected or cared for an unborn human.

HB 454 was one of the more significant sanctity of life bills passed in America at this time. (Only 8 other states have passed such a law.) This bill bans the dismemberment of an unborn child in utero, which is a very common practice in the abortion industry. Supporters point out that if an individual were to rip the limbs off a live animal they would be charged with animal cruelty, yet this procedure is a common method of abortion. HB 454 was introduced late in the Session (Feb. 22), but cleared the House 71-11 on March 12. It passed the Senate with an amendment on March 22 with a vote of 35-1 and the House concurred 75-13 on March 27.



### **House Concurrent Resolution - HCR 152: Honoring Pregnancy Help Centers** *Rep. Robert Benvenuti*

This concurring resolution commended pregnancy help centers for their services (that are provided free of charge and at no cost to the taxpayer) to vulnerable women, men and their families who are faced with an unplanned pregnancy. This resolution disapproved of any efforts intended to undermine the ability of the pregnancy help centers to carry out their mission or compromise their religious beliefs. There are 50 faith-based pregnancy help center offices in Kentucky. (*FYI - In California, the legislature has mandated that pregnancy help centers refer to abortion providers.*)

Ironically, this Kentucky resolution was passed at the same time that California was before the U.S. Supreme Court arguing that its law, which forces the state’s pregnancy help centers to advertise for abortion clinics, was Constitutional. Proponents believe that hostile laws, like California’s, will be more difficult to pass in Kentucky in the future now that the General Assembly has taken its stand in support of Pregnancy Help Centers. HCR 152 passed the House 83-4 on March 8 and the Senate 35-1 on March 22.



## **House Concurrent Resolution - HCR 93: Internet Trafficking** *Rep. Donna Mayfield*

This concurring resolution urged Congress to close the loophole in the Federal Communications Decency Act (FCDA) that gave immunity to online sites, such as “Backpage.com,” that knowingly and recklessly advertise sex to connect their “customers” with trafficking victims. The common sense legislation being considered by Congress was backed by numerous national groups as well as 51 Attorneys General who say their hands are tied by the FCDA.

HCR 93 passed the House 83-0 on Feb. 23, but it was never heard in the Senate. However, it accomplished its purpose. The resolution’s point was for Kentucky to encourage Congress to close the loophole in the Federal Communications Decency Act that allowed sex trafficking in online websites. HCR 93 passed the Kentucky House on Friday, Feb. 23 and then passed the U.S. House on Tuesday, Feb. 27. The U.S. Senate agreed with the House on March 21, fully closing the loophole. Federal authorities seized Backpage.com April 6 and Trump signed the bill on April 11.



## **House Bill 1: Adoption and Foster Care Reform** *Rep. David Meade*

In response to years of requests by citizens, legislators and professionals that the Adoption and Foster Care system in Kentucky be improved, the 2017 General Assembly created an adoption task force to review those systems. In December, the task force reported their recommendations. HB 1 made major changes to the current system, incorporating those recommendations.

House Bill 1 was a major reform of the adoption and foster care system in Kentucky. Sponsored by Rep. David Meade, who himself is an adoptive parent, HB 1 received significant bipartisan support, passing the House on Feb. 28 with a 94-1 vote, the Senate with amendment on April 2 with a 38-0 vote and final concurrence in the House on April 2 with a 90-1 vote. Observers expect the long lists of children waiting to be adopted to drop significantly in the months and years to come because of this reform.



## **Senate Bill 71: Abstinence Inclusion in Public School Sex Education** *Sen. Stephen Meredith*

This bill required that if a public school has a Sex Education program, “abstinence from sexual activity before marriage” must be included in the program as the only guarantee against pregnancy and Sexually Transmitted Diseases. Opponents of this bill, which included Planned Parenthood and other very liberal national groups, insisted that “Comprehensive Sex Education” (which normalizes early teen sexual activity, abortion, and alternate sexual orientations) be taught and elevated.

Senate Bill 71 turned out to be quite controversial when Planned Parenthood and LGBT enthusiasts criticized the bill for “shaming students.” The purpose of the bill was simply to ensure that students knew that abstinence before marriage is the best and safest way to negotiate the teen years with respect to pregnancy and sexually transmitted diseases. SB 71 passed the Senate 32-5 on Jan. 24, the House with amendment 77-14 on March 27 and the Senate in concurrence 36-1 on April 2.



