

# The Kentucky CITIZEN

STRENGTHENING FAMILIES AND THE VALUES THAT MAKE FAMILIES STRONG

Vol. XXI No. 4

July/August 2012

## Time to be salt and light: “If ever the state and country needed the church, it is now!”

*The 2012 election has America at a crossroads. The “salt of the earth” can make the difference by registering voters.*

“If ever the state and country needed the Church, it is now,” said Kent Ostrander, executive director of The Family Foundation. “With current economic issues, like deficit budgeting, massive government spending and record unemployment, as well as with social issues, like the attempt to re-define marriage and asking religious organizations to provide abortion insurance, our leaders need the wisdom of God — and people who seek God are most likely to have that wisdom.”

Clearly, the best way to enable the Church’s voice to be heard is to get attendees registered and voting on Nov. 6. To that end, The Family Foundation is once again doing its **Vote Kentucky** voter registration effort, mailing

registration kits to over 6,000 churches of various denominations, challenging them to do in-house voter registration drives.

“It only takes two minutes after a service to register to vote, and the volunteers who enable registration simply need a copier to replicate the materials we send out,” said Ostrander. “It is very simple.”

The Family Foundation has been doing its **Vote Kentucky** registration effort for several years now, but it is difficult to credit any particular organization with the recent increases of new registrants. In August through October of 2011, 22,118 new registrants signed up in Kentucky while in the same months in 2010 – the last

**“It only takes two minutes after a service to register to vote, and the volunteers who enable registration simply need a copier to replicate the materials we send out.”**

– Kent Ostrander  
The Family Foundation



## The Family Foundation wins Instant Racing at Appeals Court

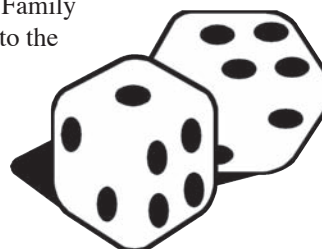
*Denied the right to “discovery,” The Family Foundation goes to court and triumphs.*

On June 15, a three-judge panel at the Kentucky Court of Appeals ruled 2-1 in The Family Foundation’s favor emphasizing that the constitutional right of discovery was vital to the Instant Racing case. The fact that the right was denied requires that the original decision be vacated and the case be tried all over again.

The bottom line is that everyone deserves their day in court,” said Kent Ostrander, executive director of the Family Foundation. “But we were denied ours when the lower court said we could not ask any questions regarding what the other side was presenting.”

The crux of the opinion read as follows: “We conclude that the request for

(continued on page 2)



federal election year – that number totalled 28,200.

“Christians are told that they should stay out of political arenas, but who better can make healthy and selfless decisions than a mature Christian believer who has been disciplined effectively?” said Ostrander.

Ostrander pointed to the history of how the prophet Samuel found and anointed David to be king over Israel. “Samuel didn’t make his own choice,” said Ostrander. “He made God’s choice. And history was different because of his act of faithfulness.”

All new voter registrations must be turned into the local county clerk’s office by Oct. 9 so The Family Foundation is encouraging churches to hold their own voter registration drive during September.

**To download the **Vote Kentucky** voter registration materials go to **[www.VoteKentucky.us](http://www.VoteKentucky.us)** or call 859-255-5400.**

# Denial of discovery forces retrial

continued from page 1

discovery by (The) Family Foundation was relevant and necessary to the court's determination and *that the court's denial of discovery constituted an abuse of discretion.*" [Emphasis added]

The victory was sweet after a series of uphill circumstances raised questions whether The Family Foundation was even going to have a chance to discover evidence, develop proof and cross-examine witnesses. Consider the fact that The Family Foundation attorney, Stan Cave, was denied discovery, was confronted with irregular court motions and regulatory decisions, and was pitted against 13 other attorneys.

The effort to use the state judiciary was engineered to expand gambling across the state after Gov. Beshear's legislative and special election tactics failed to legalize expanded gambling via the General Assembly. This new approach enabled the race tracks and the gambling interests to exert their influence in a whole new way.

The effort ultimately enticed a Department, a Commission and two Cabinets of the State Government to join with eight race tracks to attempt an unprecedented expansion of gambling using a contrived court case where

the participants actually sued themselves in what is called an "agreed case."

The Family Foundation petitioned the court for entrance into the case and was granted such, but was then told that no discovery would be allowed. In other words, no questions could be asked of those who initiated the

case. It was this denial of due process that was the backbone of the decision overturning the circuit court's actions.

