

The Kentucky CITIZEN

STRENGTHENING FAMILIES AND THE VALUES THAT MAKE FAMILIES STRONG

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Nov. 6 was a good election day for the family

Many of those who were elected ran with pro-life and pro-family campaigns, suggesting good things for the 2019 Session.

From a “pro-family” perspective, the Nov. 6 election and its impact on the Kentucky General Assembly should turn out to be a major step forward. Yes, a number of good legislators lost their seats in the House and Senate, but more very good freshman legislators, who campaigned on issues that will affirm family issues, were elected.

Chamber Alignments Modified Slightly

All-in-all, the House had been configured in a 63-37 Republican / Democrat ratio and that comparison was narrowed to a 61-39 ratio — a relatively little numeric change.

The Senate actually added a

Republican Senator, moving from a 27-11 Republican / Democrat ratio to 28-9, with one seat open because Sen. Ray Jones (*D-Pikeville*) ran and won the County Judge

Executive position for Pike County. (A Special Election will have to be called in order to fill his vacated seat.)

Values Are Key

Of course, more important than Party affiliation are the actual values of the individual members. Here again, though the Parties continue to find more and more separation from one another, the overall inclination, based on survey answers and campaign positions espoused, suggests that there may be more pro-family efforts in the 2019 General Assembly Session rather than fewer.

Based on statistics gleaned from the candidates who



The House: 61 Republicans, 39 Democrats. The Senate: 28 Republicans, 9 Democrats and one open seat awaiting a Special Election.

responded to the *Kentucky Candidate Information Survey (KCIS)* and won

in House races, here are some encouraging facts *: All 100 seats in the House were available this year, but only 90 seats were contested on Nov. 6. Of the 49 candidates who won and who responded to the *Survey*, 43 “Dis-agreed” or “Strongly Disagreed” with gambling

expansion; 47 “Agreed” or “Strongly Agreed” with the need for more abortion regulations and 47 “Agreed” or “Strongly Agreed” with broad religious liberty laws for pastors, churches and religious organizations; finally, 46 “Agreed” or “Strongly Agreed” with privacy protections in public school bathrooms. [*Note: Clearly, *NOT ALL* candidates responded to the *KCIS*.]

What Does It All Mean?

What does all of this mean for the 2019 General Assembly? Given the campaigns that were run; given the six close races that were decided by less than 50 votes (*See article on left*); and given the campaigns and the commitments made by candidates in their election efforts, it seems that the 2019 Session tone should line up to be quite conservative and be laden with traditional values pieces of legislation.

However, citizens (voters) should be prepared to encourage their legislators to “do the right thing.” The close elections could cause the winners to “freeze” and not move forward on the values that got them elected.

Legislators learned a great deal during their campaigns. Voters should have as well — every voter made a difference in the election, so voters should understand that they can make a difference with their encouraging phone calls during the Session. (*See pages 2-3*)

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The Nov. 6 message? ***EVERY* vote counts!**

Consider these facts: six House seats were decided by 50 votes or less.

There were six House races that were decided by 50 votes or less, including one race that was decided by ONE VOTE.

House District 13: Incumbent D.J. Johnson (*R*) was defeated by Jim Glenn (*D*), the man he defeated in 2016. Out of 12, 637 votes, Glenn ended up with 6,319 and Johnson finished with 6,318. Johnson is asking for an official recount.

House District 27: Challenger Nancy Tate (*R*) defeated incumbent Jeff Greer (*D*) by six votes — 6,938 to 6,932.

House District 81: Vying for a seat where she defeated the incumbent in the Spring Primary, Deanna Frazier (*R*) defeated Morgan Eaves (*D*) by 24 votes — 8,111 to 8,087.

House District 88: This was an open seat because of a retirement. Cherlynn Stevenson (*D*) defeated Bill Farmer, Jr., (*R*) who had held that seat a number of years before. The vote totals were 12,378 to 12,330 — a 48 vote difference.

House District 91: Incumbent Gary “Toby” Herald (*R*) took the seat away from Cluster Howard (*D*) in 2013. Howard returned the favor in 2015, defeating Herald. Herald won again in 2017. This year, it flipped once again with Howard receiving 7,385 votes and Herald seven votes fewer — 7,378.

House District 96: Challenger Kathy Hinkle (*D*) defeated incumbent Jill York (*R*) by five votes — 7,136 to 7,131.

Consider the whole situation: In these six House races 96,443 votes were cast and a total of 91 votes decided who would be representing each district. *EVERYONE* should always get out and vote their conscience!

The gambling industry is working now – **CALL!**

Watch for a number of bills to be offered in the 2019 Session. It will be sold as a “revenue-raiser,” so watch their guile.

The gambling industry is at it once again in its attempt to put down roots in Kentucky. Besides the eight-year-long court case where they are trying to bring casinos into Kentucky without a vote of the people or of the legislature, there is also talk of trying to have sports wagering companies offer their wares in Kentucky. Any way you look at it, it's just people *WITH* money trying to prey on people *WITHOUT* money.