## **Senate Resolution - SR 170 Defending Dignity** *Sen. David Givens*

This simple resolution recognized the connections between pornography, the objectification of women, and sex trafficking. It asserted that a public health crisis created by pornography exists, that obscenity plays a role in objectifying women, and that there is a need for education on the harms of pornography and sex trafficking. It also encouraged the Attorney General, Commonwealth’s Attorney Offices, Law Enforcement, and Municipalities to enforce current laws dealing with obscenity and other forms of sexual exploitation.

Because SR 170 is a “simple resolution” it only needed to pass with a full Chamber Floor vote. On March 29, Sen. Givens spoke on the Senate Floor in favor of the resolution and it passed with a voice vote. The passage of SR 170 put a stake down for the General Assembly in regard to its posture toward pornography.



## **House Concurrent Resolution HCR 34: Responsible Marijuana Research** *Rep. Danny Bentley*

HCR 34 actually delayed marijuana legalization, urging instead the expedited research and appropriate approval of marijuana derivatives for medical use. Bill sponsor Dr. Bentley, a PhD, registered pharmacist and university faculty member explained that several marijuana derivatives are currently approved and available by prescription, with others likely to be legalized soon. He warned the legislature about circumventing the FDA to legalize a smoked plant because it has not been adequately studied.

With the mob-like frenzy moving across the nation to legalize recreational marijuana and medical marijuana, Rep. Bentley, a PhD and registered pharmacist, stepped forward to bring some common sense to the debate. Though HCR 34 only passed the House (on Jan. 24 with a vote of 73-5) and never succeeded in the Senate, it made it clear that pharmaceuticals should NOT be approved by a legislature or by lobbying efforts, but in the lab and with clinical trials. As a result, no “marijuana legalization bills” passed in 2018.



## **Senate Bill 112: Ban on Telehealth Chemical Abortions** *Sen. Ralph Alvarado*

SB112 was designed to expand health care across Kentucky by using the Internet for doctor-patient interaction. The bill required the Cabinet to regulate telehealth in the Commonwealth. However, an amendment to the bill specifically prohibited medical abortions via the telehealth connection, making this a significant “pro-life” bill – doctors may not dispense an abortion pill with only a “computer visit.”

SB 112 was particularly timely because of the recent merger/takeover of Planned Parenthood of Kentucky by Planned Parenthood of Indiana. The business model of the larger and stronger Indiana group is to make medical abortions more prevalent. Using telehealth, a physician would only need to “see” a patient via the Internet and then release an abortifacient to that patient with the touch of a button. The patient could not be examined for a possible ectopic pregnancy and would have no easy access to her physician if things went awry as they sometimes do with that process.

**NOTICE:** **The Kentucky Memorial for the Unborn**  
is receiving requests for Spring inscriptions now.

P.O. Box 910312 (859) 230-5362  
Lexington, KY 40591 [www.kymemorialfortheunborn.org](http://www.kymemorialfortheunborn.org)

# Gambling expansion goes down . . . **AGAIN!**

*There were several bills that would have expanded gambling, but the one that takes “the prize” was the last-minute amendment.*

*Editor's Note: The gambling industry has been trying to bring casino-style gambling into the state (through the legislature) for decades because of the massive volume of money to be gained (the losses of patrons). However, for the last eight years it's tried through the courts. (See page 8)*

Since 1994 the gambling industry has tried to sink its roots down in Kentucky by legalizing casinos or casino-style gambling. This year was no exception.

In the 2017 Session, House Bill 414 dealt with “Fantasy Sports.” Most legislators were simply told, “Fantasy Sports are already happening so let’s regulate and tax them.”

**It was particularly bad because “Fantasy Contests” were only vaguely described in SB 228 – not *clearly* defined.**

The Family Foundation responded, “They are not legal in Kentucky, whether they are happening or not.” HB 414 failed. (HB 414 actually

made Fantasy Sports legal . . . it just wasn’t “sold” to legislators that way.)

This year, House Bill 248 was going to LEGALIZE, regulate and tax “Fantasy Contests.” But HB 248 also failed. [Note: Fantasy Contests is a much broader concept.]

But, “surprise” . . . Senate Bill 228, an education bill, was amended in the House Education Committee by adding only that portion of HB 248 that fully legalized “Fantasy Contests” . . . but with no regulation, no accountability, no transparency and no revenue. So, as a gambling bill, it was the worst of all gambling bills.

It was particularly bad because “Fantasy Contests” were only vaguely described in SB 228 – not *clearly* defined. (This opened a HUGE can of worms.) And, these “Contests” were not regulated or taxed. Yet, the amendment made them legal. [Note that this manifestly was the intent from the gambling industry from the beginning – get Fantasy

Contests legalized!