Well prepared, Cave argued the case before the panel on April 25 without notes, speaking about the facts of the case and responding to questions by the three judges. Those present recognized that he had won the day when the

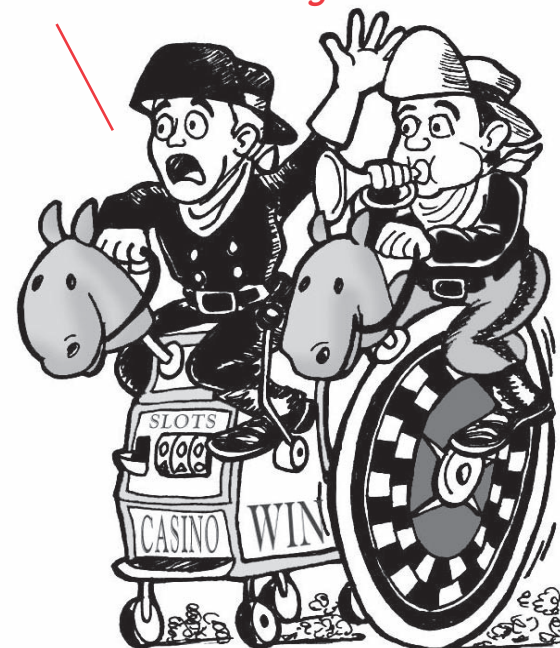
other side, using three different attorneys stumbled through their presentations, flipped through pages of notes and, on occasion, contradicted one another.

The court's decision was released 51 days later fully affirming Cave's argument that The Family Foundation had indeed been denied the right to inquire and question the gambling proponents' assertions.

Scheduling the new hearing in the Franklin Circuit Court has been delayed because on July 17 the gambling proponents moved the Kentucky Supreme Court to review the holding of

the Court of Appeals. (See related stories below and on page 8.) The Family Foundation must respond to their motion for review before the Supreme Court decides whether to take the case, or allow the Court of Appeals decision permitting discovery, questioning and a retrial to stand.

*You mean this  
ISN'T horse racing???*



## With their Court of Appeals loss, gambling forces are now grasping for the KY Supreme Court

*Rather than fully retry the case as the Court of Appeals mandated, they are appealing the case to the state's highest court.*

"No one can refute that we were denied our day in court when we were forbidden to ask questions in the Franklin Circuit Court," said Martin Cothran, senior policy analyst for The Family Foundation. His remarks came on July 16 after the Beshear administration and the horse racing tracks, stung by an appeals court ruling that did not go their way, filed a motion to bring the issue before the Kentucky Supreme Court. (See related stories on pages 1 and 8)

"We would be stunned if the Supreme Court accepts review when, as the appellate court agreed, it is so clear that our basic constitutional due process rights were denied," said Cothran.

The Franklin Circuit Court's ruling was vacated on June 15 by the Kentucky Court of Appeals and the case was remanded back to the trial court. On Monday, July 16, the last day that an appeal of the June 15 ruling could be filed, the Kentucky Horse Racing Commission, Kentucky Department of Revenue, and Kentucky's eight race tracks all filed briefs asking the Kentucky Supreme Court to review the case.

"In April of 2011, the Supreme Court unanimously denied a nearly identical request by the same parties," said Cothran. "Nothing has changed. There is no reason for the Supreme Court to change its mind."

Stan Cave, The Family Foundation's attorney, has argued from the beginning of the case that "Instant Racing" is neither "horse racing" nor "pari-mutuel wagering" as is statutorily



required. The Instant Racing gaming scheme raised more questions than there were answers, however. It was on that basis that the Court of Appeals concluded "... that the request for discovery by (The) Family Foundation was relevant and necessary to the court's determination and that the court's denial of discovery constituted an abuse of discretion."

The public agencies and the race tracks are now petitioning the Supreme Court to try to prevent The Family Foundation from asking questions, reviewing documents and cross-examining witnesses – rights guaranteed to all litigants.

"After an 18-month court battle before the Court of Appeals decision, we were looking forward to a complete trial with all the facts on the table through the discovery process," said Cothran. "It looks that they don't want that, and it makes me wonder what they want to keep hidden."

Another looming question that the case raises is "How can government agencies tasked with regulating the race tracks allow themselves to become instruments of the ones they regulate?" This and other paradoxical questions will be answered if the case goes back to the trial court. If the Supreme Court accepts review, questions such as these may never be answered.

The Foundation will file its brief in opposition to the high court review by Aug. 15. Court watchers expect the Supreme Court to rule on the motion to review this Fall.

