

CITIZEN

STRENGTHENING FAMILIES AND THE VALUES THAT MAKE FAMILIES STRONG

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Kentuckians expect Nov. 2 elections to be a turning point for the state and entire nation

All of Kentucky's political observers expect spirited debate and closely contested races – especially for the State House and Senate.

It would be a gross understatement to say that the American electorate is engaged in 2010 like no other time in recent history. And Kentucky is no different than the rest of the nation. In fact, because Kentucky was strongly against the election of President Obama and was the first state to be declared for Sen. McCain in 2008, there is even a greater likelihood that Kentuckians will be out in force on Nov. 2.

But Obama is not up for election and each of the six Congressional incumbents are favored to win. So the attention is turning on the federal level to the U.S. Senate

seat where Rand Paul, a Tea Party favorite, and Attorney General Jack Conway are vying for Sen. Jim Bunning's seat, open due to his retirement. Because of Paul's fiscal conservatism and the outlandish spending in Washington, current polls have him leading that race.

But Kentucky will probably see the most interesting battles on the state level – for the State House and State Senate. In the House, over half of the 100 incumbents have drawn challengers (53), plus there are five open seats being contested.

Similarly, the State Senate has 19 seats up for

election this year, 13 of which have drawn challengers with two others open and contested.

“With all the challengers and with all the issues before the people of Kentucky this year, this election cycle should be a wonderful celebration of democracy,” said Kent Ostrander, executive director of The Family Foundation. “Everyone should get out and vote!”

The issues most hotly contested in Kentucky fall in two general categories: fiscal and social. Kentuckians are generally conservative on both fronts and have chafed at the spending, indebtedness and proposed taxes from Washington. They are also going to be focusing upon the candidates' views on abortion, which has not seen a bill pass the House in six years; on public decency, which has not seen a bill pass the House in ten years of attempts; and on gambling, which has been pushed repeatedly in the House.

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– Kent Ostrander
The Family Foundation



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Vote Kentucky! registration project deemed a success

The project ran for 45 days and reached over 10,000.

With all the excitement about the upcoming Nov. 2 elections, one of the most fundamental exercises could have been overlooked – getting people registered to vote. Recognizing this possibility, The Family Foundation initiated its **VOTE KENTUCKY! Voter Registration Project** on Aug. 15. Since that date almost 10,000 voter registration kits have been distributed across the state to individuals, nonprofits and churches in an effort to get people registered to vote. Though The Foundation itself does not have the where-with-all to register people in every county, its volunteers can and have.

Kentucky Candidate Information Survey now on-line

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

The 2010 edition of the *Kentucky Candidate Information Survey* is now available. As always, the information has been laid out in a nonprofit format, meeting the IRS standards for nonpartisan election information, so that churches and other groups can download the information and distribute it broadly. Those seeking information on the candidates *in their own words* can access it at www.votekentucky.us.

"We're counting on everyone to engage this election cycle and serve their friends," said Sarah Roof, the *Survey* coordinator. "It's too important an election for people not to be informed and involved."

For the first time in over 16 years of service, the *Kentucky Candidate Information Survey* (KCIS) will be distributed only from its on-line format because costs have continued to rise to the extent that the on-line dissemination is the only economically sound mode to get the information out.

"All anyone has to do is download the pertinent race information and then copy it," said Roof. "It really is simple."

Roof explained that as many as 300,000 of the KCIS used to be printed on newsprint and distributed throughout all 120 counties. "But that way there was a great deal of waste and redundancy," said Roof. "This way, only those who really want to make a difference will step up and use the information."

**"All anyone has to do is download
the pertinent race information
and then copy it."**

– Sarah Roof, KCIS Coordinator

Roof said there are 73 State House and Senate races being contested and that 69 had respondents, making it the most informative survey of the Kentucky election cycle.

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Election Analysis: Incumbents ousted, values critical

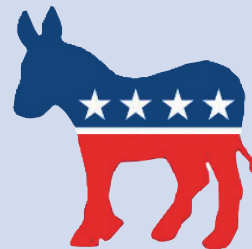
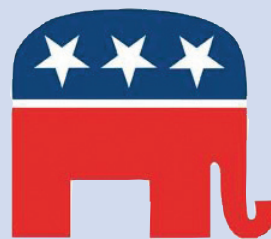
Primaries already showing that the citizenry have an unusual interest and an unusual passion to oust incumbents.

Incumbents rarely lose elections. It is even rarer when they lose in primary challenges. So when voters ousted a half-dozen Congressional incumbents in favor of more conservative candidates this primary season, it sent shockwaves through the D.C. political establishment. Perennial candidates like Arlen Specter (D-PA), Bob Bennett (R-UT) and Lisa Murkowski (R-AK) will not be on the Nov. 2 ballot and political analysts say several of their long-time colleagues may be sent packing as well.