Fortunately, on the last day of the Session the amendment was stripped away. This was a major victory!

## Willing to volunteer with us?

With the 2018 Session now over, we are already looking ahead to the very important election season that is before us. American citizens will be deciding whether President Trump’s nominations in Washington should be confirmed or not.

How?

Across the nation, U.S. Senators will be elected. If the Republicans (Trump’s Party) lose any seats, confirmations will move even more slowly. To date, Trump has done well with many judicial nominations (*See page 4*), but much less so with nominations for his Administration.

But it is not just nationally; Kentuckians, who have no U.S. Senator up for election this year, will have the choice of electing their State Legislature after a significant two-year change of direction since the last election.

The Family Foundation will be distributing information about Kentucky’s candidates that they themselves give in response to our questions. Would you help in your community?

If you can, please call me at 858-255-5400 (soon). Thank you!



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

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## House Bills 326 and 372 were losses this year

*A student’s right to privacy and a religious group’s freedom to set its organizational moral standards are bedrock American values.*

House Bill 326 protected student privacy and House Bill 372 addressed religious liberty but both met the same fate – they were lost in the tumult of the pension and budget battles . . . but both could have and should have passed because they represent part of the heart of what it means to be American.

With 46 signed co-sponsors and at least six others who pledged to vote for it, there was surprise when House Bill 372 – The Pastors, Churches and Religious Schools Protection Act – was gutted in committee and rendered useless for the purpose that its sponsor, Rep. Jason Petrie (R-Russellville), had intended. Petrie had wanted to protect pastors, churches, religious schools and religious organizations from having to change their beliefs, their teachings and their practices when it comes to marriage and sexuality because of the aftereffects of the 2015 *Obergefell* same-sex marriage decision.

The turn-around in committee happened only because an openly gay law professor from the University of Louisville Brandeis School of Law had unusual influence over one legislator, who in turn swayed the committee with the result that the bill was stripped of its intent. From there it simply died. Why make the effort to pass it?

HB 372 was designed as a shield to protect religious organizations, not a sword to hurt anyone or deny anyone else their rights.

Clearly, churches and religious schools regularly teach their understanding of the

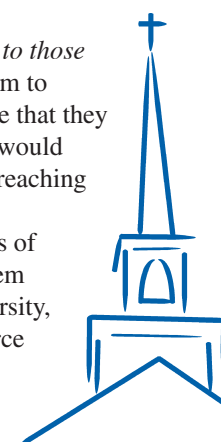
**. . . but both could have and should have passed because they represent part of the heart of what it means to be American.**

Bible on any number of doctrinal issues, *and they attempt to live up to those teachings*. It would be nothing but “crazy” for the state to allow them to continue to teach their understandings of Scripture, but then mandate that they violate those teachings by threatening them with punishment. That would make them exactly what their Scriptures define as a “hypocrite” – preaching and teaching one thing, but doing the opposite.

The bottom line is that HB 372 would have reinforced the rights of churches, religious schools and religious organizations by giving them protection from state officials or outside groups who talk about diversity, but who actually practice intolerance and want to use the state to force their will on others.

House Bill 326 – The Students’ Right to Privacy Act – was never heard in committee. It secured 26 co-sponsors but never gained enough traction to be considered. It is important to note that the average bill in the General Assembly has about 3 to 10 co-sponsors. With 26, there was still enough fear of the LGBT community that legislators chose not to push it.

The purpose of HB 326 was simply to affirm that privacy rights of *ALL* students would be protected and accommodated as much as possible by school officials. Though children claim to have the right to choose their gender these days, there isn’t anyone protecting the privacy rights of students who do not want someone of the other biological sex in their bathroom, locker room or shower room with them. Privacy rights are actually more Constitutional than “gender rights.”





# ***GOOD NEWS:* Trump transforming court system**

*For decades, the federal court system has been over-run with liberal appointees, but Trump is quickly bringing back some balance.*

President Trump appointed a total of 23 judges to the federal judiciary during his first year, leading some to claim it was his greatest success and to already speculate that it will be a legacy of his since judges are appointed for life.

Those appointments included a U.S. Supreme Court justice, 12 Courts of Appeals judges, and 10 District Court judges. That makes Trump the first president in 136 years to fill a Supreme Court vacancy in his first 100 days and sets an all-time record for the most Courts of Appeals judges confirmed during the first year of a presidency.