# Facts about Kentucky's Nov. 6 election

*Sometimes taking a step back and seeing the "Big Picture" helps one's determination to vote intelligently.*

**The U.S. Senate:** The Senate elects one third of its members every two years so all members are open to challenge in a six-year span. This year, Kentucky's two U.S. Senatorial seats, held by Mitch McConnell and Rand Paul, are not up for challenge. Both are Republican. The Senate is currently made up of 51 Democrats, 47 Republicans and two Independents.

**The U.S. House:** All of Kentucky's six Congressional Districts have challengers in 2012. Currently there are four Republican Congressmen: District 1 - Rep. Ed Whitfield, District 2 - Rep. Brett Guthrie, District 4 - Rep. Geoff Davis (retiring and thus leaving an open seat) and District 5 - Rep. Hal Rogers. District 3 is held by Rep. John Yarmuth and District 6 is held by Ben Chandler, both Democrats. The Chamber is currently made up of 242 Republicans and 193 Democrats.



**Critical issues** for the Congressional races are similar to those that have emerged at the Presidential level. These include Obamacare health care reform, excessive government spending, excessive government debt and same-sex marriage.

**The State Senate:** The 38-member Senate elects one half of its members every two years so all members are open to challenge in a four-year span. Of the 19 available seats, eight have races this Fall, with two of those being open seats (the incumbent senators are not seeking re-election). The State Senate is currently made up of 22 Republicans, 15 Democrats and one Independent.

**The State House of Representatives:** The House elects all of its members every two years. With 100 members in the House, ALL 100 seats could be challenged this Fall. In fact, 47 seats are being challenged with 52 incumbents running unopposed. (There is one new representative who won an open seat in the primary and is unopposed for the Fall.) The State House is currently made up of 59 Democrats and 41 Republicans.

**Critical issues** for the State House and State Senate races include, like the federal contests, excessive government spending and excessive government debt, some of which is in the form of bonding or state worker pensions since the budget must be balanced each year. Expansion of gambling is an important issue, especially because the Republican-controlled Senate has been perceived as the entity that kills gambling expansion. On the other hand, the sanctity of life is a critical issue in the House since the Senate has sent pro-life bills to the Democrat-controlled House for eight straight years with none being voted upon on the floor of the House.

## Kentucky Candidate Information Survey online Oct. 1

*Citizens need only to download their specific races of interest and copy them for their church, organization or neighbors.*

The Kentucky Candidate Information Survey (KCIS) will be available once again to provide Kentucky citizens with reliable information on where the candidates stand on various issues. This Fall 2012 edition will include information on all contested congressional and state legislative races within Kentucky.

Sarah Roof, KCIS project coordinator, is encouraged by the opportunity the survey allows both candidates and voters. "We use the survey as a tool to assist candidates in getting their message out in their own words and as an effective resource to educate voters," said Roof. "Without doubt, it's important for Kentuckians to know where the candidates stand so they can make an informed decision when they head to the polls on Tuesday, Nov. 6."

"This is one of the most valuable tools voters have to be able to determine what candidates really believe," wrote one incumbent. "Obviously, the other key for voters to consider is how well elected officials 'walk the walk' instead of merely 'talking the talk.'"

The KCIS is a non-partisan, educational project. It will be made available for use by community newspapers and posted at [www.votekentucky.us](http://www.votekentucky.us) after Oct. 1. Citizens are encouraged to visit the website and download survey responses, which can then be distributed to friends, co-workers, relatives and fellow church members. Other voter resources are also available, including sample ballots and voter registration cards.

**"This is one of the most valuable tools voters have to be able to determine what candidates really believe."**

*— an incumbent legislator*

"We've set up the website to be a one-stop resource for citizens to get the voter materials they need," said Roof.

To get information about the candidates *in their own words*, after Oct. 1, go to:



**Kentucky  
Candidate  
Information  
Survey**

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

*If you do not have access to the Internet,  
call or email us and we'll mail you the templates:*

**[tffky@mis.net](mailto:tffky@mis.net) or (859) 255-5400**

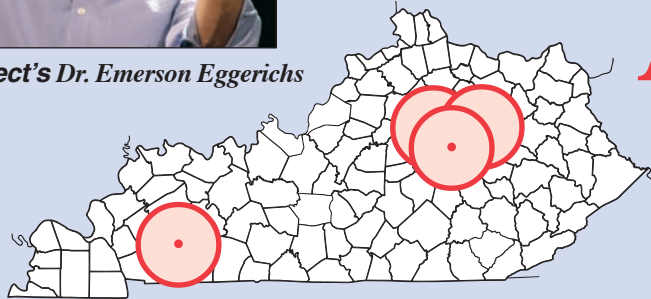




Love & Respect's Dr. Emerson Eggerichs



Love & Respect's Sarah Eggerichs



# *The Kentucky Marriage Movement*

*Various regional events listed below*

## **Central Kentucky, Aug. 17-18**

Love and Respect video conference - The Eggerichs  
Church of the Savior  
1301 Brannon Road, Nicholasville, KY 40356

