

CITIZEN

STRENGTHENING FAMILIES AND THE VALUES THAT MAKE FAMILIES STRONG

Vol. XXIV No. 6

November/December 2019

Are these devices really pari-mutuel? Oral arguments next in Historical Racing case.

After almost 10 years, the question will be decided: Can wagering **BY YOURSELF** still be considered “pari-mutuel”?

“From my vantage point, this whole case is a farce,” said Kent Ostrander, executive director of The Family Foundation. “It’s all about the horse racing industry trying to consolidate a monopoly on all kinds of gambling in Kentucky by circumventing the General Assembly – people’s Branch of government.” (More details in story on page 4.)

Stan Cave, The Family Foundation’s attorney, offered his Appellate Brief to the Kentucky Supreme Court on Sept. 6, the gambling industry offered its Response Briefs (three of them) on Nov. 5, and then Cave tendered his Reply Brief on Nov. 21. (At press time, the date for oral arguments had not yet been set.)



Stan Cave, The Family Foundation

Two Major Breaches

Though there have been many suspicious irregularities during the case and many major points to contest, The Family Foundation has maintained two key principles through all the different stages of the case, either one could settle the case favorably:

First, this is a public policy decision – to expand gambling – and it should be done by the legislature, not by a judge making new law from the bench. This is particularly important because of recent history: Gov. Steve Beshear, “The Gambling Governor,” promised Kentucky he would “Let the people decide,” yet after he repeatedly tried to pass legislation and was

rebuffed by the legislature every time, he deliberately had his Kentucky Horse Racing Commission pursue a judicial decision. Policy determinations do not belong in the courts; they belong in the legislature where debate and votes will decide a matter.

To be clear, there are thousands of these gambling devices operating and authorized in Kentucky, yet no legislator has ever voted for that change – no legislator, no committee and no Chamber has ever voted.

Secondly, it is common sense wisdom that there is no way these games can be “pari-mutuel.” Consider: “pari-mutuel” is a French phrase that’s means *pari* – “to wager” and *mutuel* – “with, among, or mutually.” OR, it simply means “betting among others.”

If a person who is sitting at his own machine, and the machine chooses his own “race,” and he puts his money in at his own time, and he pushes his wager button at his own moment, **WHO IS HE WAGERING AGAINST?** If he is betting against others, *who is he or she or they?* At almost 10 years into the case, no one has answered that question.

The gambling attorneys have done all kinds of flips to avoid that question and to distract the Court from focusing on it. Bluntly, if they had a good, believable answer that was clear, The Family Foundation would, of necessity, lose the case. But they have *never* had a legitimate answer to the question.

“Irregularities” in the case

Even more suspect than the actual issues of the case are the numerous “irregularities” that have bubbled up at various times.

Here are just a few of those “irregularities” that transpired:

- How did a member of KEEP (Kentucky Equine Education Project) find herself as the judge’s clerk and *writing the judge’s opinion on the case?* (KEEP leaders had boasted that they were responsible for bringing “historical horse racing” to Kentucky.)

- Why would one of the pro-gambling law firms in the case hire the judge’s son *during the case?* Would that effect his judgment if he thought, “Will they fire him if I rule against them?”

- How could a judge choose to bar all discovery from The Family Foundation when discovery is a constitutional right?

Regardless of these and other irregularities, it is never right for the court system to create a new policy – like expanding gambling. *That’s for the legislature!*



Steve Beshear, The “Gambling Governor”

The Family Foundation’s new, special gambling website has much more. (Please tell others):

thegamblingscam.com

The Legislative Message Line: 1-800-372-7181.

Call and say: “Give this message for all the legislators in _____ (your) County. And please ‘copy it’ to House and Senate Leadership”:

Just say, ***“No expansion of gambling!!! And, please hold hearings on the spread of these gambling devices in the state.”***

Message Line is now open M-F from 8:00 am to 4:30 PM.

The 2020 Session of the Kentucky General Assembly **CAN** be very successful. Let's do it!

The Nov. 5 election changed the Executive Branch, but the legislature is much the same and is wanting to move forward.

Gov. Bevin was a pro-life conservative that did a great deal of good for the Commonwealth. His negatives were driven up by Attorney General Andy Beshear and by the media, that worked well with Beshear. But, Gov. Bevin also said some things and engaged in some unnecessary quarrels, thus driving up his own negatives.

The result? We are now left with a very liberal governor who has control over a huge segment of Kentucky government. What can be done?



We are now left with a very liberal governor who has control over a huge segment of Kentucky government. What can be done? Surprisingly, the answer is . . . "All kinds of good things!"

Surprisingly, the answer is . . . "All kinds of good things!"

Consider for a moment the fact that the two super Republican majorities in the House and Senate just may very well want to distance themselves from this governor

and his very left-leaning policies. All they have to do is pass several pieces of legislation that are good (and conservative), knowing that the new governor will veto them. Then, surprise, they override his veto, passing them again to become law.

This way, they get good things done and the governor's liberal biases are fully manifest in juxtaposition to their ideas on policy.

Yes, conservative Republican legislators will get beat up by the media, but good policies will still be enacted.

