

# CITIZEN

STRENGTHENING FAMILIES AND THE VALUES THAT MAKE FAMILIES STRONG

Vol. XXIV No. 5

September/October 2019

## It's time to choose our Executive Branch ... Be sure to check out **KCIS** and vote Nov. 5!

*The Kentucky Candidate Information Survey is the only nonpartisan survey that quotes the candidates in their own words.*

The Family Foundation's voter information project, the **Kentucky Candidate Information Survey (KCIS)**, was initiated in 1993 and has served the Commonwealth every election year since. Sometimes, it has literally made the difference in the outcome of a race **NOT** because it endorses one candidate or another, but because it causes readers to think and evaluate each candidate in a number of ways.

This year could be the same – **KCIS** could be a difference-maker.

Besides the newsprint distribution across the state, individuals can download the PDFs of each race, print and copy them to share them with others at their church or nonprofit organization because the **Survey** complies with the IRS 501(c)3 requirements.

In other words, it doesn't tell you **WHO** to vote for or **WHICH** Party should be in power; it simply serves all candidates and all citizens by getting solid candidate information out so responsible citizenship can rule the election day.

This year there are three parties that are represented in the **Survey** – the usual Democrat and Republican candidates, but this year also the Libertarian Party candidates.

Though staff of The Family Foundation works hard to secure the answers of all candidates, someone in each campaign makes the decision as to whether they want to

participate. This year, two Libertarian Party campaigns chose not to participate (Auditor and Commissioner of Agriculture) and two Democrat campaigns chose not to participate (Governor/Lt. Governor and Treasurer). But the good news is that 12 of the 16 campaigns did respond, offering voters good insight into the races and their policy positions.

**KCIS** also boasts responses from candidates at every level of Kentucky's judiciary, albeit a small number of races this year. A majority of the 11 judicial candidates responded, providing important insight into who they are, how they view their role as a judge, and what they consider the biggest issue facing the judiciary.

## See this unique, nonpartisan **Survey**

*Listed side-by-side, candidates respond in their own words.*



The **Kentucky Candidate Information Survey's** website has something for every Kentuckian. It's an excellent resource for the busy citizen who desires to be an informed voter.

Find the resources and info you need, without the spin –

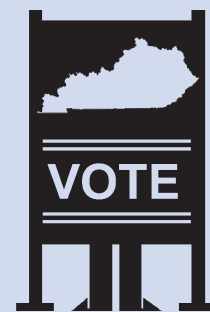
We give you the facts and the candidates' own words, so you're the one who decides. (See right)

*Which political party best aligns with your opinions?* Explore a side-by-side comparison of the official Republican and Democrat party platforms in the Parties' *own words*.

*What are the candidates' priorities? What is their vision? How can they improve the Commonwealth for ALL citizens?* Read your candidates' **Survey** responses, so you know where they stand on a variety of issues . . . *in their own words*.

*What are your judicial candidates' qualifications? Their judicial philosophy?* Get to know your judicial candidates *in their own words*, allowing you to be introduced to who they truly are.

**Kentucky  
Candidate  
Information  
Survey**



*Kentucky's best nonpartisan candidate website.*

**[www.VoteKentucky.us](http://www.VoteKentucky.us)**

This website has candidates *in their own words*:

- 2 Governor and 2 Lt. Governor campaigns
- 2 each Attorney General, Secretary of State, Auditor and Commissioner of Agriculture candidates (& 1 Treasurer)
- This year has only 5 judicial races, but all of them have respondents that are online in the **Survey**.

**“Like” & “Share” on Facebook for others**

Search Facebook: **@VoteKentucky**

# Here's a summary of The Family Foundation's brief in its 10-year Historical Horse Racing case

*For TFF to lose, the Kentucky Supreme Court will have to assert that pari-mutuel wagering no longer has to be "mutual."*

The Family Foundation did not bring this case. Kentucky's Horse Racing Commission and eight racetrack associations brought this action to determine whether historical horse racing machines are legal, because they were unsure. But their "agreed case" failed to name anyone opposing their implementation of the machines. The Family Foundation, concerned about potential corruption, then joined.

After nine years and numerous irregularities, the case is now before the Kentucky Supreme Court. The Family Foundation filed an appellate brief on Sept. 6.

## Kentucky's Horse Racing Commission

Instead of being a regulatory agency, the Horse Racing Commission is acting as an advocate. Instead of seeking an objective consultant, the Commission relied on the gambling consultant paid for by interested vendors and racetracks.

This lack of impartiality among executive officials and the choice to press the case for the side they represent, instead of adopting the fairest and best reading of a regulation, is exactly what the four U.S. Supreme Court justices warned about during their June concurrence in *Kisor v. Wilkie*.