## **Lexington, Sept. 21-22**

Love and Respect video conference - The Eggerichs  
Consolidated Baptist Church  
1625 Russell Cave Road, Lexington, KY 40505

## **Hopkinsville, Oct. 19-20**

Love and Respect video conference - The Eggerichs  
Hillcrest Baptist Church  
920 Skyline Drive, Hopkinsville, KY 42240

## **Lexington, Nov. 9-10**

Love and Respect video conference - The Eggerichs  
CenterPointe Christian Church  
865 Greendale Road, Lexington, KY 40511

*In addition, churches in Owensboro, Corbin, Lexington, Russellville, Cynthiana, Elizabethtown, and Northern Kentucky are also considering conferences.*

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

## **CHOOSE LIFE**

### **Kentucky license plates**

*"We can all give a little"*

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

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

***THIS is the unbridled, PRO-LIFE SPIRIT in Kentucky!***



# Select Gender — “Male, Female, Other”

*The subtle normalization of things other than male or female will have very serious consequences in future generations.*

Have you recently taken a survey and seen something like this?

**Gender** (Choose one): Male ☐ Female ☐ Other ☐

Kent Ostrander, executive director of The Family Foundation, was recently signing up for an online service and was presented with this very “dilemma.” What does it mean? Is it harmless, catering to a disgruntled group of people? Is it pandering to the educational, media and government elite? Or is it much more?

While it has been in the works for quite some time, gender selection, gender identity disorder and other “gender bending and blending” confusion has crossed over in recent years from the fringe to the mainstream. It has always been a part of the ultimate goal of the “free sex” ideology and its ill-conceived and destructive agenda.

For some this may sound like a bad Sci-Fi movie. Others have no idea what is being talked about. Still, others have ignored it, hoping it would go away. Unfortunately, the latter strategy has far too often been the ineffective response of the Church on this and many similar relationship/sexuality issues . . . promiscuity, divorce, abortion, contraception, cohabitation, homosexuality, polygamy and on and on. As is the case in each of these, when we ignore truth, we end up paying a tremendous price and ultimately becoming more like the culture than influencing it. And, so it is with Gender Identity Disorder.

Why the fuss? “Other” in the above-mentioned self-identification may sound innocuous and innocent as a third alternative, but that is exactly the intent. Think for a moment of all the possibilities that it opens up apart from God’s clear design in Creation for gender – “God created man in His own image, in the image of God He created him; male and female He created them” (Genesis 1:27). It also swings the door

wide open to distort at best and, ignore at worst, His purpose for creating such distinct genders: “For this reason a man shall leave his father and his mother, and be joined to his wife, and they shall become one flesh” (Genesis 2:24). Jesus goes a step further in His own words recorded in Matthew 19:4-6, “What therefore God has joined together, let no man separate.”

It’s about God, the Creator, giving us creativity as human beings—actually He gives us *pro-creativity*. He gives us the power to co-author *LIFE*! This is all about God expressing Himself fully by creating two genders, specifically and exclusively and it’s about those two coming together for the purpose of producing life and bonding together in a sacrificial, other-centered love. *THIS* exemplifies WHO God is and why relationships and communities are so important to us. Adherence to His ways separates us from the chaos that otherwise ensues when we ignore or remove Him from the equation.

When we choose to step outside God’s design in Creation and define gender based on our preferences, pleasures or desires as pushed by today’s postmodern academia, media and government, we have put ourselves in the place of God.



**Greg Williams is Director of Marriage Outreach for The Family Foundation**

*Ag*

## “Scout’s Honor” – Something you can trust

*With recent leadership in our state and federal governments as it is, shouldn’t we just elect scouts (who follow their oath)?*

Rejecting cultural trends, the Boy Scouts of America (BSA) courageously announced they would retain their 102-year-old policy of barring open and practicing homosexuals from their ranks.

Their re-stated policy reads: “While the BSA does not proactively inquire about the sexual orientation of employees, volunteers, or members, we do not grant membership to individuals who are open or avowed homosexuals or who engage in behavior that would become a distraction to the mission of the BSA.”