Heres' where the people of Kentucky come in: If the citizens "back home" do not call in and support their legislators on the Legislative Message Line, then those legislators are vulnerable to the pressures of Frankfort – the opposite party, the media, left-wing

activists, etc. They could, and in times past in history, have lost their will to fight and persevere.

The concept is surprisingly simple, yet it's profound. And citizens all understand it intuitively.

Why else do they go to athletic contests and cheer – and cheer loudly

particularly at critical times in the game? It's because "the twelfth man" on the football field IS the crowd – the fans. Same with

basketball – the crowd IS "the sixth man"!

Similarly, if citizens vote to send a "good team" to Frankfort, should they not encourage them in the midst of the legislative contest of good versus evil? (Or at least good versus "less than good"?)

Here are a Few Legislative Ideas Being Discussed

Pro-Life Bills: A constitutional amendment clarifying that the Kentucky Constitution does *not* have "abortion rights" implicit within it. A Born Alive Bill that would require treatment for any child that was born alive – including a child that was being aborted. And, Dignified Treatment of Human Remains Act that would ban the disposal of fetal bodies with other waste.

Parental Rights Bill: This legislation would underscore that parents have God-given authority to direct the path for their children, as opposed to a government agency or an "expert."

Medical Rights of Conscience (Religious Liberty) Act: Bill gives physicians, nurses, pharmacists and other medical professionals the freedom to decline to do treatments that violate their conscience. (Like abortion or assisted suicide.)

Marijuana Resolution: A resolution asking the federal government to do research so that any medicinal value in the marijuana plant can be extracted and processed without any of the harms posed by the plant's chemical makeup.

Obviously, many more legislative ideas will be offered in the coming weeks.

Inform others as bills move

"Like" us on Facebook:

The Family Foundation



Go to our website:

kentuckyfamily.org

Follow us on Twitter:

@KentuckyFamily



To receive legislative update emails, contact us at:

kent@kentuckyfamily.org

Cut and place on your refrigerator for easy access.

**The Legislative Message Line:
1-800-372-7181**

Just say, "Please leave this message for all the legislators in _____ (your) County and copy my message to Senate and House Leadership. Tell them to please pass House (or Senate) Bill (?) to . . ."

If you have questions about bills call The Family Foundation at 859-255-5400. If you would like to receive our timely emailed legislative updates, email us at kent@kentuckyfamily.org. The Message Line is open 8 AM to 4:30 PM but it will have expanded hours after the Session begins – Jan. 7. (Likely 7 AM to 9 PM.)

**Please engage!
Your voice and perspective are FAR more valuable than you know!**

(Consider the info on page 8)

Once again, California goes in wrong direction

The Golden State and Planned Parenthood up to their deceptive tricks, trying to force everyone to buy and pay for abortion.

Editor's Note: It is important to watch what happens in California and other left-leaning states like Washington, Massachusetts and New York because what is pushed there is often presented to Kentucky in the ensuing years.

In 2014, bureaucrats in the California Department of Managed Health Care (DMHC) decided to negate the religious liberty and freedom of conscience of every church in California. This strategy was implemented without legislative action or the knowledge of taxpayers and churches.

Churches first learned of the change in California policy when it was time to re-enroll in their employee insurance plans. It was then that they were told by their insurance companies that they had no option but to buy insurance plans that covered elective abortion. There was no opt-out offered by the insurance companies or by the state.

In two separate suits, four churches have since asked the DMHC for relief from the mandate.

One of those churches is Skyline Wesleyan, founded in 1954. Skyline's attorneys stated that abortion is incompatible with the church's belief that every human life is valuable and deserving of protection. Furthermore, Skyline only employs church members who share its beliefs.

Skyline's attorneys allege that in order to force pro-life churches to pay for their employee's elective abortions, DMHC reinterpreted a 1975 law. This was done "behind closed doors" with no public notice or comment period.

During trial preparation, the plaintiff's attorneys uncovered multiple emails exchanged between Planned Parenthood officials and DMHC urging the change to the policy. The emails also referenced meetings between DMHC officials, Planned Parenthood and the ACLU.

The U.S. Supreme Court has consistently held that government hostility toward religious beliefs and people of faith is unconstitutional. However, the federal District Court denied relief to the church. Skyline Church appealed and oral arguments were heard on Nov. 4, in the federal 9th Circuit Court of Appeals.

In August of 2014, the church's legal brief, filed with the court, stated that DMHC sent a letter to insurance companies "ordering immediate coverage of elective abortions and advising them that they could omit any reference to abortion coverage in plan documents, effectively obscuring the new abortion coverage mandate from the churches effected."

"This blatant disinformation from the DMHC is scandalous," said Joyce Ostrander, policy analyst for The Family Foundation. "It's deliberate and strategically planned government malfeasance."

Skyline's attorney, Jeremiah Galus explained, "The Department of Managed Health Care is misguided in its attempts to force a church to pay for elective abortions.

The agency has unconstitutionally targeted religious organizations, repeatedly collaborated with pro-abortion advocates, and failed to follow the appropriate administrative procedures to

institute this unprecedented mandate."