Esteemed political scientist Larry Sabato told *U.S. News & World Report* that incumbents are in trouble this year. "... The economy appears rotten, with little chance of a substantial comeback by Nov. 2. Unemployment is very high, income growth sluggish, and public confidence quite low," Sabato said. "The Democrats' self-proclaimed 'Recovery Summer' has become a term of derision, and to most voters – fair or not – it seems that President Obama has over-promised and under-delivered."

Republicans are crowing about a Rasmussen poll conducted in September which showed that registered voters said they preferred Republican House candidates over Democrats by a margin of 51 percent to 41 percent in the upcoming November elections. Never in the history of the poll has voter sentiment been so strongly in favor of Republicans, who are campaigning primarily on jobs, the economy and fiscal responsibility. However, pro-family leaders are cautioning the Republican establishment to not neglect core values issues like life and marriage.

The latest shake-up of the establishment came after social and fiscal conserva-



tive Christine O'Donnell defeated nine-term former Congressman and Delaware Governor, Mike Castle, in the Delaware Republican Senate primary on Sept. 14. The conservative shift in the GOP was also evident in Alaska where Sen. Lisa Murkowski (R-AK) lost a close race to Joe Miller, a virtual unknown this summer. The major difference between the candidates was their stance on life. Murkowski

is pro-abortion. Miller is pro-life. With a parental consent measure on the ballot, pro-lifers came out in droves, passing the measure by 55 percent of the vote and also benefitting Miller.

Voter concern clearly extends beyond the economy. Tom Minnery, Senior Vice President of Government and Public Policy at Focus on the Family, analyzed the Alaska race. "Despite being outspent 4-to-1 by abortion advocates, Alaskans proved that they support life, both in terms of the ballot measure and the Senate race," Minnery said. "Issues like life, parental involvement and marriage are not liberal or conservative; they are just common sense."

Chuck Colson recently warned that political pragmatism that neglects a values component is dangerous. "If the Great Recession of 2008 has taught us anything, it's that you can't detach economic prosperity from moral issues," Colson said. "Greed, imprudent spending by individuals and by government, debt, all of these things brought our economy to where we are today...., our economic collapse is the result of our moral and ethical collapse."

Wise words to whichever party holds power after Nov. 2.

Eight race tracks and two state agencies ask court to expand gambling; TFF intervenes

The Family Foundation's lone attorney is taking on 13 attorneys representing the government and the gambling industry.

The Family Foundation attorney Stan Cave must have felt in need of a good sling when he had to face the work of not one, not two, not three, but 13 attorneys in a Sept. 20 hearing before a Franklin Circuit Court judge in the legal fight over a form of expanded gambling called “Instant Racing.” Cave stood toe-to-toe with some of the highest priced and prestigious lawyers to be had, most of whom had been hired by eight of the state’s horse racing tracks—the same ones that have been pleading poverty in recent years.

The Kentucky Horse Racing Commission, the Kentucky Department of Revenue, and eight of the state’s horse racing tracks petitioned the court for a “declaratory judgment” asking for a determination by the court that Instant Racing was legal. But The Family Foundation protested that the action essentially constituted a one-sided legal case, since the only parties to the case were those in favor of Instant Racing. The Foundation made a motion to allow it to enter the case, which the judge allowed.

At issue is a form of gambling that two state agencies and the state’s horse racing tracks portray as “pari-mutuel” wagering, a legal form of gambling that includes betting on horse races. But Cave argued that Instant Racing machines are nothing like pari-mutuel wagering and that the Beshear administration and the horse tracks have to completely re-define words in order to argue that they do.

In Instant Racing, bettors wager on videos of one of thousands of previously run horse races, each bettor

betting on whatever race happens to come up on his machine. According to Cave, state law defines “pari-mutuel” wagering as involving a live, future event. But since the races happened in the past, they cannot be considered pari-mutuel wagering.

Lawyers from the Department of Revenue who were drafting the regulations to allow Instant Racing even went so far as to redefine the term “live racing” to include videos of past races on the grounds that the race would “seem like live racing” to the bettors. “With a stable of accomplished lawyers, the vast resources of state government and eight race tracks,” said Cave, “proponents of video slot machines, which some refer to as Instant Racing, are to be given credit for creativity. Fortunately, inventiveness is not the standard.”