The announcement comes after a two-year examination of the policy. Continued pressure and lobbying from outside interest groups and homosexual activists attempted to force the organization to allow practicing homosexuals into their membership rolls.

BSA’s re-affirmation of their policy has been met with swift denunciation by many gay rights groups. *The New York Times* contributed to the misinformation by stating in the title of an article that the BSA will “Continue Excluding Gay People.”

“The Boy Scouts of America is one of the last cultural institutions to have discrimination as part of their policy,” said Richard Ferraro to *The New York Times*. Ferraro is vice president for communications with the Gay and Lesbian Alliance Against Defamation (GLAAD).

Ferraro intensified his critique, alleging that policies like those adopted by the Boy Scouts “contribute to bullying in schools.”

The membership policy noticeably omits same-sex attraction as a qualifying factor for membership. It focuses, instead, on individuals who are promoting or practicing homosexuality. The policy ostensibly reads that one can have homo-

sexual inclination or attraction and still be a member in good standing.

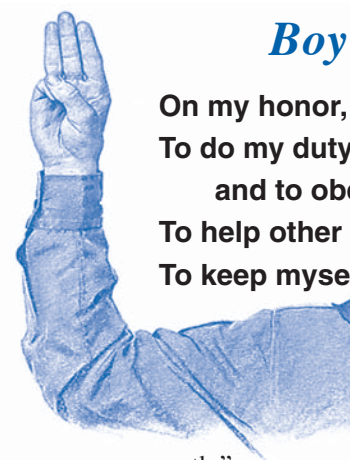
“The committee’s work and conclusion is that this policy reflects the beliefs and perspectives of the BSA’s members, thereby allowing Scouting to remain focused on its mission

and the work it is doing to serve more youth,”

according to a statement released by the Executive Committee of the Boy Scouts.

The policy ends stating, “The BSA is a voluntary, private organization that sets policies that are best for the organization. The BSA welcomes all who share its beliefs but does not criticize or condemn those who wish to follow a different path.”

In 2000, the Supreme Court upheld the Boy Scouts’ right to remove practicing homosexuals in a 5-4 decision. The court stated that as a private organization, the Boy Scouts were entitled to set the limits and boundaries on membership according to the organization’s values.



### *Boy Scout Oath*

**On my honor, I will do my best  
To do my duty to God and my country  
and to obey the Scout Law;  
To help other people at all times;  
To keep myself physically strong,  
mentally awake and  
morally straight.**



# Book sets straight the military's record of faith

*"Endowed by Their Creator" is a treasure of the American military's history of prayer that challenges today's evolving policies.*

In 2001, Colonel Ronald D. Ray, USMCR, collaborated with First Principles Press (FPP) and the Naval Aviation Foundation to defend the right of cadets to pray at the Virginia Military Institute (VMI). In an *en banc* hearing before the Fourth Circuit Court of Appeals in Richmond, Virginia the decision to support mealtime prayers at VMI deadlocked 6-6. The case went on to the U.S. Supreme Court, which declined to hear the case formally, but issued a remarkable and very unusual opinion that concluded by declaring "there was no injunction blocking prayer at the Virginia Military Institute."

Col. Ray, a Vietnam combat veteran, spent 34 years as a Marine officer and also served as a Defense official and lawyer. He spent 10 years collecting American military prayer books from as early as 1643. Building upon the VMI case, he

uncovered 74 military prayer books. These official American military prayer books had been distributed to U.S. forces largely during times of war and national crisis, with a significant majority of the prayers concluding in Jesus' name. Out of this extensive research, Col. Ray created a case for the "Military Necessity" of prayer entitled, *"Endowed by Their Creator":*

*A Collection of Historic American Military Prayers 1774-Present.* The book recounts the history of Christian prayer in the American military and includes 280

uniquely American prayers drawn from military prayer books and hymnals.

"Prayer is under attack in the military

institution," said Col. Ray of Crestwood, KY. "I did this research not as a man of the church, but as a military historian and a lawyer to make the case for the 'Military Necessity' of prayer, because there are 'no atheists in foxholes.'"

In his research, Col. Ray discovered that over 70 percent of those serving today in the U.S. military self-identify as

Christians, yet their Chaplains are threatened and discouraged from praying in the name of their God and Jesus Christ.

"Leaders are officially prohibited from leading their troops in prayer," said Col. Ray, "even in battle in this, One Nation Under God."