The unelected Commission has ushered in all the burdens of slot gaming for the nearly exclusive benefit of the racetracks with virtually no benefit to the Commonwealth and without a word of policy debate. Policy decisions of these magnitudes, with these implications, being determined by an unelected Commission without a vote of the people or the General Assembly violates the most fundamental principles of Kentucky's system of government.

## The Game

Exacta Gaming has the appearance of slot gaming. It uses slot gaming themes with names like "Triple Cherry Pop", "Aloha Tiki Bar", "In Ra We Trust", and "Devil's Gate." Money is inserted. A bet is placed. Spinning wheels, lights, and sounds flood the player's senses. Three 10-horse horse races are chosen at random. It is assumed players utilize the "AutoCap" feature, which automatically selects the order of finish for them, allowing rapid play. Internal rules of the game reveal that the first-place horse in the first race must be correctly guessed to win any prize. Amazingly, a player can match 28 of 30 positions and win no prize. Each unique wager is placed in a carryover pool of losses, like lotteries

**"Oh, No! They now KNOW we're not pari-mutuel like we claimed!"**



## Typical Gambling Deception

and jackpots, rather than the required wagering pools.

## NOT Pari-Mutuel Wagering

For the wagering to be lawful, it must be pari-mutuel wagering. Thus, it is required that players "are wagering among themselves". Based on the ordinary meaning of words and the basics of grammar, this requires players to be wagering on the same uncertain event in a manner that has a mutual/reciprocal impact on each other.

Importantly, the Commission and racetracks' own witnesses admitted that no two players are ever wagering on the same uncertain event and have no mutual (reciprocal) effect on each other, thus violating the requirement that the games be pari-mutuel wagering.

When a patron chooses his own machine, the machine randomly chooses his own historical race, and the patron places his own wager at his own time, he is not wagering against, among, or with *ANYONE* else. If it is pari-mutuel, answer the question, "Who is he wagering against, among or with?"

## Franklin Circuit Court

Because Exacta Gaming does not meet the requirements to be pari-mutuel wagering, the Franklin Circuit Court changed the requirements and then judged them met.

## Now What?

Once it is apparent to the Kentucky Supreme Court that Exacta Gaming is not pari-mutuel wagering on horse racing, the next question is what to do about it. The racetracks must cease operations.

The Horse Racing Commission and racetracks are the ones who brought this case because they were unsure the games were legal. They told the court they wanted to know *before* implementing them. Now, after misleading the Kentucky Supreme Court and being guilty of conduct that violates the fundamental conceptions of fairness, they cannot claim that making them cease operations is unfair.

## Conclusion

Because Exacta Gaming does not meet the requirements to be pari-mutuel wagering, the Franklin Circuit Court changed the requirements and then judged them met.

If the Franklin Circuit Court is not reversed, the Kentucky Supreme Court will have presided over the greatest expansion of gaming in the history of Kentucky without a vote of the people or the General Assembly.

It will do so based on a trial court that 1) disregarded the Kentucky Supreme Court's previous instructions in the case, 2) ignored every applicable rule for interpreting law, 3) failed to apply the plain meaning of words and basics of grammar, and 4) relied upon the legal opinions of a non-lawyer consultant to a public Commission whose employer was paid \$860,849.67 by interested vendors and racetracks.

**Stan Cave has served The Family Foundation for decades, including as the solo practitioner in this 9-year Historical Horse Racing case.**



**To read the brief in its entirety or to watch our News Conference dealing with the brief's filing, go to**

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

# KY “Hands On” decision has huge implications

*As a nation, Americans must stand up and protect free speech and religious liberty without doing harm in the process.*

Even before the U.S. Supreme Court declared a right to same-sex marriage in 2015, the LGBT movement’s sexual orientation and gender identity (SOGI) or so-called “fairness” ordinances were threatening the livelihood of Christian business owners. Since then, such clashes have only become more frequent and widespread.

Civil rights ordinances are meant to ensure equality for various people groups that have previously been or continue to be discriminated against. But the recent

addition of “sexual orientation” and “gender identity” too often results in their use to punish business owners who refuse to support or celebrate same-sex marriage. Thus, punishing another protected class of people for what defines it—a faith in Jesus Christ which results in obedience to His commands.

Three court cases resulting from those pre-*Obergefell* clashes have a critical role to play in establishing the guidelines for ongoing and future clashes.

*Masterpiece Cakeshop v. Colorado Civil Rights Commission*, decided by the U.S. Supreme Court in June 2018, did not decide the “delicate question of when the free exercise of his religion must yield to an otherwise valid exercise of state power,” but it did clearly establish that answering that question requires “an adjudication in which religious hostility on the part of the State itself would not be a factor in the balance the State sought to reach.”