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**Trump's first year appointments will have a direct impact on Kentucky because three . . . were for the U.S. Court of Appeals for the Sixth Circuit . . .**

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To give some perspective, the four presidents before Trump had no more than six Courts of Appeals judges confirmed during that same timeframe. As of March 7, 2018, two

additional Courts of Appeals judges have been confirmed, raising the total number of judges to 29.

Understanding the basic structure of the federal judiciary is necessary to grasp the significance of what is happening. The judicial structure resembles an upside-down funnel or pyramid, getting narrower the higher you go.

The 94 U.S. District Courts are the lowest level and resolve disputes by determining the facts of the case and applying legal principles. Those 94 U.S. District Courts are organized into 12 regional circuits. If a party in a case loses at the District Court level, they can appeal the decision to the Court of Appeals overseeing their circuit, which reviews the District Court's decision to determine whether or not the law was correctly applied. A losing party can then ask the U.S. Supreme Court to review the Court of Appeals, but it is up to the Supreme Court's discretion whether or not to grant the review.

According to Sen. Dianne Feinstein (D-CA), the Senate Judiciary Committee

Ranking Member, "circuit courts serve as the *de facto* Supreme Court to the vast majority of individuals who bring cases. They are the last word." When you understand that, you can begin to grasp the impact that Trump's record number of appointments will likely have on the federal judiciary.

A brief look at the numbers clearly illustrates Feinstein's point. The 12 Courts of Appeals received 58,951 appeals in 2017. But the Supreme Court only receives approximately 7,000-8,000 petitions to reverse the Courts of Appeals each year. And of those relatively few petitions (less than 14 percent of Court of Appeals cases), the Supreme Court usually grants only about 80 cases per year. That's less than 1 percent of the petitions. For the parties that come before the Courts of Appeals, that court will be the final word for 99.86 percent of them.

Trump's first year appointments will have a direct impact on Kentucky because three of the 12 Courts of Appeals judges were for the U.S. Court of Appeals for the Sixth Circuit, which oversees the Commonwealth's region.

Those judges may play a role in Governor Bevin's appeal to the Sixth Circuit defending Kentucky's 2017 ultrasound law and other important cases.

Despite Trump's record pace, much potential remains for him to continue reshaping the federal judiciary. Seven nominees are currently pending to help fill the 17 remaining vacancies in the Courts of Appeals, and, in addition, three more nominees are also already pending for three judges who have announced their impending retirements.

For District Courts, 45 nominees are currently pending to begin filling the 124 remaining vacancies.

Conservative court watchers are hoping that the Republican Party retains control of the Senate during this Fall's mid-term elections in order for Trump to complete the work he has begun in the judiciary.



## ***"Cakeshop"* decision will likely be monumental**

*In this case, First Amendment free speech and religious liberty rights collide with the newfound same-sex marriage rights.*

By the end of June, the U.S. Supreme Court will decide *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, an important case addressing the intersection of our nation's foundational right to religious liberty and the Court's newly recognized right to same-sex marriage.

Many expect Justice Kennedy to be the deciding vote in a 5-4 decision. The December 5, 2017 oral arguments provide the only insight into what he may be thinking about Colorado's attempt to force Jack Phillips, the owner of Masterpiece Cakeshop, to create a

custom wedding cake for a same-sex marriage ceremony despite his religious objections.

In an encouraging sign for the First Amendment, Justice Kennedy appeared to recognize that there is a difference between someone's

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**"Let the patron find a willing creator, and let the unwilling artist keep his conscience clean."**

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— from The Family Foundation's *amicus*

actions and their identity. A lynchpin of the argument made by LGBT activists has been that refusal to participate in a same-sex wedding is discrimination based on the sexual orientation or "identity" of the individuals involved. Kennedy called this argument "facile" or superficial, appearing neat and comprehensive only by ignoring the true complexities of the issue.

While LGBT activists have claimed that bakers such as Jack Phillips are bigots, Kennedy wondered if it was Colorado's Civil Rights Commission which had shown bigotry. The state's Solicitor General was allowed to continue his oral arguments only after he disavowed a commissioner's comments comparing the baker to a racist and Nazi. Kennedy went on to say that "tolerance is essential in a free society. And tolerance is most meaningful when it's mutual. It seems to me that the state in its position here has been neither tolerant nor respectful of Mr. Phillips' religious beliefs."

Justice Alito also pointed to Colorado's lack of "mutual tolerance" by protecting the freedom of cake artists when three religious customers requested cakes that criticized same-sex marriage, but imposing a three-part penalty on Jack Phillips when he refused to make a cake supporting same-sex marriage.