Galus maintains that Churches have the freedom to

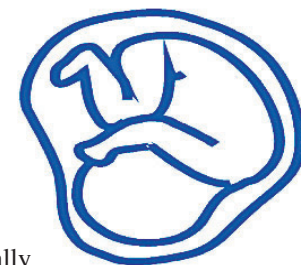
"This blatant disinformation from the DMHC is scandalous. It's deliberate and strategically planned government malfeasance."

— Joyce Ostrander, policy analyst
The Family Foundation

set internal policies, prioritizing the protection of human life from conception to natural death. And he asserts that the Constitution protects that freedom.

Regardless of how the Court of Appeals rules, some believe this case may eventually be considered by the U.S. Supreme Court. A decision is expected by the Court of Appeals in 2020, which would suggest that the earliest the case could be decided by the U.S. Supreme Court would be in 2021. In the meantime, California churches are in suspense.

"Kentucky citizens need to be vigilant to hold our government officials and agencies accountable, said Ostrander. "The law does not permit the government to single out or target people of faith."



Nov. 5 election results analyzed

A number of factors worked together against Gov. Matt Bevin's re-election.

Generally speaking, the Republican Party had a "good night" on Nov. 5, but clearly lacking in their "good night" was the plumb of all the races – the Governor's Mansion. So everyone must ask, "If the Republicans ran so strongly as a whole in this 'Reddish State,' why did they lose the most important race of all?"

Rising Negatives

Different people will have different answers. Here are a few factors to consider:

- 1) Gov. Bevin's negatives were deliberately driven up for all four years of his term by Attorney General Andy Beshear, his competitor for Governor. It seems no one can count the number of times Beshear was quoted in the news saying that Gov. Bevin had done "outrageous this" or "outrageous that."
- 2) Like the first reason, Gov. Bevin's negatives were driven up by the media. It is not hard to recall how Attorney General Greg Stumbo used the media all four years of Gov. Ernie Fletcher's term to paint him as "a crook." (Having succeeded in Kentucky, most can see how the same tactics have been moved more recently to Washington, D.C.)
- 3) Gov. Bevin raised his own negatives. Whether it was the handling of the teachers in the pension fight, his primary with Rep. Robert Goforth (*R-East Bernstadt*), or his in-house skirmish with Lt. Gov. Jenean Hampton, he could have done much better. But he didn't.

It is particularly perplexing when one considers: that Gov. Bevin is the only governor who fully funded the pensions during each of the four years he was in office;

that he and Goforth could have worked together in the Fall election; and that Lt. Gov. Hampton served him well and was his friend all through their term.

Slot Gambling Devices

Deeper, there were those who were greatly concerned about the wild expansion of gambling via the "Historical Horse Racing" slot-like devices. On one hand, Gov. Bevin articulated how strongly he was against casinos. But on the other hand, gambling expanded more under Bevin than under any other Governor, through his Horse Racing Commission's unrestrained awarding of licenses to Horse Racing Tracks. This was done even though the court case dealing with the devices' legality is still before the Kentucky Supreme Court. (*See story on page 4.*)

Kentucky Candidate Information Survey

One last factor is hard to calculate: Gov. Bevin chose not to answer the prolific *Kentucky Candidate Information Survey*, which reached some 300,000 Kentuckians.

Gov. Bevin was the only Republican candidate who chose not to answer the *Survey*, and was the only one *not*

to win. Had he answered the *Survey*, would he have "flipped" 2,500 votes that went to Beshear and won? (That's the 5,000 vote shift that he needed.) Who knows? But, it is true that getting your message out is generally the way you excite your base.

**Kentucky
Candidate
Information
Survey**



The Foundation's gambling case: *The Facts*

Attorney Stan Cave and The Family Foundation have been in court for over nine years. If justice prevails, they will win!

After a nearly ten-year court battle, the Kentucky Supreme Court now has everything it needs to determine whether one type of the historical horse racing devices is actually legal.

The Family Foundation filed its reply brief, the last of the written arguments in the case, on Nov. 21. The next step in the case will be oral arguments before Kentucky's seven Supreme Court justices.

The case boils down to one issue under Kentucky Law – it must be “pari-mutuel.” Here are two versions of that question: “Are the patrons wagering “with” or “among” or “against” other patrons?” Asked another way, “Are patrons required to be wagering on the same event in order to be engaged in *pari-mutuel* wagering?”

Despite attempts from the Horse Racing Commission and Racetracks to distract from that issue with attempts to discredit The Foundation and attack it for bringing attention to a number of irregularities throughout the case, undisputed facts clearly establish that patrons are *NOT* wagering on the same event and are *NOT* wagering *with anyone else*. It is only the device, the patron, and their own private video on the machine each time he/she bets.

The Kentucky Horse Racing Commission claims that patrons wagering on different races doesn't matter. But there is a *MAJOR* problem with that claim, any reasonable interpretation of “patrons are wagering among themselves” in a manner consistent with the ordinary use of those words requires patrons to be wagering on the same race.

So, the ten-year case essentially all comes down to what the definition of “is” is.