Government truly doesn't have the right to give financial “hunting licenses” to those few special people, authorizing them to rip-off others. It is *not* gambling for those few (owners) because the games and machines make sure they win. The gamble – the risk – is the average man's.



**We love
money...
especially
YOURS.**

One of the major problems with gambling schemes is that the vast amounts of money always go *elsewhere* – It's never *FOR* Kentucky or *FOR* the people of Kentucky. For instance, the sports wagering companies are all from out-of-state. So Kentucky money leaves the state, except for the small “commission” that the government receives because it has licensed the rip-off artists to do their thing.

Few people ever notice that gambling is always introduced *NOT* because it is a good thing, but because the money it “raises” (rips off from others) will do “good.” There is always some excuse to bring gambling in — no one ever says gambling itself is a “good thing.” Consider, that the Kentucky Lottery was “sold” to the citizens because it would “help” education. Originally, casinos were promoted in Kentucky to “help” the horse industry. Now gambling proponents want to “help pay down” the pension deficit. In other states, gambling was going to “lower property taxes” or help the “homeless veterans.” There is always an angle to manipulate those who will make the pro-gambling decision.

The fact is, those promoting gambling simply want to make more money, so they have learned how to “market” it to the powers that can say, “Yes.” And, if there are not people saying, “No to gambling,” it *will be authorized* because gambling money “talks.”

In addition to brand new efforts to expand gambling during the 2019 Session, The Family Foundation is still in court with those pushing “Instant Racing” devices across the state. After eight years, the Franklin Circuit Court finally ruled that *ONE* of the games is legal. The Foundation has appealed the decision.

See “Instant Racing” story on page 4

You can begin saying “No” right now *BEFORE* there are hundreds of bills being pushed and hundreds of calls going into Frankfort. NOW is the time to call! (before the General Assembly's “storm.”)

Make two calls NOW. These message lines are open weekdays from 8:00 AM until 4:30 PM at this time of year.

Call 1-502-564-2611

Call & leave this message with the Governor's receptionist:

“Please veto any gambling bill!”

Call 1-800-372-7181

Call the toll-free Legislative Message Line and leave this two-part message for “all the legislators from my county.” (State Senators and Representatives)

“Please vote against any gambling bill! And, Hold a hearing on ‘Instant Racing’ and the new casinos.”

Gambling's Four Policy Truths

Truth #1: The Family is targeted. Clearly, gambling doesn't create new wealth. It only makes wealth change hands. What hasn't happened is an honest discussion that tells us *from where* all the gambling money comes: corporations can't gamble, nor can businesses, institutions, schools, churches, nonprofits, clubs, nor civic groups — only Moms and Dads, and a few single people. In other words, all the *BILLIONS* of dollars that is gambled is just a shift of assets *FROM* the hands of the family *INTO* the hands of the gambling industry.

Truth #2: Businesses will lose. As families lose, businesses will lose. Think about it — after all the losses, parents can't afford to take the family out to eat, buy their children new clothes for school, purchase a new refrigerator or finance a new addition to the house. Other businesses will suffer because money is *TAKEN OUT* of the economy. Remember, Las Vegas was built by *losers* — not winners. Expanding gambling will simply drain millions of dollars of wealth from Kentucky's communities, and local economies will pay dearly.

Truth #3: Government will be corrupted. With millions going into the hands of the gambling industry, who will become the greatest contributor and most influential group in the political process? If our legislature is “gambling friendly” today, how much more “friendly” will it be in ten years when many of its members have received sizeable contributions from the gambling interests? Now, imagine that there's a policy debate, like “*Should we legalize prostitution?*” (as was the case in Nevada). Nevada's legislature, made up of Moms and Dads just like Kentucky's, decided to legalize prostitution in order to embellish the gamblers' “good times.” (Clearly, it wasn't for “good jobs for women.”) If gambling interests want it, what will the legislature do? The answer: They will do the will of the gambling interests.

Truth #4: The Vulnerable will be destroyed. Though families are targeted (*see #1 above*), finances aren't the worst of the costs to families. Financial loss is just the beginning of a tragedy that all the family members experience. There will be some people whose lives will be totally destroyed — marriage-damaging financial stress, alcoholism, drug use, child neglect and abuse, spouse neglect and abuse, divorce, depression, suicide, embezzlement, imprisonment and crime (both victim and perpetrator). And even worse, their children will lose their childhoods and be affected for a lifetime. Doctors have a policy regarding their treatment of any patient: First, do no harm. Policymakers in Frankfort would do well to apply this wisdom to the gambling expansion decision because *vulnerable families* will be destroyed.

Marijuana? Let's do the research first – **CALL!**

Get the good, helpful chemicals out of the plant with none of the bad chemicals that do harm. In other words, do the research!