The U.S. Supreme Court, by a 7-2 decision, condemned the “clear and impermissible hostility toward the sincere religious beliefs that motivated his objection.” A Christian business owner is “entitled to the neutral and respectful consideration of his claims.” That’s a clear guideline and an essential piece of the puzzle.

*Lexington-Fayette Urban County Human Rights Commission v. Hands On Originals* involves a promotional printing company in Lexington who referred a potential customer to another printer, rather than print t-shirts promoting the Lexington Gay Pride Festival.

The Kentucky Supreme Court heard oral arguments at the end of August. The case is primed to establish the critical distinction between refusing to communicate a message and refusing to serve a person belong to a specific class. This is an essential step to uphold free speech and the free exercise of religion.

*Arlene’s Flowers v. State of Washington* is once again being appealed to the nation’s highest court after the Washington Supreme Court upheld its ruling against the Christian business owner despite the U.S. Supreme Court’s ruling in *Masterpiece Cakeshop*.

The case has the potential to provide some guidance on the line between conduct and free speech/expression. This is a watershed issue and a huge piece of the puzzle because speech receives a much higher level of protection than conduct, especially if *Hands On Originals* can help clearly establish the message distinction.



## HANDS ON ORIGINALS

Americans and Kentuckians must answer the question of where to draw the line between conduct and speech/expression to address florists, bakers, photographers, and others that may not constitute “pure speech” such as speaking, writing, and publishing.

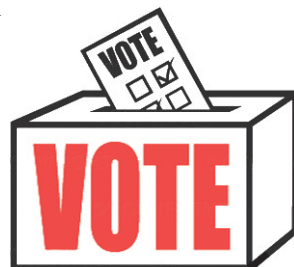
“Hands On Originals’ owners serve all customers, but can’t communicate all messages,” said Michael Johnson, policy analyst for The Family Foundation. “

Kentucky’s highest court has the humbling opportunity to help lead the way nationally in resolving these clashes in a manner that protects the rights of all.”

## Reading tea leaves

*Voter registration CAN give indications.*

As the 2019 Executive Branch Election approaches, some are looking at recent voter registration statistics in an attempt to “read the tea leaves.” While such statistics can be informative, it’s actual votes which determine the outcome and past elections have shown that EACH vote could be the one that makes the difference.



At 49.1 percent, Kentucky Democrats continue to be the largest segment of registered voters within the Commonwealth and Republicans have 42.4 percent. The gap between Kentucky’s two largest political parties has dropped 3.6 percent since January 2017. Those registered with another party or claiming no party has only risen 0.3 percent during that time frame.

Of course, people don’t always vote according to party registration. In 2015, Kentucky’s Republican candidate for Governor won by 8.7 percent, despite Democrat voters outnumbering Republicans by 11.6 percent.

Kentucky’s 2018 General Election provided a good reminder that who actually turns out to vote is most important of all. One candidate who filled a State House seat was decided by a single vote! Three other races were decided by five, six, and seven votes. Two more were decided by fewer than 50 votes.

During the 2015 Governor’s election, the registered Republicans sitting on the sideline numbered more than 1.5 times the registered Democrats who voted statewide. Democrats on the sideline outnumbered voting Republicans by nearly 3 times.

The outcome of this year’s election doesn’t depend on registration statistics, it depends on EACH vote.

## TFF files two amici briefs outside KY

*Two national cases are important.*

The Family Foundation has joined with its “sister organizations” across the nation to file amici briefs in two important federal court cases.

The U.S. Supreme Court will hear arguments in *Harris Funeral Homes Inc. v. Equal Employment Opportunity Commission* during its new October term. Though there are several important aspects to this case, The Family Foundation’s amicus brief focuses on the threat to parental rights posed if the Court rules “transgender status” to merely be an extension of “sex.” Such a decision could limit parental rights in educational and school activities, medical care of children, and other aspects. These would likely include bathrooms, shower rooms and locker rooms as well as sports competition.

The second case, *Thomas More Law Center v. Becerra*, involves your First Amendment right to freedom of association. California is requiring nonprofit organizations to release the name, address, and donation amount of their donors. That’s something that is ripe for abuse and misuse to punish those who support certain organizations or causes, so The Family Foundation is taking a stand. No one should be harassed because they gave to a nonprofit organization simply because other citizens are trying to oppress that group.



# **GRACE:** Like the Israelite mid-wives in Egypt, Help Centers are saving lives and shaping futures of young mothers

Because those serving in these Centers are willing to roll up their sleeves and work, Kentucky can lead this entire nation in the sanctity of life!

