

CITIZEN

STRENGTHENING FAMILIES AND THE VALUES THAT MAKE FAMILIES STRONG

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March/April 2012

Major victory over gambling amendment, but will Religious Freedom Amendment pass?

The gambling amendment lost in a 21-16 vote of the full Senate.

The Religious Freedom Amendment is just getting started.

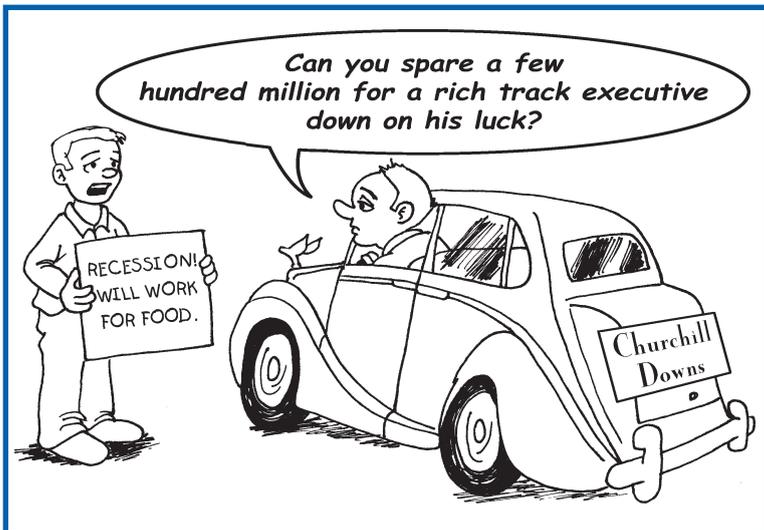
When the 2012 session began, Gov. Steve Beshear seemed to have only one major priority: expanded gambling. It was almost as if he was staking his whole second term on this one issue. It turned out to be a bad political calculation.

The governor first promised to introduce the bill early, but it was six weeks into the session before the bill was finally introduced. Even before the bill was given a number, Martin Cothran, senior policy analyst for The Family Foundation, had begun publicly criticizing the legislation. “The bill was losing support even before it was ever introduced,” he said, “and the details of the bill only sealed its fate.”

The bill would have created seven casino licenses, five reserved specifically for horse racing tracks. It also prevented either of the two free-standing casinos from operating within 60 miles of a horse track.

The governor and supporters of the bill argued that legislators should “let the people decide,” in an attempt to draw attention away from the substance of the bill.

After the governor announced the specifics of the plan on February 14, the press

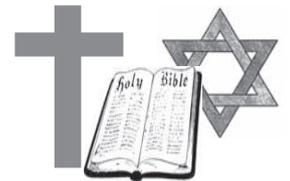


“Saving” the tracks with casinos

peppered him with questions. The cameras then left the Capital press release room and gathered around Cothran. “This bill is an attempt by wealthy casino corporations and horse

(continued on the bottom of page 2)

While many Kentuckians and legislators were focused on the effort to expand gambling in Kentucky, Sen. Jimmy Higdon (R-Lebanon) was quietly working on the Kentucky Religious Freedom Amendment, which would restore religious liberties lost to Kentuckians in the last decade of the 20th century. Senate Bill 158 was introduced on Feb. 16 and is poised to make very sound legal adjustment for the faith communities across the Commonwealth.



The Kentucky Religious Freedom Amendment is a response to the significant loss of religious liberty protection over the last twenty years. When passed and ratified, it will restore, at the state and local level, the standard that has historically protected American religious freedom. This

standard, known as the “compelling interest test” requires the government to first prove it has a “compelling interest” before it can take action that restricts someone’s religious freedom.

Compelling interests as defined by the courts include things such as the protection of life, liberty, property, and health of others. The government would also have to prove that it has no other method to protect those interests without restricting someone’s free exercise of religion.

“What we have is a void in Kentucky law when it comes to protecting religious liberty on the state level,” said Andrew Walker, policy analyst for The Family Foundation. “But it is one that can be easily corrected this year with bipartisan support. And a bipartisan bill would be a very refreshing way to end the 2012 Session.”