“Through betting on a video of a previously run horse race, a single wagerer could bet on a movie of the Seabiscuit-War Admiral match-up in 1938 at the Pimlico Race Course,” said Cave, “even though the race occurred 72 years ago and Seabiscuit died in 1947 and War Admiral in 1959. The wager is on a movie. The outcome is known. The race occurred in the past. Both horses are dead. There is no mutuel pool of wagers or wagerers. The wager is not made on a device before or during the race. The chance of winning is pre-determined.”

“They’re essentially arguing that we can have live racing with dead horses,” quipped The Family Foundation’s senior policy analyst Martin Cothran, “brought to you by the



Stan Cave, a Lexington attorney and former state representative, served the last three years of Gov. Fletcher’s administration as chief of staff and budget director.

Beshear administration.”

Despite the expensive, high-caliber legal talent the horse tracks brought to bear on the case, Cave left the courtroom on Sept. 20 with the army of lawyers huddled together, trying to figure out what to do next.

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TFF Legal Counsel

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The Family Foundation

“Instant Racing” video slots violate points of Kentucky law

- 1) ***It is not “pari-mutuel”:*** In fact, a player at one of these electronic video machines is likely “the only” wagerer betting on that one particular race.
- 2) ***It is not “live racing”:*** Betting on horse racing is circumscribed in law to be limited to live racing. How can a horse that has died run currently in a “live race”?
- 3) ***It is not a wager on a “future contingent event”:*** The bet is actually on a past race and the outcome is known.
- 4) ***A bet cannot be made before or during the race:*** Because by definition this is “Instant Racing” on *historical races*, it would be impossible to bet prior or during the race.
- 5) ***“Wagerer pools” are not used:*** Instead, contrary to law, various pools accumulate until another bettor, wagering on another race, wins.

“Live racing” with dead horses

There is good news for horse racing: euthanizing horses may no longer necessarily end their racing career. At least not if the Beshear administration has its way.

While it has always been thought that “live racing” involved living, breathing horses making a dash for the finish line, state bureaucrats are now arguing that “live racing” can actually involve dead horses.

In a brief filed by the Kentucky Department of Revenue lawyers with the Franklin Circuit Court, they argue that

current laws allowing them to collect taxes on “money wagered on live races at the track” can be interpreted to allow them to collect taxes on money wagered on slot-machine-like games called “Instant Racing.” Instant racing involves betting on the outcome of videos of old races, which include horses that long ago assumed room temperature.

We now go live, so to speak, to *Louisville Courier-Journal* reporter Greg Hall, who must have thought he had fallen down the rabbit hole when he read the Department’s brief. Filed in

early September, the brief asks the court to go along with its interpretation of the state’s pari-mutuel excise tax, which would allow it to tax Instant Racing revenues. Here are some of his remarks:

“The Department argues that state law does not define ‘live racing,’ and that all forms of gambling at tracks not specifically exempted by the legislature are covered by the tax.

“From the perspective of a wagerer, a historic horse race is very much ‘live’ – the wagerer does not know the outcome of the historical horse race in advance any more than a wagerer at a track knows the outcome of a race physically conducted at that track,” the eight-page brief says. “Consequently, in this context, ‘live’ simply means ‘being in play’ or ‘of continuing or current interest.’”

Now, since the Revenue Department’s lawyers apparently neglected to do it, I have taken the liberty of checking a dictionary for the definition of the word “live.” *The American Heritage Dictionary of the English Language* defines the adjective “live” as “living.” Imagine that.

As far as I can determine, no dictionary defines “live” as “pre-recorded many years ago and having no possible relation to anything actually going on now except if it involves a way for someone to make money.”

And “live” isn’t the only word with which the regulatory agencies have had their way in writing regulations to allow Instant Racing. In fact, what we seem to have here is a wholesale redefinition of words. According to The Family Foundation’s attorney, Stan Cave, the term “pari-mutuel” “is a contraction combining the French verb ‘parier,’ meaning ‘to wager,’ and the French word ‘mutuel,’ which may be translated as ‘between ourselves.’ . . . In wagering on previously run horse races, however, there is no ‘ourselves,’” since bets placed by different bettors never go into the same pool.

In other words, Instant Racing may be “pari,” but it ain’t “mutuel.”

But this is a French word. Maybe that’s the trouble. Current laws define “pari-mutual” wagering as betting on future, contingent events. “Future” meaning, roughly, the “future,” and not the past. “Contingent” meaning “not non-



Martin Cothran is the senior policy analyst for The Family Foundation

contingent.” It is bad enough that words must take on political meanings in electoral politics, but when it happens in the actual process of statutory revision and the drafting of administrative regulations, it is positively corruptive.

In order to pass this regulation, the proponents will not only have to change the law; they’ll have to change the English language. It is either that or, as Cave pointed out, they must change reality. “[F]or betting on videos of previously run horse races to be pari-mutuel,” said Cave, “both continuums of time and space must be defied.”