There is a large battle looming in Kentucky that will be centered around the question of whether marijuana should be a legal substance. Right now, the federal government bans it as a controlled substance, but many individual states are moving on their own to legalize marijuana in some way. Generally speaking, legalization falls into two basic categories: 1) medical marijuana; and 2) recreational marijuana.

Advocates of “medical marijuana” generally mean “legalizing the entire plant for medical uses.” That means the plant can be ingested in any number of forms; it can be smoked, vaped, or eaten or drunk within other foods (such as cookies/brownies or shakes).

Recreational legalization basically only deals with limiting its use when driving and for other external safety concerns.

The Family Foundation's position is very simple: There are **LIKELY** more substances in the cannabis plant that can be used for medicinal purposes, but the research must be done like in the development of all other medicines. It is necessary to know and minimize any harmful effects and to establish proper dosages scientifically.

marijuana on the state level, it sets the stage for relaxed use as a recreational drug.

Currently, some medicines derived from the cannabis plant, or synthetically duplicating a cannabis compound, are already available. For example, Epidiolex, derived from the actual marijuana plant, was approved this year for two types of epileptic syndromes.

The question ultimately boils down to whether marijuana will go through proper research protocols, or whether there will simply be a “populist” demand to which legislators acquiesce. The problem with that approach (and all the other legislative legalization efforts across the nation) is that legislators are not equipped to do the



research and *they have not done* the needed research. It is literally like an accountant wanting to “take a crack” at brain surgery – he may have good intentions but that’s not who one wants doing their surgery.

States that pass “medical marijuana” laws consistently move to legalize recreational marijuana shortly thereafter. In that sense, marijuana is a double “gateway drug” – the first drug most often used by those who end up addicted to other drugs, and, as medical

research and *they have not done* the needed research. It is literally like an accountant wanting to “take a crack” at brain surgery – he may have good intentions but that’s not who one wants doing their surgery.

The Family Foundation’s position is very simple: There are **LIKELY** more substances in the cannabis plant that can be used for medicinal purposes (including some that have already been approved), but the research must be done like in the development of all other medicines. It is necessary to know and minimize any harmful effects and to establish proper dosages scientifically.

Marijuana from a Healthcare Provider Perspective

With some states legalizing “medical marijuana” and some states even legalizing “recreational marijuana,” health practitioners are having to increase their knowledge of the complications arising from marijuana use by their patients. “Medical marijuana” in these states includes the smoking or ingestion of parts of the marijuana plant that have not undergone the normal federal Food and Drug Administration medication approval process.

Healthcare professionals in these states are seeing an increase in marijuana users and the professional literature now warns healthcare practitioners of the adverse effects of medical marijuana. Those adverse effects include physical, psychological, cognitive and psychosocial dimensions.

Adverse psychological effects may include psychosis, memory loss, paranoia, hallucinations, depression and suicidal behaviors. Adolescents and young adults appear to be more

prone to memory and psychological effects due to their brain development. A recent study among adolescents

... professional literature now warns healthcare practitioners of the adverse effects of medical marijuana.

found a strong correlation between marijuana use and psychosis.

Reported cognitive (mental) effects of marijuana include a slower ability to process, poor social functioning, confusion, low academic achievement, memory loss, impaired executive functioning, poor impulse control and poor job performance.

Patients who seek care while intoxicated from marijuana may not be able to give proper consent for their medical treatment. This creates a legal and ethical dilemma for health care practitioners.

Practitioners must also consider adverse physical effects which may include less serious changes such as dry mouth, dilated pupils, fatigue, and loss of balance. Medical marijuana users may also experience changes in breathing (wheezing, coughing, shortness of breath) and more serious conditions such as respiratory depression. Reported cardiac effects include changes in heart rhythm, blood pressure, and central nervous system suppression.

With recent legalization in some states, many studies are now being done on the benefits and harms of “medical marijuana.” Health practitioners recognize the need for these studies to establish the adverse effects and the benefits of medical marijuana, and determining which medications it interacts or interferes with. Research is also needed to develop effective and consistent dosing and eliminate the impurities and the active components that cause impairment.

The cannabis plant (marijuana) MAY contain good medicinal chemicals within it, but those chemicals must be researched and quantified so they can be used safely and responsibly.

Call 1-800-372-7181

Call the toll-free Legislative Message Line and leave this two-part message for “all the legislators from my county.” (State Senators and Representatives)

“Please act to have the FDA research and propose safe guidelines before any legalization.”

Court left the Assembly out, so slots are coming

After more than eight years of manipulations by the gambling industry, a judge ruled in their favor. But an appeal has been filed!

On Oct. 24, Franklin Circuit Judge Thomas Wingate finally ruled in the “Instant Racing” court case, concluding, with unusual reasonings, that the machines were, in fact “pari-mutuel” wagering on horse racing. Acting expeditiously, Stan Cave, The Family Foundation’s attorney, filed an appeal on Nov. 15 and then a Motion of Transfer to the Kentucky Supreme Court on Nov. 26, asking that body to receive the case once again.