Which law to use is clear. The facts about how the devices work are clear. The Court just has to decide whether to apply the law to the facts in a way that is consistent with the plain and ordinary meaning of the words — *OR, change the meaning of those words and preside over the largest gambling expansion in state history.*

If the Commission and Racetracks had provided the necessary facts when they brought this case in 2010, which was their duty, the primary issue of the case would have known and the Court could have ruled years ago. But the Commission and Racetracks robbed the Court of that opportunity when they failed to provide the facts required by law and blocked The Foundation from discovering any facts to provide the Court with.

In 2013, the Kentucky Supreme Court ruled that facts were necessary to understand how the devices worked and rule on whether they are legal. The Franklin

Circuit Court was ordered to allow The Foundation to conduct discovery, which it had wrongfully denied. But the Commission and Racetracks did not

always cooperate. They opposed and prevented a demonstration of the devices to the court, making discovery more difficult, longer, and costly. Then they dumped tens of

thousands of pages on Stan Cave, The Foundation's attorney, as the deadline for discovery neared.

The delay in providing the courts with the facts

needed to answer the question asked by the Commission and Racetracks has had serious consequences for

Kentucky. Additional types of devices were created, thousands of the machines were licensed and began operating, and “racinos” are now collecting billions of dollars from Kentucky's families.

But now the case is back before the Kentucky Supreme Court and the law can be applied to the now-known facts. If done in a manner consistent with the plain meaning of words, the Court will have no choice but to put a stop to these historical horse racing devices because they are not pari-mutuel, and thus unlawful.



The Court just has to decide whether to apply the law to the facts . . . with the plain and ordinary meaning of the words — *OR, change the meaning of those words and preside over the largest gambling expansion in state history.*

Here is just “a little” evidence of the gambling industry's corruptive ways

The incontrovertible fact is this: “You cannot do vice virtuously.”

The Four Policy Reasons that expanded gambling is a bad decision for Frankfort to implement are:

#1 The Family Is Targeted - *ALL* the money raised comes from one place and one place only – Kentucky families.

#2 Businesses Will Lose - As families lose their disposable income” there is less to spend on “everyday” items at local stores.

#3 Government Is Corrupted - The Gambling industry always gets it way and ends up perverting the function of government . . . the Las Vegas phone book is just an example.

#4 The Vulnerable Will Be Destroyed - Not all are vulnerable, but those that are have their marriages, their families, their lives, and their businesses ruined.

The phone book used for this research is the 2009 Las Vegas phone book. (Las Vegas may not even print one today with the shift to online information.)

The largest number of pages in the Yellow Pages advertises and promotes one thing . . . no, it's not gambling. It's 67 pages of “escort services.” Full page ads promise “Full Service,” “Wild Teen Cheerleaders,” “Barely legal,” “Asian Centerfolds,” etc.

Yes, the Nevada legislature – part-time and made up of Moms, Dads, Grandmothers and Grandfathers just like Kentucky's – voted to legalize prostitution in the state of Nevada.

Why?

Because the gambling industry always gets what it wants and every legislator knew they would have an opponent in the next election *funded by the gambling industry* if they didn't vote, “Yes.”

In the Yellow Pages there are an additional 31 pages of “Massage parlors” advertised. Yes, it's the same thing. Ads say, “Body to Body Pressure Massage,” “Shower Massage,” “All Body Full Service,” etc.

And, there are 13 abortion clinics advertised in Las Vegas, which has about 10,000 more people than Louisville. Kentucky has one abortion clinic which serves the entire state. (It is in Louisville.)

Las Vegas itself has 13.

The bottom line?

You cannot do vice virtuously. (The gambling industry *always* brings other garbage with it.)



Planned Parenthood is **COMING** to Kentucky!

Will the “Big Blue State” be turning PPINK as Planned Parenthood of Indiana and Kentucky get help from the Left Coast?

Several indicators signal that Kentuckians may be seeing more of Planned Parenthood in the coming months. One is a new governor and the other a “new” Planned Parenthood.

Planned Parenthood of Indiana and Kentucky (PPINK) did not have a hospital and ambulance agreement in place that is required by a 1998 law, thus making its 2015 abortion facility license application deficient. Despite the deficiency, one of former Gov. Steve Beshear’s final acts in office was to issue a license to PPink allowing them to begin performing abortions at their Louisville facility.

In 2016, when the Bevin administration realized the deficiency, it retracted PPINK’s license. The ACLU, PPINK and EMW Women’s Surgical Center (the only currently operating abortion facility in Kentucky) have since challenged the 1998 law in Federal Court. The case is now in the 6th Circuit Court of Appeals and a decision is expected some time in 2020.

Like his father, newly-elected Gov. Andy Beshear has been a defender of abortion and so will likely be accommodating to the abortion giant. Pro-life advocates expect licenses to be issued in the first days of the new administration, first in Louisville and then Lexington, tripling the number of abortion clinics in the Commonwealth. *

Planned Parenthood of Kentucky did not become a statewide agency until 2008. The locations in Kentucky did not do abortions. In 2014 Planned Parenthood of Kentucky merged with the larger, better funded and more aggressive Planned Parenthood of Indiana, so “PPINK” was born.

Two new “state of the art” facilities were then built in Louisville and Lexington. In addition, PPINK conducted a more aggressive campaign to get so-called “Comprehensive Sex Ed” into Kentucky schools.