To become a state with a comprehensive “culture of life,” it takes many people and many groups doing the many things necessary. Grace and Truth must both be manifest. Pregnancy Help Centers are the essence of Grace – meeting women at their point of need and serving them without judgement.

Yes, Kentucky’s Centers do speak Truth to those they serve, but most importantly they express the care and support that these young women need — the Centers offer Grace to their clients.

There are now over 50 Pregnancy Help Center offices that freely serve the hundreds of Kentucky women each year that experience an untimely pregnancy. (See map on next page). These centers are funded primarily by contributions from those in their areas of service. They are staffed, in part, by numerous volunteers who simply want to help the women in need within their communities.

Without doubt, these centers are concerned not only for the unborn child, but also for the mother. They stock their offices with both maternity clothing and baby clothing, as well as other maternal supplies that can help a young woman make the transition into gracefully bringing a new life into the world and shaping that life.

Pregnancy Help Centers’ clients receive totally FREE, confidential, and non-discriminating services that include, but are certainly not limited to: • pregnancy testing

- ultrasounds and nurse consultations
- options counseling, including referrals to adoption agencies
- STI testing/treatment
- men’s programs for new fathers
- free material resources including: baby/maternity clothes, diapers, baby food, and formula
- advocating for clients through community support and referrals to other services outside the center’s scope including housing, food, legal help, and education
- pregnancy, parenting, and life-skill education
- information on women’s health prevention of unplanned pregnancies by educating on risks of a sexually active lifestyle
- grief assistance for those who regret past pregnancy decisions.

And though not all Centers statewide provide all these services, this list has been compiled and is standard across-the-board for the scope of services of Kentucky Centers.

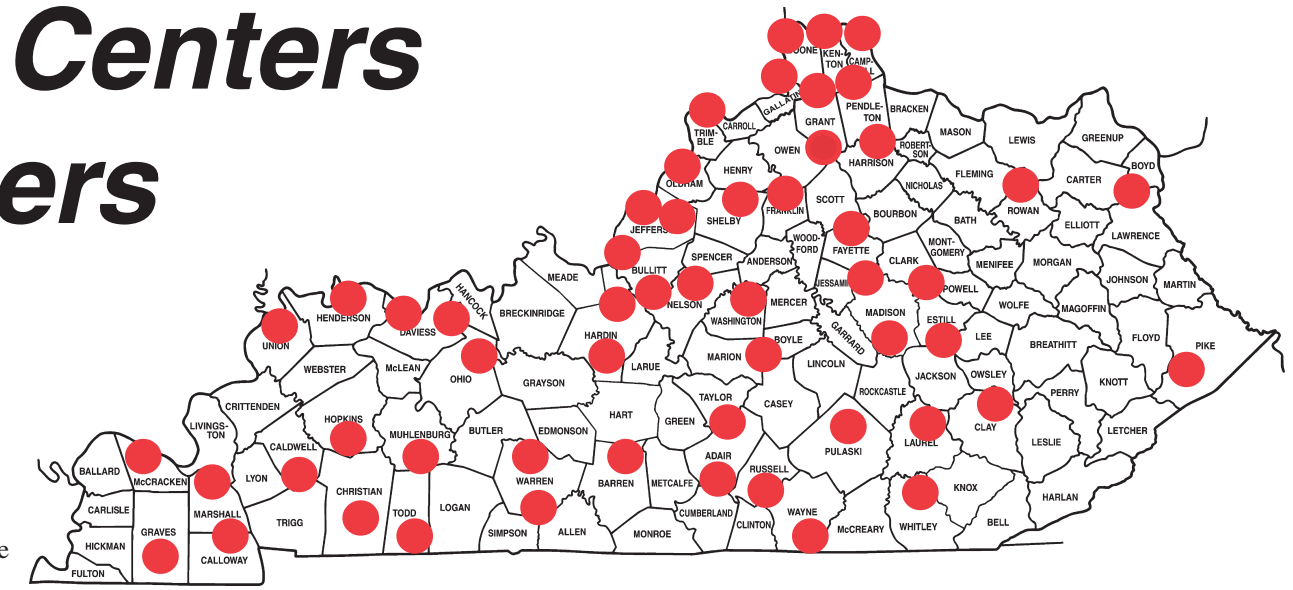
When the costs of these health services, material resources, education, and emotional and social support were added together, well over one million dollars of life-affirming services are offered free of charge annually in Kentucky (and free of taxpayer dollars). And these figures included only 37 of the 50+ centers throughout the state.

Working side-by-side with Pregnancy Help Centers are churches of all denominations, putting their “shoulder to the wheel.” It is important to note that Kentucky has over 6,000 Bible-oriented churches. Though not all engage the issues and debates in Frankfort, it is true that, generally speaking, they gravitate to the sanctity of

life position that is clearly stated in the Scripture.