The Kentucky Supreme Court complicated the proceedings four years ago by holding the enabling regulations valid *prior* to a complete evidentiary hearing. The result of that ruling has

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Kent Ostrander - The Family Foundation

contributed to the creation of five casinos in the state with another authorized without any vote by the people, any vote by the legislature and without any hearing by a legislative committee.

In other words, the court system of Kentucky has legalized expanded gambling

without the policy-making branch of government having a say. This is particularly interesting since that same policy-making branch – the General Assembly – had denied gambling expansion since 1994, when it was first pushed.

Gov. Beshear started the ball rolling in 2010, when he had his Horse Racing Commis-

sion form a common interest with Kentucky’s eight race tracks and petition the Franklin Circuit Court in an “agreed case” to determine whether the games were pari-mutuel. This, in itself, was bizarre because the Horse Racing Commission is supposed to *regulate* the race tracks, not *advocate* gambling with them. The Family Foundation entered the case and has observed the gambling industry manipulating the proceedings so the court would authorize casinos.

But courts shouldn’t create policy. “A major part of the problem is that the judicial system is not equipped to assess policy – only legal matters,” said Kent Ostrander, executive director of The Family Foundation. “And when we filed open records requests with the Horse Racing Commission and its overseeing Cabinet – the Public Protection Cabinet – neither of them could produce government reports concerning the effects of what this type of expanded gambling would do to Kentucky families. It is beyond bizarre.”



This is NOT a horse

YOU can make a difference with a phone call!
Act Now for a legislative hearing (See bottom page 2)

The federal judiciary continues to move right

The transformation of the federal judiciary moves forward with Trump and McConnell working diligently hand-in-hand.

As President Trump’s second year in office comes to a close, one of his greatest accomplishments has been the lifetime appointments of federal judges. At print time, 85 federal judges had been confirmed. These include two U.S. Supreme Court justices, 30 Circuit Court of Appeals judges, and 53 District Court judges.

This success was the result of U.S. Senate Majority Leader Mitch McConnell’s philosophy that “the most important thing the Senate is involved in is the personnel business” and “most important are the lifetime appointments to the courts.”

Those efforts recently stalled when Sen. Flake (R-AZ) announced a blockade of all judicial nominees until the Senate votes on a bill to shield the special counsel from any interference by President Trump. As the deciding vote on the Senate Judiciary Committee, Flake has frozen more than 20 nominees at that stage of the process. Confirmation by the full Senate has also become much more difficult, erasing the Republican’s slim 51-vote majority and requiring Vice President Pence’s vote to break the tie.

In a Dec. 7 radio interview, McConnell (R-KY)

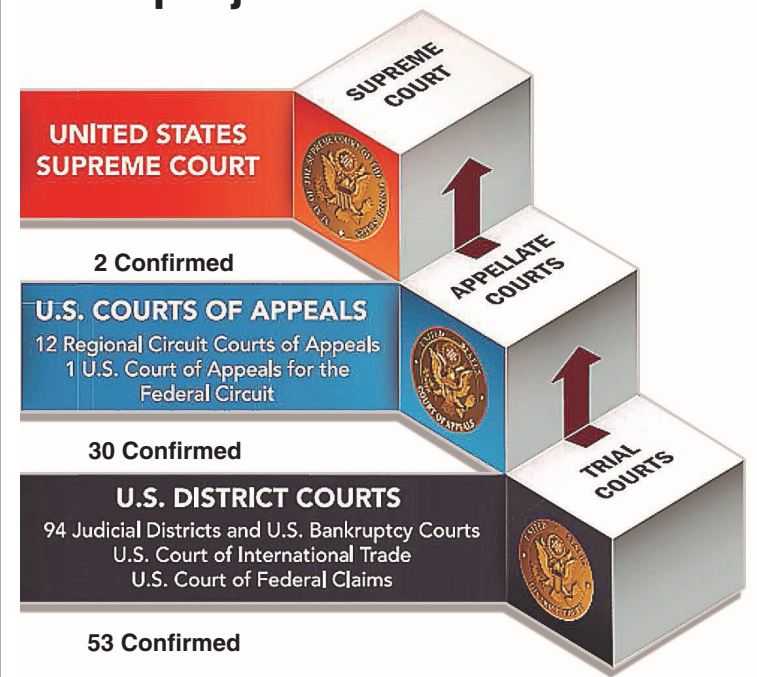
expressed his desire to “do a significant, additional package of judges before the end of the year.”

For some perspective, 142 vacancies still remain (16.7 percent) of the Federal Judiciary. That’s more than President Obama at this point in his presidency; more than double George W. Bush and Clinton; and three times George H.W. Bush and Reagan. There are 70 nominees currently pending to fill those vacancies.