But that was not enough for Planned Parenthood’s national office. According to the *Seattle Times*, the national office contacted Chris Charbonneau, President of Planned Parenthood of the Great Northwest and Hawaii and asked if she would consider merging with PPINK. The purpose was to bring the resources of the robust and big-budget organization, an organization the *Times* described as “a powerhouse,” into the heartland – into Kentucky and Indiana. The national office promised 10 million dollars to help.

Kentucky’s (and Indiana’s) “unwelcoming” environment for the industry giant and for abortion in general was apparently the rationale – PPINK needed reinforcements from the national headquarters and from the West Coast.

Early last year, the idea became a reality as PPINK formed a “strategic partnership” with Plan Parenthood of the Great Northwest – in effect a “merger”, with Charbonneau president of both partners.” According to the Associated Press, it’s “a first-of-its-kind consolidation based, not on geography, but on reallocating resources to fight new abortion restrictions in the Midwest and South.”

In 2018, PPINK’s budget was 19 million dollars. Charbonneau projects the budget of the “consolidated” organization to be 80 to 90 million dollars. Kentuckians can now expect money and influence from the West Coast to pour into Kentucky legislative affairs, elections, and school curricula.

PPink board member, Mike Carter had concerns about the perception of people “coming from the coasts.” which may be the reason it is being officially called a “strategic partnership.” The “PPink” name is still being used in Indiana and Kentucky.

However, Charbonneau is now president and has already adopted a different approach. Charbonneau used a Seattle real estate developer to purchase a property in Fort Wayne, IN. The stealthy tactics were employed to keep the Fort Wayne community in the dark about the new abortion facility being built.

Another new tactic coming will be how PPink will reach “clients” especially youth. A new phone app that allows “customers” to avoid having to interact in person but instead to interact through their phone is used in other states. It allows youth to, in essence, have PPink “In the palm of their hands.” In states where it is available, the app allows users to have birth control delivered “to their door” and can direct them to their nearest “friendly” clinic. The



app is not yet available in Indiana and Kentucky, but according to Planned Parenthood is “coming soon.”

PPINK has been aggressive in Kentucky public schools, attempting to introduce “Comprehensive Sex Education” curriculum. According to Joyce Ostrander, policy analyst for The Family Foundation, “Comprehensive” curriculum “is a nice sounding name

for some bad stuff.” According to Ostrander, a major issue is that it introduces and normalizes same sex attraction and gender dysphoria (transgender) in the elementary grades.

With the PPINK “Alliance,” their new president, and with the newly reformulated Kentucky State School Board appointed by Gov. Andy Beshear, Ostrander warns that a “Comprehensive” sex ed push should be expected. “Parents need to know what is in their public schools and in their kids’ hands,” said Ostrander. She recommends parents speak with local school boards, attend meetings and know what curriculum, especially sex ed curriculum their schools are considering.

**Editor’s Note: At press time, no announcement had been made regarding license issuing.*

Great News from **THE** Court!

KY’s Ultrasound Law is upheld as Supremes pass on appeal.

On Dec. 9, 2019, the U.S. Supreme Court refused to consider the ACLU’s challenge of Kentucky’s Ultrasound Law. That means Kentucky’s victory at the Sixth Circuit Court of Appeals remains in place and the law can finally go into effect.

The Ultrasound Informed Consent Act requires that a doctor, prior to an abortion, make audible the fetal heartbeat, perform an ultrasound, and display and describe the ultrasound images to the mother. Advocates for genuine women’s health care are more than pleased.

It passed the Kentucky General Assembly in 2017, but the ACLU claimed that it violated the First Amendment’s free speech rights of abortionists. A lower court’s decision had prevented the law from being implemented until now.

Kentucky, Tennessee, Ohio, and Michigan are now free to enact and enforce informed consent laws that relate to a medical procedure, are truthful and not misleading, and is relevant to the patient’s decision whether to undertake the procedure. They may also provide information relevant to the woman’s health risks and the impact on the unborn life.

In examining Kentucky’s Ultrasound Informed Consent Act, the Sixth Circuit noted:

“To give the patient more information that is truthful, non-misleading, and relevant to a medical procedure is the epitome of ensuring informed consent . . . If we were to hold that a State may not require such disclosures, we would essentially be concluding that women must be shielded and protected from this up-to-date medical information, that women are unable to or should not be required to process it.”

Comparing the Ultrasound Informed Consent Act’s requirements to what was upheld in *Casey*, the court explained: “For today’s Posterity — the Gen-X, Millennial, and Gen-Z generations, whose first picture of themselves commonly comes from a sonogram, and who increasingly turn to photos and videos to share information — one can hardly dispute the relevance of sonogram images for twenty-first-century informed consent.”



“To give the patient more information that is truthful, non-misleading, and relevant to a medical procedure is the epitome of ensuring informed consent . . . ”

Nelson case in Louisville may be crucial for KY

It boils down to whether Kentucky citizens who serve ALL PEOPLE have the right to NOT say things that violate their conscience.

Chelsey Nelson is a young entrepreneur, photographer, and blogger who simply desires the freedom to continue telling stories that present marriage as something created by God, worthy of celebration and honor. (See box on right.)