Prior to 1990, the Courts used the “compelling interest test” when deciding religious liberty claims. However, in a bad 1990 decision, *Employment Division of Oregon vs. Smith*, the U. S. Supreme Court threw out the “compelling interest test.” Three years later

(continued on the top of page 2)

“What we have is a void in Kentucky law when it comes to protecting religious liberty on the state level.”

*Andrew Walker
The Family Foundation*



Religious Freedom Amendment *continued from page 1*

Congress almost unanimously reinstated this test, but in 1997 the Supreme Court ruled that Congress could not require *states* to use the test. Therefore, it has been left to each individual state to re-establish the “compelling interest test” for everything other than federal matters.

After the federal government re-established this standard at the federal level, more than half of the states acted to re-establish the “compelling interest test.” Kentucky, however, has *NOT* yet acted.

Recent efforts, such as the federal government attempting to force the Catholic Church and its associated Catholic groups to violate their beliefs regarding contraception and abortifacients, point out the need to clarify and strengthen this area of the law. It is the “compelling interest test” that has been cited in the February 2012 suit filed in federal court by Catholic groups and individuals to reverse the action taken by the current administration to violate their religious freedom.

Regardless of what some in Washington may want to do, a Kentucky Constitution amended with SB 158 will protect religious freedom for Kentucky citizens at the state and local levels. And of course, there is always the concern

of “what some in Frankfort will do.”

Most Kentuckians are aware that every year around graduation time there is the story of a valedictorian who is told that they cannot say “thank you” to God for His assistance in their success, even though they can thank their parents and teachers. Clearly, this is a breach of the young student’s freedom of religious expression after his faithful scholarship has earned him the platform from which to speak.

Similarly, last Fall the Kentucky Department of Education shut down the tradition of prayer before the Bell County football team played on its home field. As long as it is student-led and not required by the local school authorities, students and the spectators have the freedom to pray publicly. Unfortunately, Kentucky does not have the

“compelling interest test” that would have limited the government’s infringement of the students’ liberties.

Now that the gambling battle apparently has ended, many across the state are hoping that the Senate and the House might move forward on more basic things that promote the welfare and protect the freedoms of Kentucky citizens.

The verbiage of SB158: “. . . nor shall any human authority burden a person’s, religious sect’s, society’s, or denomination’s right to act or refuse to act in a manner motivated by a sincerely held religious belief except in support of a compelling governmental interest using the least restrictive means to further that interest. As used in this section, “burden” includes but is not limited to withholding of benefits, assessment of penalties, exclusion from programs, restriction of access to facilities, or other indirect methods of limiting or restricting the activities of a person or group.”

Gambling Amendment defeated *continued from page 1*

track owners to buy their way into the Constitution like box seats at a ball game,” he said.

“The governor is misrepresenting the constitutional amendment process,” added Cothran in response to the governor’s argument that legislators should simply pass the bill through and onto the ballot. “We are not a referendum state. Lawmakers are supposed to either agree or disagree with the bill.”

Cothran criticized the bill for leaving out the promised spending designations for education, public safety, health care, and local government while including what he called “favors for fat cats.”

So withering was the criticism from Cothran and others that the governor had to announce the day of his press conference that he would need to make changes to the legislation.

The bill went before the Senate State Government committee, which was chaired by the bill’s sponsor, Damon Thayer (R-Georgetown) and Gov. Beshear did something rare for a governor: he appeared to testify on the bill. But the governor’s appearance was greeted by mostly critical questions from lawmakers on the panel.

The bill was approved by the committee in a 7-4 vote, with one of the “yes” votes, Sen. Johnny Ray Turner (D-Prestonsburg), saying that he reserved the right to vote against the bill on the Senate floor.

So when it got there, Turner was good to his word along with 20 others – the bill met its demise. The bill was voted down by a 21-16 margin, sealing its fate for this session of the General Assembly.

“The governor is misrepresenting the constitutional amendment process. We are not a referendum state.”