While the number of nominees confirmed to the Circuit Courts of Appeals has surpassed any previous president at this stage of their presidency, only 55 percent of the total of all Trump’s judicial nominees have been confirmed. Clearly, there is more work to do. When compared with the five most recent presidents prior to Trump, 55 percent is the second *lowest* percentage.

The Nov. 6 election results will likely help with this shortcoming. Loss of control in the U.S. House will likely greatly hamper the Republican legislative agenda, resulting in more time for the Senate to focus on judicial confirmations. This is further aided by the Republican pick up of two more Senate seats in the mid-term elections.

Trump’s judicial confirmations





**Joyce
Ostrander
is a policy
analyst
for The
Family
Foundation**

As I See It . . .

Two Inconvenient Truths



Kentuckians now await Judge Joseph McKinley's decision on live dismemberment of the unborn. His decision may be a year away.

Testimony in the November 2018 trial of Kentucky's newest abortion statute revealed two "inconvenient truths": a contradiction exists within both the medical and legal professions, and longstanding medical ethics are being ignored.

On trial was the April 2018 Human Rights of the Unborn Child Live Dismemberment Ban. Live dismemberment is the ripping apart of an unborn child, causing it to bleed to death. The new law simply requires a physician who intends to abort a preborn child by this gruesome method to first cause its death by another "more humane" means.

The day the statute passed, Governor Bevin signed it, the ACLU filed suit and a federal judge granted an injunction. That injunction effectively put the new law "on hold" until a federal judge could conduct a trial.

During the trial, witnesses for EMW abortion clinic and their ACLU attorneys argued that the law interferes with the "reproductive rights" of women and that no other person or set of rights exist to consider. They recognized the presence of only one patient, the pregnant woman, and said that nothing should be done that would cause greater discomfort, stress, cost or risk for either the lone patient or her doctor.

Medical witnesses testifying in support of banning live dismemberment argued a second person is present whose comfort, at the very least, should be humanely considered as their life is ended.

However, testimony by other medical professionals revealed a glaring contradiction within the medico-legal community. Medical witnesses testifying in support of banning live dismemberment argued a second person is present whose comfort, at the very least, should be humanely considered as their life is ended.

Just what does the actual practice of medicine reveal? During the same age range when a fetus can be dismembered while alive:

- 1) Fetal surgeons recognize pain and provide anesthesia during inutero surgery for their tiny human patients;
- 2) Neonatologists provide comfort care for those born prematurely but too early to survive outside the womb;
- 3) Obstetricians recognize two patients and assess the well-being of each in their monthly visits, avoiding harm to either one;
- 4) Expectant parents view ultrasounds of their baby including fingers, toes, heartbeat, gender and movement of arms and legs. During this time, parents assign names and have gender reveal parties, and
- 5) Even laboratory animals are euthanized and disposed of in a more humane way.

What does the practice of law reveal? Kentucky recognizes a preborn child as a person, permitting a double homicide conviction when a perpetrator murders a pregnant woman.

These practices underscore the first "inconvenient truth"—both the medical and legal communities in these circumstances view the fetus as an autonomous person deserving the best medical care and chance for health, survival and comfort.

The exception is with abortion.

Should the basic human rights of humans be completely disregarded simply because, although they have arms, legs, fingers, toes, a heartbeat, their own distinct DNA and the ability to feel pain, they have no voice with which to defend themselves?

There is grave danger in disregarding, dehumanizing or diminishing a voiceless group

for the convenience or benefit of those who hold power. Recent history gives us tragic examples, including laws diminishing or subjugating women by restricting their rights to own property or vote, laws dehumanizing African Americans, and laws subjugating and ultimately intending to exterminate European Jews, just to name three.

Trial testimony also included a Duke University medical ethicist who stated that ethical medicine must consider beneficence, non-maleficence, justice and autonomy. Abortion, he asserted, disproportionately considers only the woman's autonomy.

In defending live dismemberment abortion, physicians and attorneys are considering what will benefit only one patient. Sound ethics would consider the autonomy of both the woman and the preborn child and weigh the beneficence, non-malevolence and justice of care for both patients.

That brings us to the second "inconvenient truth": abortion can only be considered ethical if long-standing medical ethics are ignored or grossly imbalanced. Without balanced consideration, the monumental injustices of the past are being repeated. And, those injustices are being repeated on the most innocent, helpless humans by the very hands of those entrusted with their care.



Legislators lead the support for the Ban on Live Dismemberment case in Louisville. In the fore, left to right are Reps. Joe Fischer, Addia Wuchner and Melinda Prunty.

Joyce

YOU could help us immeasurably in January during the 2019 General Assembly Session . . . Do you have two hours that you could serve the pastors and churches of your county?

If so, go to the bottom of page 8

Kennedy & problems with same-sex marriage

The Obergefell decision began a collision course with other rights that Kentuckians, and all Americans, have always cherished.