But the City of Louisville's ordinance would force her to promote same-sex weddings and prohibit her from publicly explaining her religious beliefs about celebrating marriage.

That's why Chelsey, who owns and operates Chelsey Nelson Photography, has filed a lawsuit challenging the city's ordinance for violating the U.S. Constitution and state law.

Kentucky's Supreme Court recently ruled in favor of Hands On Originals, a Lexington promotional print shop that Lexington's Human Rights Commission put through a multi-year legal battle. (See bottom right.)

Thankfully, Chelsey's lawsuit is a "pre-enforcement challenge". That means she is challenging the law before it is used against her, in an attempt to avoid going through the ordeal that her fellow artist endured in Lexington.

Attorneys with Alliance Defending Freedom (ADF), a nonprofit legal organization that has been protecting religious liberty since 1994, are representing Chelsey.

This case comes on the heels of ADF successfully representing artists and filmmakers during similar lawsuits in the U.S. Court of Appeals for

the 8th Circuit and the Arizona Supreme Court.

"No matter one's views on marriage, we all lose when bureaucrats can force citizens to participate in religious ceremonies they oppose or to speak messages they disagree with," explained ADF Senior Counsel Kate Anderson. "On countless other topics, photographers and other artists can freely choose the stories they tell. Chelsey simply asks for the same freedom."

The challenge of Louisville Metro Ordinance Section 92.05 was filed in the U.S. District Court for the Western District of Kentucky, Louisville Division. The case could end up before the U.S. Court of Appeals for the 6th Circuit, if appealed, providing guidance for the states of Kentucky, Michigan, Ohio, and Tennessee.

Louisville's ordinance infringes free speech and the free exercise of religion, wrongfully establishes a state-sponsored set of religious beliefs, violates due process, and is contrary to Kentucky law.

"Chelsey serves all people," added ADF Senior Counsel Jonathan Scruggs. "But Louisville is trying to compel Chelsey's speech, force her participation in ceremonies she objects to, and eliminate her editorial control over her photographs and blog. It's unlawful to coerce an artist to create messages against her will and intimidate her into silence just

because the city disagrees with her beliefs."

Meet Chelsey



Chelsey Nelson is a Christ follower, so her religious beliefs shape every aspect of her life.

They shape her identity, relationships, and understanding of creation, truth, morality, purity, beauty, and excellence.

They also shape her business, art, and creativity.

They have shaped her passion for "using photographs and words to tell stories that positively depict creation, truth, purity, beauty, and excellence. (Philippians 4:8)"

Chelsey believes that God gave her this passion for photography and storytelling at an early age.

At the age of seven, her home was damaged by a tornado and her family stayed at a friend's house. It was there, looking through photo albums, that she saw the blessings of everyday moments and joy during special events, like weddings.

Photographs helped her connect with others, grasp the value of people over things, and process the temporary loss of her home.

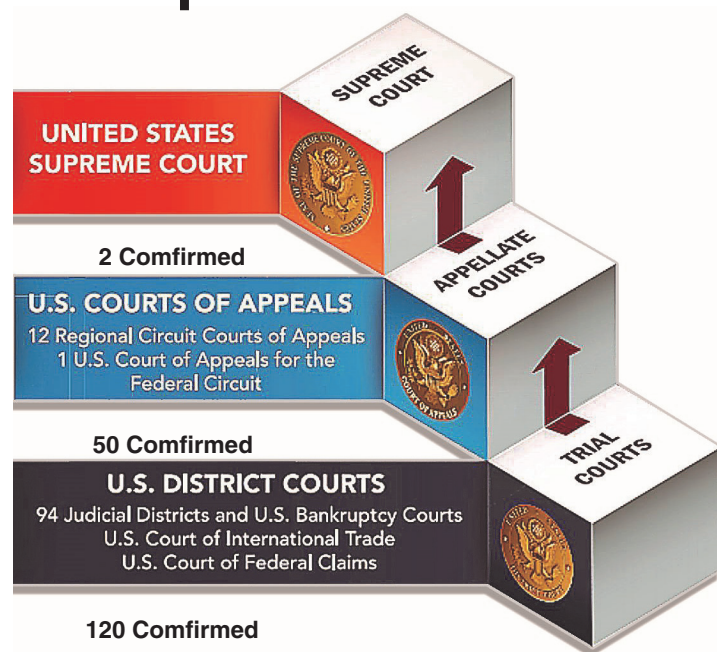
She received her first camera in high school and fell in love. After college, she searched for a creative outlet and became captivated by blogging.

Chelsey doesn't just take photographs of the engagement, wedding preparation, wedding ceremony, and reception. Her blog, an important part of her business, shares a story of each couple with photographs and words. She may tell the story of how the couple met, a touching moment at the ceremony, or another positive story that celebrates the marriage.

She just wants the simple freedom to promote and celebrate marriages according to her faith, just as those Louisville photographers promoting and celebrating same-sex marriages do.

More Trump confirmations

Many are pleased as President Trump is adding new judges to the federal judiciary at a record pace. In early October, the count totalled 148. Now, in late December, the count has risen to 172.