The Family Foundation and over 30 other family policy councils stated in their public policy *amicus brief* filed in this case, "Let the patron find a willing creator, and let the unwilling artist keep his conscience clean."



# **BAD NEWS: The federal court system is gradually changing what the words “sex” and “gender” mean**

*Judges are being led down a path of “precedent” that has been set by liberal judges who cared not for traditional or Biblical values.*

The federal Sixth Circuit Court of Appeals, with jurisdiction over Kentucky, has ruled that Title VII’s prohibition against “sex” discrimination “protects transgender persons because... transgender or transitioning status constitutes an inherently gender non-conforming trait.”

Although the Sixth Circuit’s March 7 decision in *EEOC v. R.G. & G.R. Harris Funeral Homes* deals with a nonreligious for-profit corporation, advocates for House Bill 372 in the 2018 Session say it shows the need to protect religious organizations from being punished for their sincerely held beliefs or moral convictions regarding sexuality. HB 372, which failed to pass during the 2018 Session, sought to do just that.



Citing their 2004 decision in *Smith v. City of Salem* and the U.S. Supreme Court’s 1989 decision in *Price Waterhouse*, the Sixth Circuit stated that it is impossible to interpret the use of “sex” in Title VII of the Civil Rights Act of 1964 to mean only individuals’ “chromosomally driven physiology and reproductive function.”

It is from that foundational premise that the March 7, 2018 decision found that a Christian owner of a funeral home broke the law when he fired a funeral home director who had expressed that he would begin identifying as and transitioning to a woman.

The Christian owner proclaimed to the court “that God has called him to serve grieving people” and “his purpose in life is to minister to the grieving.” The mission statement on the Funeral Home’s website says the company’s “highest priority is to honor God in all that we do as a company and as individuals.”

He went on to explain that he “sincerely believes that the Bible teaches that a person’s sex is an immutable God-given gift,” and that he would be “violating God’s commands if he were to permit one of the Funeral Home’s funeral directors to deny

their sex while acting as a representative of the organization” or if he were to “permit one of the Funeral Home’s male funeral directors to wear the uniform for female funeral directors while at work.”

The Sixth Circuit ruled that enforcement actions brought under Title VII will necessarily defeat both federal and state Religious Freedom Restoration Act defenses to discrimination made illegal by Title VII. The court concluded, “Thus, even if we agreed with the Funeral Home that... religious exercise would be substantially burdened by enforcing Title VII in this case, we would nevertheless...hold... that requiring the Funeral Home to comply with Title VII constitutes the least restrictive means of furthering the government’s compelling interest in eradicating discrimination... on the basis of sex.”

While advocates of HB 372 have expressed confidence that ministers of religious organizations are protected by the “ministerial exception,” which was recognized by the U.S. Supreme Court in its 2012 *Hosanna-Tabor* decision, there are some questions about exactly how wide or narrow the scope of the “ministerial exception” is.

The main concern of HB 372’s advocates is the impact this case could have on a religious organization’s non-ministerial employees. Among other specifics, they seek to ensure that an organization “marked by clear and obvious religious characteristics” can make any employment-related decision in accordance with their sincerely held religious beliefs or moral convictions on sexuality, regardless of whether or not that employee qualifies as a “minister” under the Sixth Circuit’s four factors.

**... advocates for House Bill 372 in the 2018 Session say it shows the need to protect religious organizations from being punished for their sincerely held beliefs or moral convictions regarding sexuality.**

## **This year, Kentucky’s pregnancy help centers will receive over \$33,000 — *because of YOU!***

### **CHOOSE LIFE**

#### **Kentucky license plates**

Thank you for your gift in 2017, which, combined with others across the state, totalled over \$33,000. Please consider giving again this year and encouraging your friends to do the same. (See page 6 for a related article about Kentucky’s pregnancy help centers.)

*“We can all give a little”*

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



**You’ll be making a stand for life and for compassionate, life-saving intervention because pregnancy help centers will receive 100% of the money that you donate above the actual cost of your official state license plate.**

***THIS is Unbridled SPIRIT in Kentucky!***



# Congress and the Life Issue: ***Fact from Fiction***

*After the rumors swirled around the 2018 Omnibus Budget Bill, the CITIZEN reached out to Rep. Andy Barr to get the facts.*

*Editor's Note: U.S. Rep. Andy Barr, a Republican, has served the 6<sup>th</sup> Congressional District for just over 5 years. He regards himself as a pro-life legislator and was eager to clarify what has been happening with the life issue in Washington during the last two years.*

**CITIZEN:** *There are those who are saying that the Fiscal Year 2018 Omnibus Budget Bill included funding for Planned Parenthood, the nation's largest abortion provider. Is that true?*

**Rep. Barr:** Let me be very clear: The consolidated funding bill that passed *DID NOT* include any line item to fund Planned Parenthood. In addition, the funding bill *DID* retain all the longstanding pro-life riders to prevent abortion funding, such as the Hyde, Helms and Dornan (DC Hyde) amendments, among others. In fact, the pro-life riders that were included are too numerous to list fully in this interview, but my office can provide an exhaustive list to anyone who is interested.