Casting the deciding vote and writing for the Court in *Obergefell v. Hodges*, U.S. Supreme Court Justice Kennedy decided that the “limitation of marriage to opposite-sex couples” was inconsistent “with the central meaning of the fundamental right to marry.”

That June 26, 2015 declaration set in motion an inevitable collision course between foundational First Amendment rights and the newfound right of same-sex marriage. Kennedy’s acknowledgment that many believe same-sex marriage to be wrong “based on decent and honorable religious or philosophical premises” and reassurance that “neither they nor their beliefs are disparaged here” could not prevent the collision.

The First Collision

Masterpiece Cakeshop became the first collision between First Amendment and same-sex marriage rights to reach the U.S. Supreme Court after a Colorado baker refused to create a custom wedding cake for a same-sex couple, citing his religious beliefs.

Coming face-to-face with the collision of rights he had created, Kennedy once again wrote for the Court.

He recognized and briefly examined the “difficult questions as to the proper reconciliation” of “the authority of a State . . . to protect the rights and dignity of gay persons who are, or wish to be, married” and “the right of all persons to exercise fundamental freedoms under the First Amendment.”

The resolution of those difficult questions would have to wait. But Kennedy and six of the other eight justices joined together to make it abundantly clear that society’s quest for a resolution must provide for a “neutral and respectful consideration” of the baker’s claims.

It was upon this overarching and guiding principle that the Court based its June 4, 2018 decision. Colorado had replaced a “neutral and respectful consideration” of the baker’s claims with “impermissible hostility.”

Unacceptable Hostility Towards Religion

Kennedy led seven of the nine Supreme Court justices in declaring that “a clear and impermissible hostility toward the sincere religious beliefs” of an objector exists when those conducting a legal review: 1) Endorse “the view that religious beliefs cannot legitimately be carried into the public sphere or commercial domain;” 2) Suggest the objector may “believe what he wants to believe, but cannot act on his religious beliefs if he decides to do business in the state;” 3) Proclaim that a businessman wanting to do business in the state who has “an issue with the—the law’s impacting his personal belief system... needs to look at being able to compromise;” 4) Disparage the objector’s religion;” and 5) Characterize the objector’s religion as “merely rhetorical—something insubstantial and even insincere.”

Foundational Importance of Free Speech

The justice who set the collision course in motion is now retired, but he left a powerful trail of guiding principles for the resolution of the “difficult questions as to the proper reconciliation” in his last decisions.

NIFLA v. Becerra (June 26, 2018) Kennedy cast the deciding vote in the Court’s rebuke of California and acknowledgment that “the people lose when the government is the one deciding which ideas should prevail.”

Kennedy’s Concurrence in NIFLA Going further, Kennedy wrote a concurring opinion to “underscore... a matter of serious constitutional concern.” He warned of the “serious threat presented when government seeks to impose its own message” and explained that “it is not forward thinking to force individuals to be an instrument for fostering public



Justice Anthony Kennedy was the “swing vote” in *Obergefell*, but he has since helped protect the First Amendment rights of others.

adherence to an ideological point of view they find unacceptable.” Then he declared that “Governments must not be allowed to force persons to express a message contrary to their deepest convictions. Freedom of speech secures freedom of thought and belief.”

With four justices signed on and a fifth presumably agreeing, it appears that this was the majority thinking on the Court. *Janus v. AFSCME* (June 27, 2018) Kennedy again cast the deciding vote to declare that “individuals are coerced into betraying their convictions” when government compels speech and “[f]orcing free and independent individuals to endorse ideas they find objectionable is always demeaning.”

Free Speech Boosted from “Across The Pond”

Additional guidance for addressing our “difficult questions as to the proper reconciliation” of principles came from a unanimous October 10 decision by The Supreme Court of the United Kingdom. The unanimous decision favored a baker who refused to create a custom cake promoting same-sex marriage because of religious beliefs.

According to the United Kingdom’s top court, the takeaway from the U.S. *Masterpiece Cakeshop* case is that “there is a clear distinction between refusing to produce a cake conveying a particular message, for any customer who wants such a cake, and refusing to produce a cake for the particular customer who wants it because of that customer’s characteristics.”

While acknowledging “which side of the line particular factual scenarios fall” is debatable, the court declared that “in our case there can be no doubt. The bakery would have refused to supply this particular cake to anyone, whatever their personal characteristics. So there was no discrimination on grounds of sexual orientation.”

Like Justice Kennedy, The Supreme Court of the United Kingdom recognized the “difficult questions” involved, declared the foundational importance of free speech, and expressed concern at a government body favoring others over the faith community.

Implications for a Kentucky Business

While America continues to wrestle with reconciling “the authority of a State . . . to protect the rights and dignity of gay persons who are, or wish to be, married” and “the right of all persons to exercise fundamental freedoms under the First Amendment,” the guideposts erected by the U.S. Supreme Court and The Supreme Court of the U.K. may have a significant impact on a Kentucky business.