Through his theory of relativity, Albert Einstein changed the definition of time and space. But the difference is that Einstein was qualified to redefine time and space; the Kentucky Horse Racing Commission is not.

We have witnessed in this state a corruption of the executive branch with millions of dollars of casino money funding campaigns through 527s, and those with ties to BOPROT showing up in the state’s capitol to push new gambling legislation. We have also seen that same money being funneled into state legislative campaigns. And we’ve also seen the corruptive influence that gambling money brings in the process of legislation itself, when legislators are threatened with being left out of lucrative projects if they don’t vote the right way or when uncooperative committee members are taken off of committees in order to silence dissent.

Every part of the process has its own way of being corrupted. The way the regulatory process is corrupted is through the redefinition of words themselves.

And that’s exactly what they’re trying to do now.

The recent manipulations highlight #3 – The Corruptive Effect.

The four “normal” ravages of expanded gambling

#1: The Family is targeted. Corporations can’t gamble, nor can businesses, institutions, schools, churches, nonprofits, clubs, and civic organizations – only moms and dads, and a few singles. In other words, all the BILLIONS of dollars that they say will be “raised” over the years through gambling is just a shift of assets FROM the hands of the family INTO the hands of the gambling industry. The bottom line is that family picks up the whole tab, and tragically, government, charged with protecting families, maneuvers to “get in on the action.”

#2: Businesses will lose. As families lose, businesses will lose. Think about it: after the losses, parents can’t afford to take the family out to eat, buy their children new clothes for school, purchase a new refrigerator or finance a new addition to the house. Once a family files bankruptcy, the businesses that the family owes lose even more. But the casinos *always* get their money.

#3: Government will be corrupted. With literally billions of dollars going into the hands of the casino interests, who will become the greatest contributor and most influential group in the political process? If our legislature is “gambling friendly” today, how much more “gambling friendly” will it be ten years from now, when all of its members have received sizeable contributions from the gambling industry? And how easy will it be for them to “replace” anti-gambling legislators?

#4: The Vulnerable are destroyed. There will be some citizens, poor in spirit as well as poor in financial assets, whose lives will be totally destroyed – relationship-damaging financial stress, alcoholism, drug use, child neglect and abuse, spouse neglect and abuse, divorce, depression, suicide, embezzlement and crime. Any *one* of these things, but certainly a combination of them, will leave an indelible mark on the ensnared individual as well as those watching and trying to help. And even worse, the children will lose their childhoods and be affected for a lifetime. Doctors have a policy regarding their treatment of any patient: First do no harm. Policymakers in Frankfort would do well to apply this wisdom to the gambling expansion decision.

The manipulations of the gambling industry (and its political friends) seem to never stop

When the gambling industry gets too close to the government, the gambling industry ends up governing.

Below is a simple listing of some of the misguided strategies that have been attempted to expand gambling in the Commonwealth in the last three years. Each one illustrates the kind of control the gambling industry will have and will use to further shape our Commonwealth's government if their plans are ever implemented:

Election Fall 2007 and the Session 2008: In 2007, Beshear campaigned on a platform of "Letting the people decide." He even chided his opponent, Gov. Ernie Fletcher, during a debate, strongly challenging him with, "Don't you trust the people of Kentucky?" Beshear was advocating a state constitutional amendment which, after passing both Chambers of the legislature with a 3/5 majority (60%), the people would have the final right of ratification or rejection. However, in 2008 an amendment did not even pass the House, the chamber that is controlled by the Governor's own Party.

General Assembly Session 2009: After failure in 2008, what did the Governor do? In the 2009 regular session of the General Assembly he jettisoned his constitutional amendment plan and pushed to bypass the people by bringing more gambling into Kentucky with a simple gambling statute. Why? He claimed that there was "not time" to pass a constitutional amendment. But the real reason was that a simple statute only needed 51 percent of the legislature and no ratification (or rejection) by the people.

Special Session Summer 2009: When his plan failed in the 2009 session, he called a Special Session of the General Assembly in the summer of 2009. There he arranged to have Attorney General Jack Conway deliver his "you-don't-need-a-constitutional-amendment-to-expand-gambling" opinion on the first day of the Special Session. Still House Leadership could not find 51 "Yes" votes even though there were 65 Democrats in the House.