**CITIZEN:** *Where did that misunderstanding come from?*

**Rep. Barr:** Unfortunately, language from H.R. 354, the bill sponsored by Rep. Diane Black (R-TN) to defund Planned Parenthood, was not included in the final consolidated funding bill. However, that does not mean that taxpayer funds will go to Planned Parenthood. There have been concerns that Planned Parenthood or its affiliates will be funded through discretionary Health and Human Services grants. Historically, Title X has been a significant source of funding for Planned Parenthood. However, the new administration has full authority to issue new regulations to enable it to direct this money away from Planned Parenthood and abortion providers. Members of the pro-life caucus will continue to encourage the Trump Administration to discontinue the Obama Administration's practice of providing discretionary grants to Planned Parenthood.

**CITIZEN:** *What are the safeguards regarding such funding?*

**Rep. Barr:** First, the Hyde amendment prevents those funds from being used to pay

for abortion directly. Second, the funding bill did not include hostile language that had been included in Senate appropriations bills, which would have tied the hands of the Administration from making changes to how the Title X programs were administered. This allows the Trump Administration to make changes to the Title X program, which I am hopeful they will do.

**CITIZEN:** *What exactly is H.R. 354?*

**Rep. Barr:** H.R. 354 is the Defund Planned Parenthood Bill, which was introduced by my colleague and friend, Rep. Black. I am pleased to be a cosponsor. H.R. 354 prohibits the availability of federal funds *FOR ANY PURPOSE* to Planned Parenthood Federation of America, Inc., or any of its affiliates or clinics, unless they certify that the affiliates and clinics will not perform, and will not provide any funds to any other entity that performs, an abortion. This restriction does not apply in cases of rape or incest or where a physical condition endangers a woman's life unless an abortion is performed.

**CITIZEN:** *Are you concerned in any way about the potential of Planned Parenthood receiving funds through the Omnibus Budget Bill?*

**Rep. Barr:** We are continuing to work to find a successful way forward to prohibit PP from receiving taxpayer dollars. In the meantime, I am hopeful that the Administration will be good stewards of these grant programs and not make awards to Planned Parenthood. The House of Representatives has done its work over the last two years – the 115<sup>th</sup> Congress – as well as in this recent legislation, to protect unborn children. I, personally, have voted for at least four resolutions and bills that have passed the House, including a resolution that repealed an Obama-era Title X rule that essentially forced states to fund Planned Parenthood with their Title X funds.



**U.S. Rep. Andy**

## Pregnancy Centers honored by GA resolution and rally

*More than 50 Help Centers dot the state doing their compassionate work at no cost to the recipients and at no cost to taxpayers.*

House Concurrent Resolution 152, honoring Pregnancy Help Centers for their life saving work, passed the 2018 General Assembly and was signed by Gov. Bevin on April 2.

Over 50 Pregnancy Help Centers (PHCs) operate in Kentucky, 37 of which are Care Net affiliates. These 37, alone, provide well over one million dollars in services annually such as pregnancy tests, ultrasounds, STI testing, counseling and referrals, parenting classes and baby supplies. All services of Kentucky's PHCs are provided free of charge.

Among those who testified for HCR 152 were sponsor Rep. Robert Benvenuti (R-Lexington), Sen. Max Wise (R-Campbellsville), Jor-El Godsey of *Heartbeat International*, Laura Dickinson, of *Clarity* (in Hardin County) and President, *Kentucky Association of Pregnancy Care Agencies*, and Monica Henderson, of *Beside You for Life*, (in Louisville).

The *ACLU* testified forcefully against the measure claiming PHCs shame women, yet the measure overwhelmingly passed both Chambers of the Assembly.

A rally honoring PHCs was held March 27. Speakers included Sen. Whitney Westerfield and Reps. Tim Moore, Addia Wuchner, Melinda Prunty, Russell Webber and Stan Lee, all active supporters of PHCs. Members of the Executive Branch also spoke, including Lt. Gov. Jenean Hampton, Auditor Mike Harmon, and an aide to Treasurer Allison Ball. All praised PHCs, including Gov. Bevin via video message.