As more and more of these churches come on board to manifest Grace and Truth, the promise of Kentucky being a light to the nation on this, and many other issues, becomes more and more believable.

Kentucky has many things going for it in regards to the sanctity of life. Leadership at all levels and in all spheres will be necessary because of the tried and true reality that “Nothing moves unless it is pushed.” Fortunately, many Kentuckians are pushing as hard as they can for the goal, “No abortions are done here.”



Pregnancy Help Centers dot the Kentucky landscape.

## Industry insiders as “regulators”?

Horse racing elites cannot be trusted to police themselves — they choose themselves every time.

This year’s repeated scandals and controversies have rocked horse racing and raised serious questions about the state boards that are supposed to be regulating the industry, but are too often controlled by insiders that care more about promoting horse racing than ensuring its safety and integrity.

Numerous horse deaths on the racetracks have drawn national attention and the *Louisville Courier Journal* revealed that Churchill Downs is one of the deadliest racetracks in America, surpassing all but one of the tracks with publicly available numbers.

If that wasn’t bad enough, the *Kentucky Center for Investigative Reporting* released a report exposing the Kentucky Horse Racing Commission’s practice of largely keeping vital details of the deaths secret, tipping the balance in favor of the industry rather than the public.

Only after the investigative report and resulting criticism did the Commission quietly reverse course and release the information.

The *Louisville Courier Journal* also

reported on horse racing having the highest concussion rate of any sport, including football. Despite the industry being years behind any other sport and countries in addressing safety, the Kentucky Horse Racing Commission hasn’t adopted any concussion regulations.

According to the *Kentucky Center for Investigative Reporting*, the Kentucky Horse Racing Commission allowed the racetracks to fund and oversee the work of the Commission’s consultant who was to determine whether or not

“historical horse racing” machines are legal.

Chris Hunt, general counsel for the Kentucky auditor’s office, called the Commission’s actions “out of the ordinary” and Michael Fagan, a former assistant U.S. Attorney in the Eastern District of Missouri, said that the relationship between the tracks and the state regulators appears problematic. Fagan, who specialized in gambling cases, noted that “The industry that is supposed to be regulated is buying its own regulator.”

And don’t forget that the Kentucky Horse Racing Commission is currently urging Kentucky’s courts to bypass the General Assembly to legalize slot-like “historical horse racing” machines by claiming that wagering doesn’t have to be “mutual” to be “pari-mutuel.” (See the story on p. 2)

All of these situations have one thing in common, a regulatory body that, by all appearances, is falling far short of its role as “a leader in both the safety and integrity of the sport as well as the welfare of the horse.”

This undeniable and alarming pattern of regulatory bodies excessively entangled with the industry they are charged with keeping in check—from the above scandals with the Kentucky Commission, the legislative probe of an industry-dominated Maryland Commission whose members won prizes they managed, and a New Mexico Commission sued for failure to follow its own rules, all the way to the California coverup of 2018 Triple Crown Winner *Justify’s* failed drug test and pervasive conflicts of interests—caused reporters at Kentucky’s two largest papers to call for change.

The *Louisville Courier Journal’s* Tim



Michael Johnson is a policy analyst for The Family Foundation

Sullivan proclaimed that “thoroughbred racing cannot be trusted to police itself. It cannot continue to be regulated by insiders inclined to protect the industry’s short-term interests over its long-term integrity.” While noting that the sport is “too clubby and secretive for its own good,” Sullivan went on to state: “Whenever industry insiders double as regulators, their ability to render arm’s-length decisions is inherently compromised.”

The *Lexington Herald-Leader’s* Linda Blackford echoed the need for additional oversight of racing.

The bottom line is that the horse racing industry **NEEDS REAL GOVERNANCE . . .** and it needs it **NOW!**

*Michael*

## Purchase a **CHOOSE LIFE** Kentucky license plate!

A law passed this year has changed the “specialty plate” costs — it’s now very simple.

The first time you secure a CHOOSE LIFE specialty plate, the cost is \$41.00, with \$10 going to the Pregnancy Help Center(s) that serve your county. (It used to be \$44)

Now, after the first purchase, the cost remains \$41.00 each year, with another \$10 going to the Center(s) that serve your county.

“We can ALL give a little”

This year marks the 13<sup>th</sup> year that CHOOSE LIFE license plate dollars have supported Pregnancy Help Centers that serve the women of Kentucky.

The big winners in the “CHOOSE LIFE” license plate project have always been the Kentucky women who are caught in an untimely pregnancy and who do not feel that they have life-giving options. Since 100 percent of the money generated by the plates goes to the local Pregnancy Help Centers that dot the state, it is the women in need that experience the benefit from the funds given.