MORE in Special Session Summer 2009: Then the discussion was shifted in the Special Session to "education" and legislators were cleverly "bribed" to vote for gambling expansion with the promise that schools in the districts of those who voted "Yes" would have the opportunity to be renovated or rebuilt with gambling money proceeds. This helped them find 52 votes in the House, but the bill died in its Senate Committee that wanted no part of expanded gambling, and certainly not expansion without a constitutional amendment. But the victory in the House was badly tainted because legislators came out of the private Democrat Caucus meeting stating that they had been told that they would not receive the school renovations and school construction in their district unless they had voted "yes" on the bill. In other words, the bill received its passage with the same kind of "vote buying" that was publicized and excoriated during the Obama Health Care Plan in the U.S. Senate. This tactic is legal as long as it is done with public money – tax dollars, but it is still very sleazy. If it had been private money securing the vote, both the legislator who voted "yes" and the one who had set up the bribe would be headed for prison.

Special Elections Fall 2009: After failing to pass the slots bill in the Special Session during the summer, Beshear began a new strategy – he decided to use the power of his office to offer great jobs to senators from the other Party (with whom he firmly disagreed), just so he could remove them from office and attempt to elect a pro-gambling senator in their place through a Special Election that he would call. This was a brazen misuse of the power of the Governor's Office. Since when does a Governor use all the power of his office FOR one industry? Unfortunately for him, this new strategy would work out badly. His first election, while successful, had a veteran representative, Robin Webb, barely defeating a neophyte to politics, Dr. Jack Ditty, in the 18th Senate District on Aug. 25. But then on Dec. 8, after spending almost \$1.4 million, Jodie Haydon, the Governor's candidate, lost by a 56 to 44 percent margin to the Republican anti-gambling expansion candidate in the 14th Senate District race.

General Assembly Session 2010: After that disaster, Beshear asserted himself afresh in 2010 and offered his 2010-2012 fiscal budget on Jan. 19 to the General Assembly based on the revenue from gambling, hoping to coerce the legislature into being for gambling. Both the Leader of the House (of the Governor's own Party) and the Leader of the Senate (of the other Party) asked him not to do this. The result was that the budget had to be substantially re-written (without gambling money) and a Special Session had to be called after the 2010 session to get a budget passed . . . at excessive expense to Kentucky tax payers.

Court Case Summer 2010: Now a court case has been initiated by the state's eight horse racing tracks working in conjunction with the Governor's Horse Racing Commission and Department of Revenue. This strange gambling and government alliance agreed together to ask the court to authorize their plan to expand gambling via a special electronic device (much like a video slot terminal) that has the patron betting on videos of past horse races. In other words, the General Assembly – the legislative branch – has been unwilling to expand gambling. In the Governor's mind, it evidently is time for the court system – the judiciary branch – to authorize expanded gambling.

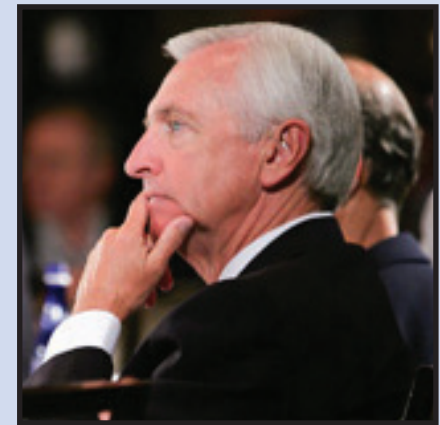
The Gambling Governor

A disturbing fact has become very clear: The Governor has allowed himself – and the Office of Governor – to be used by the gambling industry. To illustrate, how many times has he said "the horse industry provides 100,000 jobs" for Kentuckians?

In an article on June 14, 2009 a *Lexington Herald-Leader* writer reported that the origin of that figure was Deloitte Consulting. As it turns out, the horse industry employed Deloitte, and its research calculated 51,000 jobs in Kentucky. The horse industry felt that "100,000 jobs" sounded better and gave the Governor

that number. Without doing any research himself, Beshear took it and began spreading misinformation for the gambling industry as the *Governor of the Commonwealth*. And he continues to do so today – long after last year's revelations.

Kentuckians did not elect Beshear to be the spokesman for the gambling industry . . . and certainly not its salesman. Kentuckians elected him to be *their* Governor – an advocate for and a protector of "the people."



Gov. Steve Beshear

Legal Status: Marriage across the nation

Major victories for marriage are secured when the people vote, but losses result when judges and high-ranking politicians preside.

When state constitutions were amended to protect traditional marriage, opponents said such steps were not necessary since existing laws adequately defined marriage. Twelve years and 30 state constitutional amendments later, advocates of heterosexual marriage have been vindicated. Gay marriage activists have consistently appealed to the courts to overturn state marriage laws, but the necessity for constitutional amendments, including a federal amendment, became clear after two federal judges struck down significant marriage laws this summer.