This collection of military history and prayers is the case for preserving the right of leaders and chaplains to pray. FPP has received emails from grateful soldiers in combat zones where anyone of any rank

**"For the military to lose or ignore the 'religious fervor of the soul' is done at great peril."**

— Colonel Ronald D. Ray  
USMCR

or station has the opportunity to draw from *Endowed By Their Creator*, a prayer associated with an historic occasion or prayed by an historic figure. These have led our troops, as General Patton commanded, "to pray as well as to fight."

As the voices of presidents and military heroes recorded in this book have continuously maintained, America and her fighting forces must not lose touch with our nation's understanding of the "Creator" named in the Declaration of Independence and His broad and great endowment of Divine Providence for our "One Nation under God."

"For the military to lose or ignore the 'religious fervor of the soul' is done at great peril," said Col. Ray.



**Many are sending this book to friends in the military, and churches are sending them to members who are currently serving. To order visit: [www.firstprinciplespress.org](http://www.firstprinciplespress.org)**

## KY Memorial for the Unborn dedication on Nov. 3

*This Memorial honors the sanctity of life of all unborn children, yet specifically memorializes those lost to Kentucky women.*

On Nov. 3, a dream that began seven years ago will become a reality when a sacred place for Kentucky families to memorialize their children lost to miscarriage, stillbirth and abortion will finally be available – the Kentucky Memorial for the Unborn.

The journey for this project began when Kathy Rutledge, who had lost one child due to abortion and another due to miscarriage, wanted to buy cemetery plots for her unborn children. But none of the local cemeteries in Central Kentucky would permit her to do so. Realizing that there was no place to memorialize unborn children, she began a mission to build the Kentucky Memorial for the Unborn.

Just as cemeteries serve as respites where family members can visit the resting place of their lost loved one, the Memorial will provide a similar comfort for those who have lost unborn, often unnamed, children. It will also aid in healing the grief that accompanies such a loss. A woman who regrets her abortion can find solace in recognizing a child that was once unwanted but is now given a place like any other human being whose life has ended.

Similarly, a woman who suffered a miscarriage or a stillbirth can be reassured that her child will not be forgotten. As the mothers of these children, these women are uniquely connected to them. The Memorial will provide a way for the family members

of the lost child to more fully share in that connection in a tangible way.

The Memorial is located in the Frankfort Cemetery overlooking the Kentucky River and State Capitol near Daniel Boone's burial site.



**The seven-year effort to build the Kentucky Memorial for the Unborn will conclude with the Nov. 3 ribbon-cutting.**

Along with the granite wall containing the inscriptions honoring unborn children, the site features a life-size bronze statue of Rachel, the woman in the Bible who was "weeping for her children" (Jeremiah 31).

**To make inscription requests, call (859) 255-2000. For more information, go to [www.kymemorialfortheunborn.org](http://www.kymemorialfortheunborn.org).**

# U of L President Ramsey trashes Chick-fil-A

*Should the leadership of state-funded colleges be in the business of damaging businesses owned by those with whom they disagree?*

Following the national media controversy surrounding Chick-fil-A, University of Louisville President James Ramsey and school Provost Shirley Willihnganz joined the chorus of officials condemning the statements of Chick-fil-A owners, Truett Cathy and Dan Cathy, following their remarks in support of traditional marriage.

President Ramsey released a statement Friday, July 27, after an online petition started by UofL students had reached the attention of university officials. In the statement, school officials enjoined themselves to the controversy stating:

*"This university has been consistently supportive of our LGBT community, and like them, we find the statement made by Chick-fil-A's president to be offensive and unnecessary. Those statements violate every stand that we have taken to protect the rights and affirm the value of every person. Those comments explicitly work against the efforts we have made, and will continue to make, to ensure that this is a welcoming and tolerant campus."*

*"We are currently in conversation with our food vendor service, Sodexo, to understand the contractual arrangements Sodexo has with Chick-fil-A as well as the larger implications of any actions. We will inform you of decisions once we have weighed all of the facts and our potential courses of action. But, in the meantime, the president and the provost will not be eating at Chick-fil-A anytime soon."*

The statement made an ostensible reference to the university's desire to perhaps remove Chick-fil-A from campus following the media dust-up and a personal commitment to boycott Chick-fil-A.

In a statement released by The Family Foundation, senior analyst Martin Cothran criticized Ramsey's statements, deeming them politically opportunistic. "We don't need people running our universities who think they can use their positions to pursue their own personal, special-interest political agendas," said Cothran.

Cothran criticized the University for fashioning itself as a school for Kentuckians, but then criticizing those who help fund the university. "If James Ramsey and U of L



have no use for a private business that supports traditional marriage," said Cothran, "then they have no business asking for funds from taxpayers in a state whose voters approved, by a 75 percent margin, a 2004 constitutional amendment saying virtually the same thing."