"PHCs are perfect examples of 'philanthropic entrepreneurship.'" said Joyce Ostrander, rally coordinator, "Therefore it is fitting that Lt. Gov. Hampton is our keynote speaker today because she is both pro-life and focused upon entrepreneurship."



**PHC Directors are joined by Lt. Governor Jenean Hampton in Rotunda**

*Opinion: After almost eight years, the Instant Racing court decision is due very soon.*

# The manipulation of government

If there was a legal effort to blur the lines between the three branches of government (and between the government and the governed) and that threatened the governmental system of checks and balances, you would think state policymakers would be concerned.

But Kentucky's policy elites have been almost silent about the attempt by gambling interests to undermine these bedrock principles in the cause of so-called "Instant Racing." Even the media, who normally love controversy have given the court fight little but token coverage.

It's hard to think that these cornerstones of constitutional government could be crumbling for any other reason than the persuasive influence of a tsunami of gambling industry money and a laissez-faire attitude toward corporate greed—with a little media sympathy thrown in.

The attempt to push through a new form of casino-style gambling that does not meet Kentucky's strict legal restrictions has been effectively accomplished without a single vote of a state lawmaker and no input from the people.

Even though the court case gambling proponents themselves initiated remains pending, expanded gambling in Kentucky has become a reality under the cloak of "pari-mutuel wagering."



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

In pari-mutuel wagering, bets are placed in a wagering pool. How participants bet determines payout odds. Prizes are distributed from the pool of wagers to winning participants. An NCAA Tournament office pool, for example, is a type of pari-mutuel wagering. In pari-mutuel wagering, participants compete, or wager, among themselves. Because of this and the association with horse racing, pari-mutuel wagering has long been excepted from the general gambling prohibitions under Kentucky law.

But on July 20, 2010, the Kentucky Horse Racing Commission and the eight race tracks the Commission is charged with regulating filed for a declaration that operations of wagering on "historical" horse races (Instant Racing is one of several types of wagering that come under this label) and new regulations authorizing the games was pari-mutuel

wagering.

However, the new regulations appeared to describe the traditional pari-mutuel wagering described above. But the actual operation of wagering on historical horse races was more mysterious.

After barring all discovery, evidence and witnesses, the Franklin Circuit Court declared the new wagering and the regulations purporting to authorize it to be pari-mutuel wagering. The Kentucky Court of Appeals then reversed this

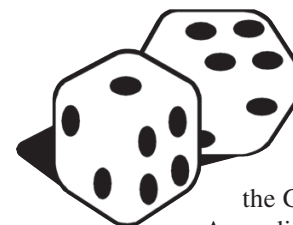
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**The attempt to push through Instant Racing, . . . has been effectively accomplished without a single vote of a state lawmaker and no input from the people.**

---

ruling, agreeing with The Family Foundation that they were treated unfairly. Then, in February 2014, the Kentucky Supreme Court sent the case back to the Franklin Circuit Court for evidence and a trial on the question of whether the new gambling was pari-mutuel wagering.

That trial took place in January of this year. During the trial it became clear that the gambling proponents were seeking a judicial change in the law to allow for an expansion of gambling which they have been unable to secure in



the General Assembly.

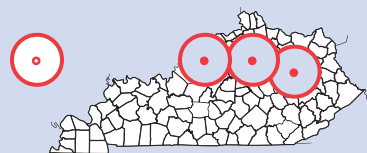
According to proponents, the Racing Commission has the sole discretion to expand gambling in Kentucky, a claim that completely bypasses of the General Assembly and Kentucky voters.

According to their logic, the Racing Commission has carte blanche in labeling any form of gambling it chooses as "pari-mutuel wagering." The Racing Commission has now approved and the tracks are operating casino-type games in which

participants are not wagering among each other. Payout odds are not used. Prizes are predetermined by algorithms, and in many cases, are fixed. The wagering pool is not returned to winning participants. The familiar "Tote Board" in the infields at most

tracks which reflects calculations of prizes on horse races is not used even though required by law. In short, the Racing Commission removed the word "mutual" from pari-*mutuel* to authorize casino-based gambling.

It shows you what a little legal hocus pocus (and the influence of gambling cash) can do.