Anyone can sign up for an official Kentucky CHOOSE LIFE license plate and give a \$10 donation (the maximum gift allowed) when they go to renew their plate. The donated money is delivered annually to The Family Foundation by the Kentucky Transportation Cabinet and then all of it is distributed to state Pregnancy Help Centers. Since its inception, over \$410,000.00 has been contributed.

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 license plate.



**THIS is Unbridled SPIRIT in Kentucky!**

# Trump and McConnell continue the drum beat

*They continue to set a record pace for judicial appointments and, at the same time, are fulfilling Trump's campaign promise.*

The Federal Judiciary was a main motivator for Trump voters during the 2016 election. According to a CNN exit poll, 56 percent of those who supported Trump listed the U.S. Supreme Court as the "most important factor" in their vote.

Love it or hate it, President Trump has kept his campaign promises to appoint more judges that: 1) exercise a philosophy of restraint, believing that judges must interpret the law strictly rather than using the bench to enact social and political change; 2) interpret the Constitution in line with what is explicitly stated, rather than reading it expansively; and 3) believe that courts should interpret the Constitution as the writers intended, rather than believing it must grow and adapt to new circumstances.

Such an approach likely means that no person, political party, or even judge will agree with every decision reached, but it ensures the rule of law, rather than the Federal Judiciary merely being another partisan branch.

Trump's number of appointments is tied with President George W. Bush as the second-highest of the past five U.S. presidents at this point in their presidency and is only two appointments shy of President Clinton.

Despite this, Trump also has the second-highest number of vacant seats remaining. Those 95 vacancies ensure further opportunity to reshape the Federal Judiciary and that confirming the 40 pending nominees will likely remain a top priority for U.S. Senate Majority Leader Mitch McConnell and the Republican-controlled Senate.

## "In God We Trust"

*House Bill 46, passed in the 2019 Session, requires that all public schools post the National Motto in a "prominent location."*

After viewing an American victory from a British warship in 1814, Francis Scott Key penned the Star Spangled Banner's lyrics and concluded the last verse with "and this be our motto: in God is our trust." The motto first appeared on United States coins in 1864 during the Civil War. Congress acted multiple times since then to affirm and broaden its usage. Finally an Act of Congress in 1956 made "In God We Trust" the official United States National Motto.

Last March the Kentucky General Assembly passed House Bill 46, the National Motto Bill. Sponsored by Rep. Brandon Reed (R-Hodgenville), the bill passed by a vote of 72-25 in the House and 29-8 in the Senate. It was signed into law by Gov. Bevin on March 25. HB 46 requires each public school in Kentucky to

In  
God  
We  
Trust

place the National Motto in a "prominent location." Kentucky was not the first or last state to enact similar laws.

Schools throughout the Commonwealth have chosen banners, plaques and patriotic artwork to comply with the statute. In Monroe County, for example, the technology center has an eagle dressed in red, white and blue

accompanied by a banner stating "In God We Trust."

However, in Fayette County Public Schools administrators chose instead to simply display an enlarged \$1 bill.

The Fayette County action drew criticism from many who considered this an affront to State and Federal Government officials, to the nation's history and

unity, or simply a bad lesson to teach students in how to skirt the intent of law. "Some public school officials are teaching students how to cleverly defy the law," stated Cole Cuzick, policy analyst for The Family Foundation. "Furthermore, they are elevating the 'almighty dollar' before students instead of our historical, national motto."

Others supported the school administrators' action citing "separation of church and state" or claiming the national motto is upsetting too many students and parents.

**"Our national motto has long served as a vital component to our nation's history and culture, and can serve as an example for our students."**

**– Rep. Brandon Reed**

The ACLU opposed HB46, but has not filed suit. Several national legal organizations have offered to provide free legal defense to any schools or states that