It's "hands off" Hands On

On Oct. 31, the Kentucky Supreme Court ruled against the Lexington Human Rights Commission's multi-year attempt to punish Blaine Adamson. The owner of Hands On Originals had simply refused to print messages on shirts that violated his religious beliefs, by promoting the 2012 Lexington Pride Festival.

The Court unanimously agreed with Alliance Defending Freedom (ADF) attorneys representing Adamson; the Gay and Lesbian Services Organization had no legal right to sue Hands On Originals.

"Today's decision makes clear that this case never should have happened. For more than seven years, government officials used this case to turn Blaine's life upside down, even though we told them from the beginning that the lawsuit didn't comply with the city's own legal requirements," said ADF Senior Counsel Jim Campbell.

Justice David Buckingham wrote an unopposed concurring opinion recognizing the First Amendment right to decline printing messages that violate one's faith, echoing the opinions of both lower courts.



Opinion: The gambling industry ALWAYS takes more than it gives! Gambling is just BAD POLICY!!!

More gambling? It's too big a gamble

As Kentucky prepares for another General Assembly session, the issue of gambling is raising its ugly head once again.

The issue has come before state lawmakers again and again, always with predictions that this time gambling legislation will be passed. It's sort of like gambling itself: there's always the promise of a big pay-off that never seems to happen.

The issue of casino gambling has loomed before every General Assembly for the past twenty-five years. Will it pass this time? Not if history is any guide.

This year's version of the gambling drama will feature, in the starring role, sports wagering. Expanded gambling proponents seem to think that somehow sports wagering is going to be different from the various other proposals that have flitted on to the political screen, only to disappear into obscurity when lawmakers wisely decide that they don't want to exploit the people who elected them.

Sports wagering will be a particularly hard sell for some people because it makes an easy target of those least able to afford losing money.

There have been gambling bills that got past one chamber, but never one that made to the floors of both the State House and Senate. There have been various reasons for this. One is that the different factions on the pro-gambling side have a hard time agreeing how to split up the money.

You've seen it in thousand old movies: the crooks pour the money on the table, rub their hands, and then start fighting over who gets what. It usually doesn't end well.

Another reason has to do with Kentucky's Constitution, which only permits three kinds of gambling: pari-mutuel horse betting, charitable gaming, and the Lottery. The casino industry has tried two different strategies to get around the Constitution prohibitions. The first is to try amend it. The second is to try to ignore it.

Both approaches have failed repeatedly. Lawmakers don't like the idea of amending the Constitution to favor particular business interests, and ignoring the Constitution altogether troubles the consciences of even the most brazen political partisan.

This year, sports wagering advocates seem to be going with the second failed



It's sort of like gambling itself: there's always the promise of a big pay-off that never seems to happen.

strategy: ignoring the Constitution.

In doing so, they will be able to gain inspiration from the slot parlors that have cropped up in several places in the state where so-called "historic racing" machines have been installed. Historic racing machines started out featuring a video of a sometimes decades-old anonymous horse race and allowed the bettor to bet on the horses.

The Kentucky Horse Racing Commission, whose job is to police the world of horse races, approved the games, actually arguing that betting on decades-old horse races constituted "live racing."

Of course, it isn't legitimate pari-mutuel wagering, but at least to pretends to be. But then the machines dropped the videos and started using cartoons of horses racing, and now they don't even bother with that and are almost indistinguishable from a regular slot machine. In fact, the media has given up altogether, and now just calls them "slots."

The Racing Commission, which has turned a blind eye to the Constitution, is ready and willing to be fooled, has continued to go along with the charade.

Part of the sports wagering plan could be to legalize the current "historic racing" slot parlors by making the definition of sports wagering so broad as to include historic racing machines. Of course, such a definition would, in fact, be so broad as to include any kind of casino gambling.

After all, if they can get around the constitutional restriction on casino gambling by putting some pictures of horses on a slot machine, then what prevents them from doing the same with every other casino game?

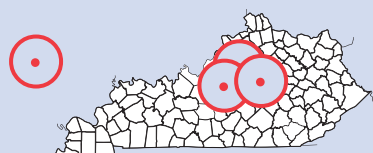
It can't be blackjack if there are images of horses on the cards! And roulette? How can it be roulette if it the wheel has a picture of Secretariat on it?

And there's another twist. The Kentucky Supreme Court could hear oral arguments during the General Assembly session in the case pitting The Family Foundation against the Racing Commission and horse tracks on the issue of the legality of historic racing.

Whatever its ruling, one would hope there are enough honest lawmakers who respect the Constitution and have the courage to send the gambling industry packing once again.



Martin Cothran is the senior policy analyst for The Family Foundation



Love and Lordship

Lexington, Feb. 4 - March 31

Love & Lordship Series - Greg Williams

Blackburn Correctional Facility (Tues afternoons)
3111 Spurr Road, Lexington, KY 40511

St. Louis, Feb. 15

Love & Lordship Conference - Greg Williams

West County Assembly of God
3431 N. Outer 40 Road, Town and Country, MO 63017

Chaplin, Feb. 4 - March 31

Love & Lordship Series - Greg Williams

Isaiah House (Tues afternoons)
100 Broadway Street, Chaplin, KY 40012

Love and Lordship online

Find us @loveandlordship - "Like" us & share w/others
On Facebook "**Love & Lordship LIVE**" Thursdays, 3 pm ET
Subscribe to our weekly newsletter at new website below

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

You were placed in Kentucky for a purpose — THIS is part of it!