Hands On Originals, a Lexington printing business, refused to print promotional shirts for the Lexington Pride Festival because promoting pride and the celebration of the LGBT lifestyle was against the owner’s religious beliefs.

Despite offering to connect the Gay and Lesbian Services Organization with another printer who was willing to produce the shirts for the same price, a complaint was filed and the Lexington-Fayette Urban County Human Rights Commission declared him guilty of discrimination on the basis of sexual orientation.

Despite *Hands On Originals* winning at every court level, Lexington’s Human Rights Commission has relentlessly pursued the case since 2012. The matter is currently being considered by the Kentucky Supreme Court.

Editor’s Note: For religious liberty protections, House Bill 372, the “The Pastor, Church and School Protection Act,” was introduced in the 2018 Kentucky General Assembly by Rep. Jason Petrie (*R-Elkton*), but it failed. It may be re-introduced in 2019.

Casinos are here but no one knows how or why

For twenty-five years, Kentucky has been debating the issue of expanded gambling. Many Kentuckians will remember the television commercials and news stories, and the articles that would run in the state's newspapers covering the fight in Frankfort over changing the Constitution or passing a piece of legislation to let the casino companies in.



Martin Cothran is the senior policy analyst for The Family Foundation

As The Family Foundation's lead lobbyist at the time, I was there for most of it. And I can think of a few of those times when it started to look like we were going to lose. They had the best lobbyists, they had influence in high places, they had money to run commercials. We didn't have any of that. Still, for twenty-five years, we won.

Or did we?

Has anyone noticed how quiet Frankfort has been on this issue in recent years? What happened? Did casino interests finally decide to throw in the towel?

No, not really. They haven't been quiet because they gave up; they've been quiet because they found another way to win.

The battle was always over whether this state was going to allow casino gambling. Everyone agreed that you had to at least change state law to do it, and most people agreed that you also had to amend the state constitution. This is a process that involves public hearings, committee votes and public votes on the House and Senate Floors by elected lawmakers – as well as allowing every citizen a

with two more coming.

That's right. Casinos are already here. And, as they say in my county, gambling has "done been" expanded. The issue on which we all thought we had a voice has been taken out of our hands, thanks to big money and big lies.

How did this happen? And why has nothing been done about it?

When the lawyers in the high-priced suits told a Frankfort sympathetic judge that betting on machines with videos of old horse races – and,

later, cartoons of horse races – qualified under the law that said you could only bet on live horse races, the sympathetic judge bought it. But The Family Foundation is appealing the case, so it's still in the courts, and they still lack *final* approval of the machines.

And yet, there they are, 2700+ of them, operating with the explicit permission of unelected bureaucrats who run the Kentucky Horse Racing Commission, an executive branch body that answers to the Governor.

The issue of expanded gambling has essentially been taken out of the hands of average Kentuckians in decided

unilaterally by bureaucrats and casino barkers, in defiance of the state constitution.

Where are our elected lawmakers? Where is the Governor? Why has there not been a single vote by a single elected lawmaker – or by a single voter? Why has there not been a single hearing on this issue?

The only measure taken against these new, illegal casinos was a fine Derby City Gaming had to pay when it was found out that they were operating 900 machines that even they had to admit were illegal. They were fined \$91,000.

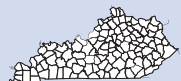
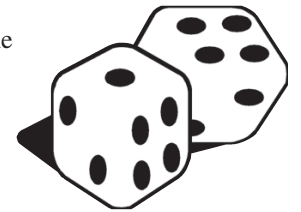
\$91,000!!!!?? They pay more than that on their monthly light bill. This is a company that, according to the *Louisville Courier-Journal*, "grossed nearly \$50 million in November alone."

What happened to the conservatives in the General Assembly who fought for the law and the Constitution for so many years? Those who were against the big money forces of casino gambling that were peddling their influence in Frankfort and trying to short-circuit our government?

Historical racing machines are not horse races, and the casinos that are now operating them are not horse racing tracks. No one seriously thinks they are.

Call your state lawmaker and ask him or her why nothing is being done about illegal gambling in Kentucky.

Tell them they didn't vote for casinos – and neither have you.



Kentucky Marriage Movement: A Fruitful 2018!