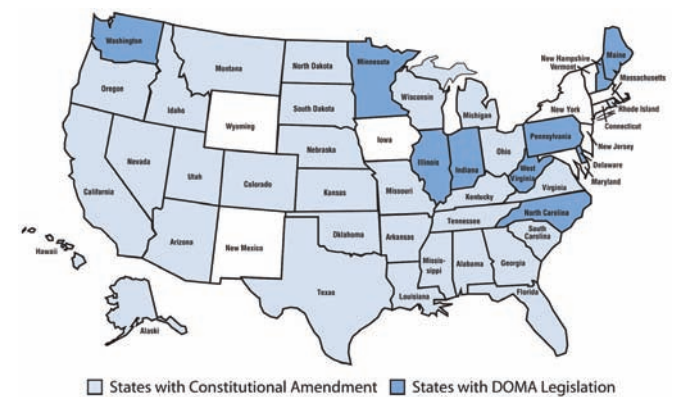
On July 8, Judge Joe Tauro blocked the 1996 Defense of Marriage Act (DOMA) which passed Congress with a combined vote of 427-81. Tauro's ruling, coupled with actions from President Obama who called DOMA "discriminatory" and signed a memorandum directing Federal agencies to extend benefits to same-sex partners of federal employees on June 17, now undermines marriage at the federal level.

Another blow to traditional marriage came from the West Coast when Judge Vaughn Walker struck down California's marriage amendment on Aug. 4. Over seven million voters affirmed the amendment in 2008, leaving many proponents of the democratic process furious. Critics have said that such judicial activism short-circuits the democratic process and undermines citizen involvement. The ruling has been put on hold until December.

The Family Foundation filed an *amicus* brief in support of California's marriage amendment. "If the federal courts acquiesce to the demands of two homosexual couples to upend the legal status of marriage in this country, then you wonder where it stops," said Martin Cothran, senior policy analyst for The Family Foundation. "If the court suddenly discovers another right no one noticed before in order to overturn the clear will of the people, then we're going to have a judicial disaster on our hands. This could end up being the *Roe vs. Wade* of marriage."

Kentuckians amended their constitution to keep marriage between one man and one woman in 2004 with 75 percent of voters approving the measure. Since 2004, five states and the District of Columbia have legalized gay marriage. Three of the states were directed to legalize gay marriage under court order, leaving rank-and-file voters out of one of the most fundamental issues facing our society.

Altogether, 37 states have their own DOMAs and 30 states have enacted constitutional marriage amendments to define marriage. Voters have approved the amendments by an average of over 67 percent, underscoring the widespread support of the marriage movement. Arizona, California, and Florida were the latest states to pass marriage amendments in 2008.



□ States with Constitutional Amendment ■ States with DOMA Legislation

Even though traditional marriage has received widespread public support, some elected officials have refused to support the law. California Attorney General Jerry Brown and Governor Arnold Schwarzenegger have both refused to back the California Constitution which now defines marriage. Brown is now facing a suit by the Pacific Justice Institute, which is challenging him to enforce the law he swore to uphold.

Obama budget nixes abstinence funding

New budget includes \$100 million more for contraception education while eliminating abstinence programs.

For the past decade, abstinence-only education has been embraced as the best message for adolescents who want to avoid untimely pregnancy and sexually transmitted diseases. On Sept. 30, the federal government stopped funding that lesson. Now, some 2 million teens who were challenged to save themselves for marriage, will hear another message since

176 abstinence-only programs were nixed under President Obama's direction.

Valerie Huber, Executive Director of the National Abstinence Education Association, questioned the policy shift. "We are greatly concerned that the sex education policy being implemented by this administration does not reflect the values of what

most parents and teens clearly want."

Huber explained that some programs will lose their funding midstream in their five-year grant award. "This means that nearly two million students will return to school

without the skill-building lessons they have come to expect in their abstinence education classes," Huber said.

On Feb. 2, the same day

President Obama released his budget proposal which eliminated funding for abstinence education and included over \$100 million for contraception education, a study was released in the *Archives of Pediatrics & Adolescent Medicine* that reported the effectiveness of abstinence education. The study found that 660 high-

risk 12- and 13-year-olds who received abstinence training were more likely to postpone sexual activity than those who received any other kind of sex education.

Another national study that gauged teen and parent attitudes about sex shored up approval of abstinence education, but the full study was withheld from the public since last year. Lisa Rue, a researcher at the University of Northern Colorado, was denied two requests, including one under the Freedom of Information Act, to obtain the full report.