YOU make the difference!

In fact, **YOU ARE THE DIFFERENCE!**

I cannot convey sufficiently the depth of the reality that your legislators will listen to you and your neighbors more than anyone else. Yes, I serve in Frankfort face-to-face with your legislators and other legislators from across the state. I can give them facts and figures and various arguments as to why one bill should pass and another should be “killed” . . . but it is **YOU** that they will listen to.

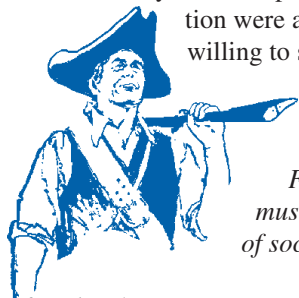


Kent Ostrander is the executive director of The Family Foundation

Why? Because it is you (and your friends) that will send them back (or *NOT* send them back) to Frankfort . . . It's not me, or any other lobbyist that has the place to do that. It is **YOU!** . . . *and they know it!*

YOU are the salt of the earth . . . but we must recognize that Jesus also said that salt is worth nothing more than to be thrown out and trampled underfoot when it doesn't release its “flavor” (Matt. 5:13) “*All it takes for evil to triumph is for good men to do nothing*” is Edmund Burke's translation of Jesus' statement. In essence, all it takes for evil to rise is for the salt to lose its saltiness . . . to sit still, to not care and to be quiet.

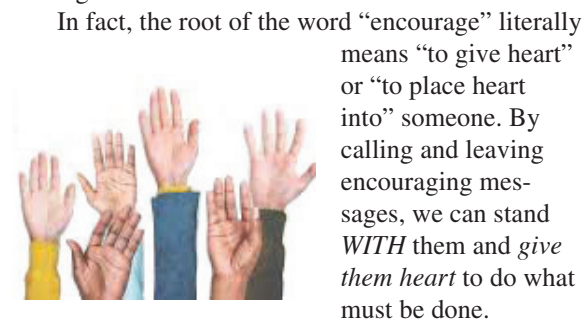
America was built by those who stepped forward and volunteered. It is important to know that only about 10 percent of the Americans at the time of the American Revolution were actually *FOR* independence. Yet those 10 percent were willing to sacrifice significantly to attain their desired and noble goal.



Consider this statement I made in our last *CITIZEN* that went out in October: “*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.*”

That statement is now — *after the election* — even more true: Little did I know that our pro-life governor would *NOT* be re-elected.

Now that our former Governor cannot do it . . . it's up to you and me. **WE . . . TOGETHER** must rise and speak clearly and kindly, but also uncompromisingly to those who represent us in the General Assembly. We can “give heart” to our legislators to stand strong and lead in the midst of pressures coming at them from all directions.



In fact, the root of the word “encourage” literally means “to give heart” or “to place heart into” someone. By calling and leaving encouraging messages, we can stand **WITH** them and *give them heart* to do what must be done.

Consider this passage: “*Your people will volunteer freely in the day of Your power . . .*” (Ps. 110:3)

It's even better with more context: “*The Lord says to my Lord: ‘Sit at My right hand until I make Your enemies a footstool for Your feet.’ The Lord will stretch forth Your strong scepter from Zion, saying, ‘Rule in the midst of Your enemies.’ Your people will volunteer freely in the day of Your power . . .*” (Ps. 110:1-3)

Here's **THE** question: Are we each willing to volunteer freely *at this time* — at a time

The Kentucky CITIZEN

Executive Editor *Kent Ostrander*

Contributing Editors

*Martin Cothran Baxter Boyd
Joyce Ostrander Cole Cuzick
Michael Johnson Greg Williams
David Moreland*

The Kentucky Citizen is published by The Family Foundation, a Kentucky nonprofit educational organization that works in the public policy arena on behalf of the family and the values that make families strong.

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

Non-Profit Org.
U. S. Postage
Paid
Lexington, KY
Permit No. 555

when His power *could* be manifest? Can we *each* do “a little”?

As for me and my house, I (we) will do all we can. Particularly, as the entire nation continues to slide into a godless value system, **NOW** is the time to have a “well-churched”

Please join with us in two ways:

First, (and most important) volunteer to share quantities of the Special 2020 Assembly CITIZEN with your church (in late January).

Second, (important) kindly give (so we can afford to print the above-mentioned CITIZEN, and do other tasks.) All gifts are tax deductible.

To Volunteer, call or email:

(859)255-5400

kent@kentuckyfamily.org

To Give, mail or go online to:

The Family Foundation

P.O. Box 911111

Lexington, KY 40591

kentuckyfamily.org

state put a stake down and move to turn the nation back toward God and God's ways.

Please volunteer to help in your church. (*See box above.*)

And if you can, and if you want to, give to our support as the year ends and the new year and the General Assembly begins . . . *we can use all the help we can get!*

Kt