Looking back on 2018, I am pleased to see the Kentucky Marriage Movement (KMM) continue to grow in every way. KMM facilitated events for 13 churches and expanded the *Love and Lordship* series with Lexington Leadership Foundation (LLF), Isaiah House and Blackburn Correctional Facility. KMM also entered into a partnership with Sisters for Life for monthly seminars. We reached over 3,000 couples and individuals in 2018. Here are some participants in their own words:

"The Lord's strong hand is upon Greg Williams, to teach Love and Lordship. His presentation is Biblically sound and he speaks the truth in love! His passion for this God-given assignment shines through, making it even more compelling! We are being educated on a deeper level, about Love, Lordship and Marriage. Every one of our lives has truly been transformed as a result!!!" **Angela Minter, Executive Director of Sisters for Life**

"God used your message to completely change my life and my family!" **Colton, LLF attendee**

"I took away a lot of great and useful info to help my marriage thrive instead of just letting it survive! Your information and style of presenting is way too valuable to not let it be heard by the 400+ attendees that really need to hear it." **Jim Sheehy, Southeast Christian's "Man Challenge"**

"The Kentucky Marriage Movement and Greg have had an incredibly positive impact in our family's life. It is truly our honor and privilege to support their ministry and we are excited to see where the Lord will take them in 2019!" **Chris and Amanda Tucker**

Thank you for your prayers and support. Have a Merry CHRISTmas with family and loved ones in CHRIST!

859-229-6504 greg@kentuckyfamily.org

A very significant gathering! A very significant time!

Legislators of Faith



Perhaps one of the most encouraging events that has taken place in my 30 years of work in the legislature, took place on Saturday, Dec. 1. On that day, The Family Foundation was honored to host Kentucky's first "Leaders of Faith Gathering." Nineteen active State House members participated in the day-long conference. Many other legislators expressed their interest, but their Saturday schedule had already been committed.

The purpose was to gather believing legislators together (newly-elected and incumbents) so retired legislators of faith who have "been there and done that" could share their perspectives of how faith and worldview are necessary components of service in Frankfort. The gathering was designed with two goals in mind: 1) to strengthen legislators individually, and 2) to strengthen them corporately as they work to serve the Lord in the special place of governing where He has placed them.

The keynote speaker was Congressman Daniel Webster, who currently serves Florida's 11th Congressional District in Washington, D.C. He was Florida's first Republican Speaker of the House in 122 years. Having served 18 years in the House, he then went into the Florida Senate, serving 10 years and rising to become Senate Majority Leader.

In addition, we had seven former Kentucky state legislators of faith who shared from their experiences the things that will help the current legislators with their service.

The potential of this gathering MAY make it THE MOST IMPORTANT PROJECT I've ever engaged in during my 30 years in Frankfort. Just imagine if a genuine, life-giving fellowship of legislators emerged. This coming together is something that every believer should pray for and nurture as they are able.

Kt

Here's how **YOU and I** can change Kentucky

Kentucky will be different if we all lift up our voices during the next eight weeks of legislative debates.

It's time to become active. It's time to become salt and light. Given the good election results of Nov. 6 (*See page 1*), Kentucky citizens must step forward and *actually lead* their legislators with words of encouragement and direction. Legislators have been sent to Frankfort to represent the people. Clearly, *MANY* legislators want to please God in their task of representation, so they listen to their constituents. *ALL* legislators want to please their constituents because *they want to be re-elected*.

This relational, representational connection should not be surprising to any of us because the United States is, in fact, the nation whose government is, according to President Abraham Lincoln, "of the people, by the people, and for the people." We — *you and I* — are THE PEOPLE. We have a job to do and success in America does not mean "Let's allow others to make the decisions." We must do our part!

If we don't have these truths, then we should not speak. We should be silent. But if we do have them, then nothing should keep us silent.

some historians, Wycliffe wrote in the prologue to his translation of the Bible, "The Bible is for the Government of the People, by the People, and for the People."

All the more reason for believers in Kentucky to do their part in governing. Therefore, let your voice — your *prophetic* voice — be heard in Frankfort as the 2019 General



Kent Ostrander is the executive director of The Family Foundation

Assembly is set to begin on Tuesday, Jan. 8.

Note that I am not talking about becoming "political" — I'm talking about lovingly sharing truths about how Kentucky can become a better place for all.

I am not talking about becoming "political" — I'm talking about lovingly sharing truths about how Kentucky can become a better place for all.

If we don't have these truths, then we should not speak. We should be silent. But if we do have them, then nothing, even the comfort of our *status quo*, should keep us silent.

Kt

Help us get more voices speaking:

- #1 Volunteer to share our publications with churches in your county (for two hours). Contact me - (859)255-5400 kent@kentuckyfamily.org**
- #2 Please contribute now so we have funds to print those publications.**

Online: www.kentuckyfamily.org

Or mail to **The Family Foundation P.O. Box 911111 Lex., KY 40591**

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Executive Editor Kent Ostrander

Contributing Editors

Martin Cothran

Joyce Ostrander

Greg Williams

Michael Johnson

David Moreland

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The Family Foundation

P.O. Box 911111

Lexington, KY 40591-1111

859-255-5400

e-mail: kent@kentuckyfamily.org

Web site: www.kentuckyfamily.org

The Family Foundation
P. O. Box 911111
Lexington, KY 40591-1111

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