"The second denial from the Obama administration leaves me to reflect on the role of cultural values with regard to prevention science," Rue wrote in an editorial. "If we are truly interested in learning how to prevent two critical epidemics currently devastating our country (out-of-wedlock child bearing and sexually transmitted infections), then the nationally representative findings provide momentum and support for accessing cultural values of

parents and children which promote optimal health choices for adolescents."

After much public pressure, the Obama administration released the findings on Aug. 23. The study, commissioned by the Department of Health and Human Services, found that parental and adolescent attitudes about sex are still very conservative with 70 percent still believing that sex should be reserved for marriage.

Advocates of abstinence education remain perplexed that contraceptive sex-ed is funded and supported despite public opinion favoring the abstinence-until-marriage standards. Proponents of higher standards for adolescents believe it will take new leadership in Congress and the White House – something they may see after Nov. 2.



Obama says "No"

Federal judge walks over legal process, marriage

Advocates of traditional marriage were trampled in August by a San Francisco judge who struck down California's constitutional amendment which keeps

marriage between one man and one woman.

Judge Vaughn Walker apparently missed the

memo about the seven million voters who support marriage between one man and one woman. Memos about the need for judicial restraint and the necessity for judges to recuse themselves in cases where there might be a conflict of interest apparently did not reach his desk either.

Over the last year, we've seen judges subvert the democratic process by substituting their personal preferences and policy choices for duly enacted laws.

Most notably, in July, Federal District Judge Joe Tauro struck down the 1996 Defense of Marriage Act, which garnered the votes of 427 Congressmen and was

signed into law by then President Bill Clinton.

Another federal court insisted that Ten Commandments

displays are off limits in two Eastern Kentucky courthouses, perhaps a not-so-subtle indication that judges often confuse themselves with the Almighty Lawgiver Himself.

Judicial restraint is clearly in short supply these days, particularly on the federal bench, but now we're finding that in this most recent case of judicial overreach, Judge Walker had a conflict of interest.

The biggest out-of-the-closet secret

The biggest out-of-the-closet secret since the ruling is that Walker is in a relationship with another man—a detail which legal experts say should have led to his recusal.

since the ruling is that Walker is in a relationship with another man—a detail which legal experts say should have led to his recusal. Walker failed to disclose his potentially disqualifying bias since it could benefit him and his partner should they choose to get married. Amazingly, Walker told traditional marriage advocates that they cannot appeal the ruling because they lack standing. This is like a referee telling the ball team that since they are down at halftime, they cannot come back for the third quarter since they are losing. Such things happen when the referees are

no longer objective and become allies with one of the teams.

Dale Carpenter, a University of Minnesota constitutional law professor told Fox News, "What

Judge Walker's ruling means is you can sponsor a proposition, direct it, research it, work for it, raise \$40 million for it, get it on a ballot, successfully campaign for it and then have no ability to defend it independently in court, and then a judge maybe let you be the sole defender in a full-blown trial and then says, 'by the way, you never can defend this.' It just seems very unlikely to me the higher courts will buy that." Carpenter, by the way, supports same-sex marriage.

Additionally, Judge Walker discredited the testimony of traditional marriage and family formation expert David Blankenhorn who was one of the two witnesses defending the marriage amendment (four other witnesses declined to testify because they feared for their safety). Blankenhorn's testimony, according to Walker, "constitutes inadmissible opinion testimony that should be given essentially no weight." Walker also took a swipe at the faith community when he said, "Religious beliefs that gay and lesbian relationships are sinful or inferior



Richard Nelson is the western Kentucky policy analyst for The Family Foundation

to heterosexual relationships harm gays and lesbians."

Walker's actions discredit the judiciary, which should be in the business

of "calling balls and strikes" as Chief Justice John Roberts once said. When they get in the game and take sides, they become something other than a judge. The

"What Judge Walker's ruling means is you can sponsor a proposition, direct it, research it, work for it, raise \$40 million for it, get it on a ballot, successfully campaign for it and then have no ability to defend it independently in court, . . ."

– Dale Carpenter, University of Minnesota law professor

biggest losers in this sad story are the voters and the democratic process itself. Why vote if one judge can cancel the vote of seven million people? Why contribute to a cause if it's likely to be defeated in court? Why care?

Walker's actions were so egregious that the reliably liberal 9th U.S. Circuit Court of Appeals put a hold on Walker's ruling until December, thus preventing gay marriages from taking place this week. While Judge Walker once again opened the door to gay marriage in California, he cannot entirely overrule the verdict in the court of public opinion: marriage is between one man and one woman, and the democratic process is the most equitable way to decide such contentious issues.

Richard

Dear Friend of the Family -

As we approach year-end, I humbly ask that you consider giving generously to The Family Foundation. We are covering more issues and doing more projects than ever before. And, as the income of Kentucky citizens is down, so is ours. Still, we have opened a whole new realm with the Expanded Gambling court case. (See page 3)

Please help us as much you can.