**Rep. Brandon Reed led the way for the passage of House Bill 46, "Posting the National Motto in Schools."**



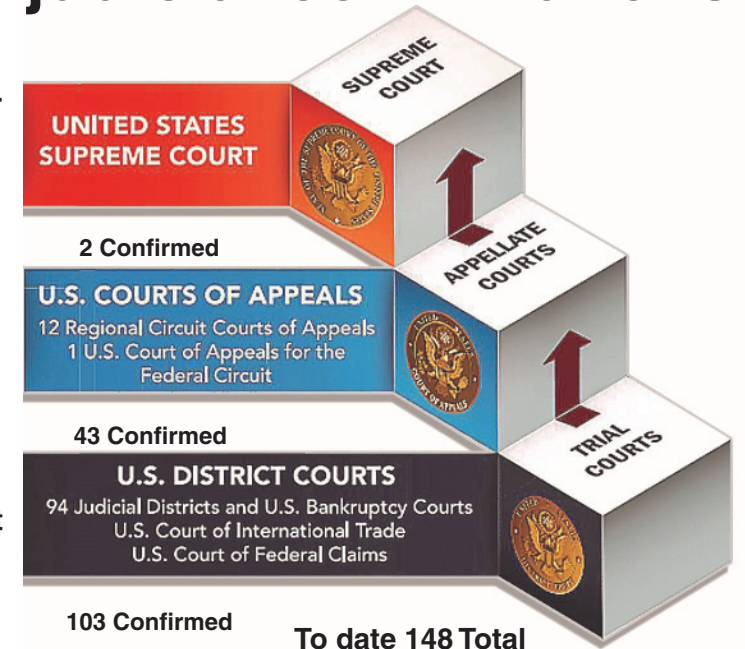
require the motto be displayed in schools.

In the past, there have been multiple legal attempts to remove the national motto from public places. Those responsible claim it violates the establishment clause. But both the Fifth and Eighth US Circuit Courts have upheld its use as being primarily secular and historic. In June 2019, the U.S.

Supreme Court upheld the Eighth US Circuit Court of Appeals' opinion which affirmed that the motto is "consistent with historical practices."

## Trump's judicial confirmations

**President Trump and Senate Majority Leader Mitch McConnell continue to change the complexion of the federal judiciary. In late August, the count was 2-43-97, for a total of 142. Now, in early October the count has risen to 2-43-103, for a total of 148.**





*Opinion: Unfortunately, they always seem to live up to, or surpass, their reputation.*

# A reputation of corruption

Given the casino industry's longstanding reputation for corruption, one would think they would be careful to avoid doing things that supported that narrative. You would think. But on the eve of a Kentucky General Assembly session in which sports gambling is expected to be one of the major issues, gambling interests are already acting in character.

In early September, Louisville-based Churchill Downs announced that it was applying with the Kentucky Horse Racing Commission to build a \$200 million "racing and gaming" facility near Cincinnati, named after the neighborhood near which it will be built: "Latonian."

One has to ask why exactly Churchill Downs made this announcement, and why they are thinking of doing it (if they really are) at all. There is already a racing facility in the same area: Turfway Park. Horse racing itself seems to be entering the stretch in terms of popularity, evidenced in part by the diminishing number of actual horse races. So why would Churchill even be interested in building a new track at all, particularly so close to another racetrack?

Then there is the fact that Churchill Down, famous for the site of the Kentucky Derby, doesn't make its money from horse racing, but from casinos it owns in a number of other states.

But the new facility will also house hundreds of "historic racing" machines, slot machines which hardly even look like they have anything to do with racing at all. There's surely money to be made from that, but would even this be enough to compete with the large casino in Cincinnati?

It's hard not to think that Churchill's announcement to build a racetrack in Northern Kentucky doesn't have something to do with the fact that the now 8-year court case on historic racing is about to be decided by the Kentucky Supreme Court, and that one of the elected justices, Michelle Keller, represents northern Kentucky on the court.

Part of the gambling industry's reputation for corruption stems from their penchant for political manipulation, manipulation that could easily extend to elected supreme court justices.

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**Is Churchill making this announcement in order to influence votes on the state's high court? It's hard to say.**

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Is Churchill making this announcement in order to influence votes on the state's high court? It's hard to say.

But it's not a suspicion that can be counted out, given the gambling industry's past. Several years ago, casino interests announced, right before a General Assembly session, that, if they got the legislation through, they wanted to build facilities in London and Corbin, which just so happened to be in the districts of influential legislators whose votes they needed.

These were fairly brazen attempts to buy votes, so it's kind of hard to put it past them.

It's important for them to win the historic racing case, since it would put the court's seal of approval on the thousands of historical racing machines they have gone ahead and installed despite questions about their legality. But it might also bolster the effort to legalize sports wagering, which would give the casino industry another effective way to get into the pockets of Kentuckians.

Sports wagering legislation still faces a rocky future in Kentucky. It is not clear that they have the votes even in the House of Representatives, let alone the more difficult Senate. So, Churchill's announcement could simply be evidence of desperation.

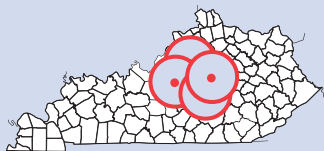
Legislation which has so far been proposed would do little for state coffers. Even the most optimistic revenue estimates for the state say it only stands to gain around \$25 million, a small drop in the bucket when it comes to the state's \$37.9 billion pension shortfall, and hardly enough to build three or four school buildings.