After a slew of media articles about the controversy ignited by a Family Foundation press release,

the *Louisville Courier-Journal's* editorial board responded to university officials, denouncing their actions. Their editorial stated,

*"U of L instead should point out the obvious: It is an institution of higher learning which is based on free exchange of ideas under the First Amendment. If students don't like the opinions of Chick-fil-A executives, they are free to refuse to patronize the restaurant. Really — there's a lot more to eat out there than chicken nuggets and waffle fries."*

Cothran rounded out his criticism of university officials for their hypocrisy on free speech: "Maybe it's good that U of L leadership has come out of the closet about their contempt for the views of a majority of Kentuckians, but to even consider using their positions to persecute individuals or organizations they personally disagree with is simply Orwellian — divergence from the party line on social issues is considered a Thought Crime."

"That the university is even considering kicking Chick-fil-A off campus is a measure of just how intolerant the Tolerance Police who now run such institutions have become," Cothran added. "If there was any doubt before that the university's rhetoric on tolerance and diversity was empty, it has now been removed."

**"We don't need people running our universities who think they can use their positions to pursue their own personal, special-interest political agendas."**

— Martin Cothran  
*The Family Foundation*

## Evolution to be taught and tested as fact

*The Theory of Evolution is exactly that — a theory. Therefore, Kentucky public schools should teach it and test it as such, NOT as fact.*

When Ricky Line, a Western Kentucky superintendent, discovered that new testing standards considered by the state of Kentucky would increase the emphasis on evolution in state tests, he wrote a letter to State Commissioner of Education Terry Holliday. He probably didn't realize the controversy it would stir.

Line argued that new standards and test questions left out any kind of critical treatment of the evolutionary definition of macroevolution (that all modern complex life forms descended from earlier simple life forms), and simply assumed them as if there was no controversy.

"In the past, even in our school system, we've taught it as a theory of evolution, but it keeps coming as evolution and not the theory of evolution and that disturbs me," said Hart County Superintendent Ricky Line.

Commissioner Holliday responded later that evolution "will not be taught as fact in Kentucky schools," and that the end-of-course test is intended to show whether a student is ready for college. But Line has not been satisfied by some of the explanations the Department has given.

As it turns out, the problem may stem from a decision made by Kentucky's education leaders who recently signed on to an effort to set national standards called the

Common Core State Standards Initiative (CCSSI). The decision committed the

state to a set of standards, many of which had not even been written yet. The state has committed to including a certain percentage of these standards in its own state tests.

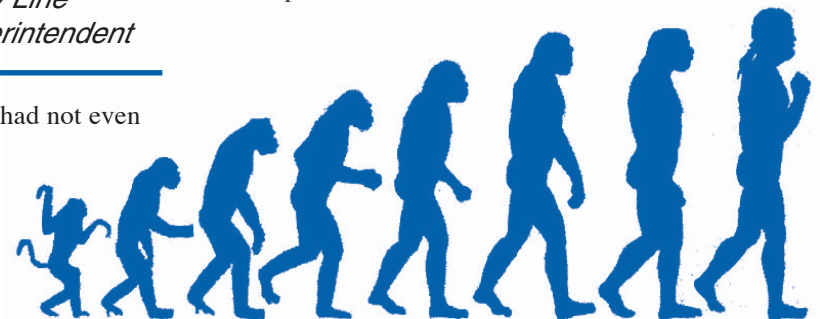
Martin Cothran, senior policy analyst of The Family Foundation, questioned the decision to commit the state to standards

**"... In the past, even in our school system, we've taught it as a 'theory of evolution,' but it keeps coming as 'evolution' ..."**

— Ricky Line  
*School Superintendent*

that no one had seen. "It would seem to me to be irresponsible to sign off on education standards that had not even been written yet," Cothran said. "It also seems as if the process was very light on any kind of parental involvement. This was a decision by the State School board which, unlike a regular state regulation, has no requirement that there be any public hearings."

"The problem we face now is that parents and teachers have no way of changing the standards at the state level. However you feel about issues like evolution, that is a problem," said Cothran.





*Opinion: WHO are they trying to convince? (Themselves?)*

# “Courting” foolishness

In the Instant Racing case now being argued in the Kentucky courts (*See related stories on pages 1 and 2.*), the Beshear administration and the Horse Racing Commission have been arguing that the videos of old horse races shown on Instant Racing slot machines are the legal equivalent of an actual horse race. The machines show videos, many of which involve horses who have long since died.

Live racing with dead horses. Go figure.