Kt

P.S. Whether you are able to contribute or not, kindly email to us your email address so we can keep you abreast when critical events are happening in Frankfort or Washington. (We WILL NOT share your information with others.) Our address is: tffky@mis.net

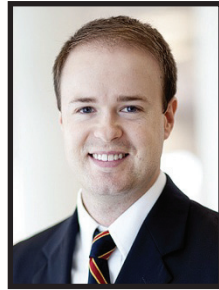
Andrew Walker joins staff

Walker brings scholarship and passion to the Louisville post.

The Family Foundation is pleased to announce the addition of Andrew Walker to the staff. Andrew will be serving as the Louisville Metro Policy Analyst and will be responsible for Louisville and its surrounding counties, as well as serving legislators in Frankfort during legislative sessions.

A native of Jacksonville, IL, Andrew graduated from Southwest Baptist University, located in Bolivar, MO, *summa cum laude* in 2008 with a degree in Religion.

He and his wife, Christian, then moved to Louisville in July 2008 in order for him to begin his Master of Divinity studies at The Southern Baptist Theological Seminary, where he will graduate in December. While at Southern, he tailored his studies to focus on Christian social thought and ethics. In the spring of 2011, he will begin the M.A. program in Political Science at the University of Louisville, where he will



Andrew Walker is the new policy analyst for The Family Foundation

focus on public policy.

Andrew has had dual interests during his most recent years of study:

1) the ministry of the church and 2) the practical promotion of values and accountability in the political and policy arenas. Clearly, his work with The Foundation over time will give him plenty of opportunity and experience in these areas.

His wife is employed as a teacher in the public school system in Jefferson County. They are expecting their first child in December.

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Pregnancy Care Centers wrongfully maligned

The accusations are just more of the “Pro-Choice” efforts to make sure abortion-on-demand is unfettered.

Pregnancy Care Centers (PCCs) have long been available to provide counseling, financial assistance, material assistance, and information on adoption should a woman in an unplanned pregnancy choose life. Now they are under fire from the industry that gets paid for providing abortion because they are threatening the abortion industry’s livelihood.

The abortion industry, backed by the lucrative funds of abortion financiers and lobbyists, are becoming increasingly critical of these organizations. In their eyes, PCCs manipulate women by coercing them to keep their child based on incorrect or skewed data.

Seeking to discredit PCCs, websites such as *cpcwatch.org* exist accusing PCCs as fraudulent and predatory. In August, HBO documented the rise of PCCs and their opponents in a film titled *12th and Delaware*. This fall, NARAL Pro-Choice is taking their message targeted at PCCs on the road to several Virginia universi-

ties, most notably the University of Virginia. One of many agenda items for NARAL’s promotional tour is undermining the significance of PCC organizations.

Opposition has also arisen in the political sphere. As *TIME Magazine* reports, in June, democratic politicians from New York and New Jersey proposed legislation targeting the alleged “bait and switch” tactics that PCCs enact.

Opposition has been met in kind by Americans United for Life (AUL). Members of AUL and Care-Net, an organization aimed at strengthening PCCs, recently convened a meeting in Dallas

aimed at informing and educating PCCs directors on the proper response to their critics.

Yet, in the face of mounting political and financial opposition, the pro-life movement continues to gain momentum in the court of public opinion. Americans are becoming increasingly pro-life, with younger generations displaying an especially pro-life sentiment. And worse for the abortion industry,

“If abortion centers were truly pro-choice and pro-women, they would support women in having a range of options, but they really do not. Attacks on pregnancy care centers reveal that the pro-choice agenda is really pro-abortion.”

– Mike Janocik
Kentucky Right To Life

its member clinics also face a waning clientele. In 1991, there were approximately 2,200 abortion clinics. Today, that number has been reduced by two thirds.

Whereas 709 abortion clinics now operate, approximately 4,000 PCCs exist to provide alternatives. In Kentucky alone, 46 PCCs now exist aside only two abortion clinics.

One can only assume that the abortion industry is targeting these organizations not solely on the basis of inaccurate information, but because PCCs divert the necessary funds needed to promote the abortion culture. Mike Janocik, Assistant Director of Kentucky Right to Life, stated, “If abortion centers were truly pro-choice and pro-women, they would support women in having a range of options, but they really do not. Attacks on pregnancy care centers reveal that the pro-choice agenda is really pro-abortion.”

Based on the increased number of these organizations and the declining number of abortion clinics, objective observers will recognize that PCCs are having a positive net effect in both the national scene and here in Kentucky.