The dilemma sports wagering advocates will face is this: If they simply allow betting on things like the Bengals vs. Steelers game or and the Reds vs. the Pirates, they won't gather enough revenue to really matter, which will take away support for the bill; and if they try to get some serious money, they will have to expand the language of the legislation to include almost any kind of betting. It's not a great position to be in.

They've got to know that their odds are not good. So why not float the idea of building a casino in the district of an important Supreme Court justice?



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



## Love and Lordship

**Lexington, Oct. 1 - Oct. 15**

**Love & Lordship Series for Men - Greg Williams**  
Blackburn Correctional Facility (Tues. afternoons)  
3111 Spurr Road, Lexington, KY 40511

**Wilmore, Oct. 6 & 27 Nov. 3, 10 & 17**

**Love & Lordship Series - Greg Williams**  
Wilmore Free Methodist Church  
1200 Lexington Road, Wilmore, KY 40390

**Willisburg, Oct. 2 - Oct. 16**

**Love & Lordship Series - Greg Williams**  
Isaiah House (Wed mornings)  
2084 Main Street, Willisburg, KY 40078

**Lexington, Oct. 8 - Dec. 23**

**Healthy Relationships for Men Series - Greg Williams**  
Lexington Leadership Foundation  
422 Codell Dr., Lexington, KY 40509

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

We were *FIRST* a nation of volunteers . . .

## Can **YOU** help?

Yes, it's true . . . we do need financial support (*See article below*), but I am not addressing finances with this note. I am addressing the need for each of us to *take a step forward in faith* to "change the earth" . . . and more particularly, to change Kentucky and change the county in which we each live.

As things are shaping up, this next year will be pivotal for Kentucky and we, at The Family Foundation, will have information that Godly people must have in order to help the Commonwealth navigate the winds of social change in a family-friendly and family-healthy way.

We must be about our Father's business! It is a privilege and a responsibility -- just like being an American citizen is a privilege and a responsibility

The fact is we each have dual citizenship – we are citizens of these United States AND of the Kingdom of God. In these matters, we are able to serve both at the same time.

If you have about three hours, after the first of the year, that you can help us get good information out in your church and in your county please email or call me.

We *CAN* make a difference! A Godly difference!

**(859)-255-5400**

**kent@kentuckyfamily.org**



*Kent*

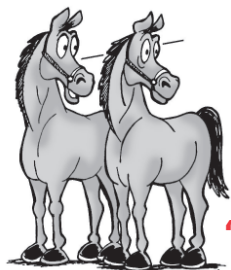
## We are very pressed right now . . . Please give.

*Demanding times require focused work, but I think we can get by "with a little help from our friends." Please help if you can.*

We have opened our Fall fundraising efforts. As you know, I try to ask for funds in only two windows of time: Spring and Fall, because I do not want you to be inundated with "ask" letters.

We are currently "under the gun" right now, with the Historical Horse Racing case (*See related stories on pages, 2, 5 & 7*) and with the distribution of our *Kentucky Candidate Information Survey*.

Here is "Where We Are": *First*, we are absolutely delighted with the appellate brief that we filed with the Kentucky Supreme Court on Sept. 6. Stan Cave has done an outstanding job! It is clear to us and clear in his brief that these horse racing gambling devices are *NOT* pari-mutuel wagering, as the law



*I can't believe they call those devices a "horse race."*



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

*Secondly*, we are currently distributing our Fall 2019 *Kentucky Candidate Information Survey (KCIS)*. (*See page 1*) The Nov. 5 election is critical for the next four years and we need everyone out and everyone voting their conscience! Kentucky has been on the move with the Lord and we dare not stop now. OR, God has been on the move in Kentucky and we dare not stop now. Either way, we must all exercise our faith and step out in faith in order

**Kentucky Candidate Information Survey**



requires. Similarly, it is clear that *we will win this case* if real justice is meted out! Please pray with us for that justice because, sadly, courts do not always do what is right these days . . . as you know. Please also pray for "our daily bread" because such a case is not inexpensive (even though Stan has regularly and significantly discounted his legal fees).

to see the handiwork of our God. Once again, reaching 400,000 Kentuckians is not inexpensive.

A gift of any amount helps immeasurably. The *CITIZEN* costs us about \$10 per year, per person to deliver. \$10 gifts would be huge . . . but because not all can give, please consider going beyond that amount.

The Lord has much for Kentucky to do as the nation wavers against adverse societal headwinds. Kentucky must play its part in getting the nation back on course.

Given our rich Christian heritage, We can do it! And, We WILL do it!

P.S. All gifts are tax deductible.

**To give, mail to:**

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

**Or, go online to:**

**kentuckyfamily.org**

### The Kentucky *CITIZEN*

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