Late in 2010, lawyers for the horse racing industry managed to convince a trial court judge in Frankfort that this reasoning

actually made sense. It didn't hurt the state's case that the judge refused to let The Family Foundation ask any pre-trial questions, review any documents, develop any proof or inspect the machines in question.

After shutting down The Family Foundation in court, the case then headed for the Kentucky Court of Appeals. The horse racing industry then made a motion to bypass the Appeals Court altogether and



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

send the case directly to Kentucky Supreme Court. But the high court refused

the attempt in a unanimous decision.

When the Appeals Court ruled in mid-June of this year, it agreed with The

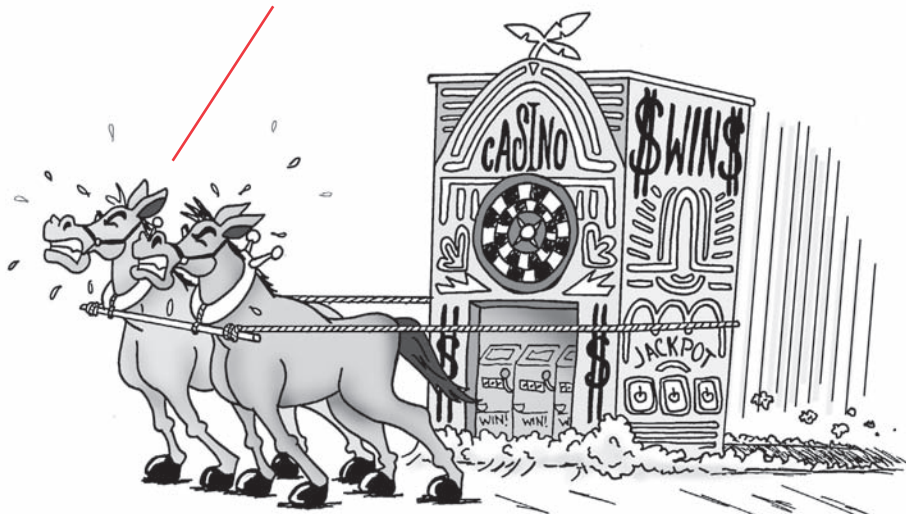
**What does it say about the case for Instant Racing that its advocates think they would have a better chance if the facts were hidden from view?**

Family Foundation that the facts needed to be heard, found that the trial court had “abused its discretion,” and sent the case back to the lower court in order to allow for questions to finally be asked.

So what did horse industry lawyers do? They filed another motion to move the case to the Kentucky Supreme Court. It seems that anything is preferable to putting the facts on the table.

What does it say about the case for

*Their motto is “Horses work for Kentucky,” but it feels more like “Horses work for casinos.”*



## The Kentucky CITIZEN

**Executive Editor**  
*Kent Ostrander*

**Editor**  
*Sarah Roof*

### Contributing Editors

*Martin Cothran*  
*Ivan Zabilka*

*Greg Williams*  
*Andrew Walker*  
*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: [tffky@mis.net](mailto:tffky@mis.net)**

**Web site: [www.kentuckyfamily.org](http://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

Instant Racing that its advocates think they would have a better chance if the facts were hidden from view?

So far, no court has even looked at an Instant Racing machine. The horse racing industry has never answered a single question from Instant Racing opponents. It has never been required to produce a single argument. Numerous motions have been filed, and the courts have yet to actually hear the facts of the case.

What is Instant Racing? Where are the horses in the videos? Are the horses in the video pictures alive or dead? Are patrons betting on dead horses or on electronic reels? How can new odds be calculated on a race that was completed years before? How can it be pari-mutuel wagering when the Instant Racing patent describes the wagering pool as a unique pool of one? How can patrons who are not betting on the same race affect the odds of the winner? Why did the Racing Commission not have any discussion of their regulations at their meeting? Clearly they have admitted there was doubt about their legality by taking the regulations to court for approval.

Oh, and why were four of the ten affidavits filed in this case about the

Racing Commission's actions sworn to and dated *BEFORE* the date the Racing Commission had even acted?

Can a court legitimately decide this case if these questions are never answered?

Stranger things have happened, but the Supreme Court is unlikely to be convinced that it should take a case in which no evidence has even been heard. It's kind of hard to make a decision when the merits of the case haven't been presented.

What will lawyers for the administration and the horse racing industry do if the Supreme Court rules against them again? When they go to make their argument that a video of a horse race is an actual horse race by sending a video of their lawyers instead of actual lawyers to argue their case in front of the judge?

Who thinks the judge will stand for that? Raise your hand.