**Frankfort, May 4**

**Prayer for Marriage and Family - Greg Williams**  
National Day of Prayer - Capitol Rotunda  
700 Capitol Avenue, Frankfort, KY 40601

**Wellington, CO Aug. 17-19**

**Love and Lordship Conference - Greg Williams**  
River of Life Fellowship  
3161 East County Road 62E, Wellington, CO 80549

## *The Kentucky Marriage Movement*

**Sharpsburg, May 19**

**Love and Lordship Conference - Greg Williams**  
Bethel Christian Church  
518 Bethel Ridge Road, Sharpsburg, KY 40374

**Louisville, Aug. 25**

**Love and Lordship Presentation - Greg Williams**  
Sisters for Life Family Summit - Hilton Garden Inn  
2735 Crittenden Drive, Louisville, KY 40209

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



Examine the *Kentucky Candidate Information Survey* online.

## Check the *Survey* and vote!

The May 22 Primary Election is right around the corner and everyone will be needing reliable information as they consider their candidates. This election is particularly important because the last two years have had a distinct turn in the policy side of Frankfort – from a more liberal, progressive philosophy to a more conservative, traditional approach.

Though the November election is the ultimate determinate, the primary will be an indicator of whether Kentucky will stay the course or go back to the previous way of doing business when Speaker Greg Stumbo ran the House controlled by the Democrat Party.

With this understanding, the 2018 election cycle in Kentucky could be the most important in decades.

As of April 1 there were 110 State

House Primary candidates and 16 State Senate Primary candidates. That is an unusually high number since there are only 119 General Assembly seats that *can* be contested -- all 100 House seats and half of the 38 Senate seats (19).

To be clear, the number of candidates indicates that

there are several seats that have multiple candidates vying for the post.

For clarity, the *Kentucky Candidate Information Survey* is careful to quote the candidates exactly *in their own words*.

**Vote May 22!**



**Kentucky  
Candidate  
Information  
Survey**

*After May 12, go to*

***www.votekentucky.us***

## If you can, please give. (*It's been a costly Session.*)

*We need to replenish after a demanding time. Would you consider joining with us and helping financially?*

It has been a hard and somewhat fruitful 2018 General Assembly Session. Legislators have worked under difficult circumstances in the “thankless task” of dealing with pensions and budgets, and in the process, have made “almost everyone” wishing they had decided something different. That, unfortunately, seems to be their lot in life, at least for now—making almost everyone want something different than they received.

The Family Foundation had a “good” Session, successfully working on a number of “smaller” bills that together add up to significance for the family. (*See pages 1-2.*)

But . . . there is always “what might have been” . . . especially this year with House Bills 326 and 372. (*See story on bottom of page 3.*)

Regardless of what was actually accomplished – what bills actually finished the course and became law – The Foundation gave itself fully, both staff (its time and efforts) and financially (the expenditures to get publications printed and distributed across the state). As an organization, The Foundation is pleased with the effort, content with what was accomplished, but is desiring more, particularly in the religious liberty and privacy realms.

Please consider contributing to The Family Foundation at this time. Your gift would be greatly appreciated and is much needed. All gifts are tax deductible and will be receipted.

Kindly make check out to:

**“The Family Foundation”**

And mail to:

**P.O. Box 911111  
Lexington, KY 40591**

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 well above the bare minimum . . . but every gift helps! And, just as said above regarding legislation, small gifts add up to significance!

### The Kentucky *CITIZEN*

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With this *CITIZEN* we open up our Spring fundraising. Join with us if you can. We try to ask for funds only in the Spring and Fall because we know you are giving to many other worthy organizations and missions.

Thank you for your consideration.

*Kt*

## Happy Birthday, Justice Ginsburg!

Justice Ruth Bader Ginsburg celebrated her 85<sup>th</sup> birthday last month on March 15. This August she will celebrate her 25<sup>th</sup> anniversary of service on the U.S. Supreme Court. Clearly, some point out that her 25 years of service have actually been a *disservice* to the plain meaning of the Constitution.

The Family Foundation genuinely wishes Justice Ginsburg a long and happy life *in retirement* (which we hope will begin soon). But Justice Ginsburg is not the only justice that is rising in years: On July 23, Justice Anthony Kennedy will celebrate his 82<sup>nd</sup> birthday. A few weeks later on Aug. 15, Justice Stephen Breyer will turn 80.

With one or two more Supreme Court appointments like Justice Gorsuch, President Trump could fundamentally transform the Court and our country. That thought, of course, is predicated on the concept that his Party will retain control of the Senate to confirm such nominees.

These above-mentioned judicial realities make the 2018 election cycle more than just “legislative” this year. In some sense, it will be an election of the U.S. Supreme Court.