*– Martin Cothran
The Family Foundation*



21 Senators voted ***AGAINST*** gambling

| | |
|--------------------------|----------------------------|
| Sen. Joe Bowen (R) | Sen. Dan Seum (R) |
| Sen. Jared Carpenter (R) | Sen. Brandon Smith (R) |
| Sen. Juliann Carroll (D) | Sen. Katie Stine (R) |
| Sen. Julie Denton (R) | Sen. Robert Stivers (R) |
| Sen. David Givens (R) | Sen. Johnny Ray Turner (D) |
| Sen. Paul Hornback (R) | Sen. Robin Webb (R) |
| Sen. Tom Jensen (R) | Sen. Jack Westwood (R) |
| Sen. Ray Jones (D) | Sen. David Williams (R) |
| Sen. Alice Lynn Kerr (R) | Sen. Mike Wilson (R) |
| Sen. Bob Leeper (I) | Sen. Ken Winters (R) |
| Sen. Vernie McGaha (R) | |

16 Senators voted ***FOR*** gambling

| | |
|------------------------------|--------------------------|
| Sen. Walter Blevins (D) | Sen. Dennis Parrett (D) |
| Sen. Tom Buford (R) | Sen. Joey Pendleton (D) |
| Sen. Perry Clark (D) | Sen. Jerry Rhoads (D) |
| Sen. Carroll Gibson (R) | Sen. Dorsey Ridley (D) |
| Sen. Denise Harper Angel (D) | Sen. John Schickel (R) |
| Sen. Ernie Harris (R) | Sen. Tim Shaughnessy (D) |
| Sen. Jimmy Higdon (R) | Sen. Kathy Stein (D) |
| Sen. R.J. Palmer (D) | Sen. Damon Thayer (R) |

The First Amendment of the U.S. Constitution

SB158 goes not to the heart of the “establishment clause” of the First Amendment, but to the heart of the “free exercise” clause.

The First Amendment lists five powerful freedoms: the freedom of religion, of the press, of speech, of assembly and to petition the government. The framers of our government were clear that our religious liberty is one of our most fundamental freedoms by placing it in the First Amendment of the Bill of Rights, by placing it *first* within the amendment and by using *two* phrases to secure its place in the governance of this nation.

First is the “*establishment clause*,” which prohibits government from establishing a state religion. To give this concern historical perspective, at the time of our country’s founding, it was common for European governments to impose on their citizens a religion selected by the monarchy and to ban all others. Our Founding Fathers wanted citizens to be free to select their own faith and have complete freedom of conscience.

The second safeguard is addressed in the “*free exercise clause*.” Here the Founders clearly established the fundamental right of citizens to freely exercise their religion without government interference or prohibition.

The First Amendment

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Depending on the religious liberty issue, one of these clauses will apply. For example, government is prohibited from forcing students to pray before class under the “*establishment clause*” – the government cannot force a citizen to practice a particular religion. However, if a student elected to “thank God” in a valedictorian speech, he would be protected under the “*free exercise clause*.” Government cannot deny his free exercise of faith.

Unfortunately, many today are seeking to establish not freedom “*of*” religion, but freedom “*from*” religion. Activists claim the “*establishment clause*” prohibits the mention of God or the display

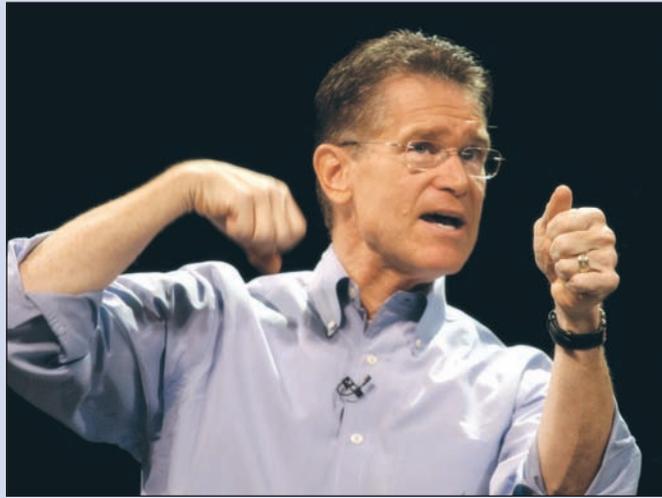
of religious symbols in any public place, attempting to use the “*establishment clause*” to negate the “*free exercise clause*.”

SB158 – The Kentucky Religious Freedom Amendment – will help clarify and safeguard the fundamental religious freedom established by our Founding Fathers in the “*free exercise clause*.” The Kentucky Religious Freedom Amendment does not address the “*establishment clause*” of the First Amendment.

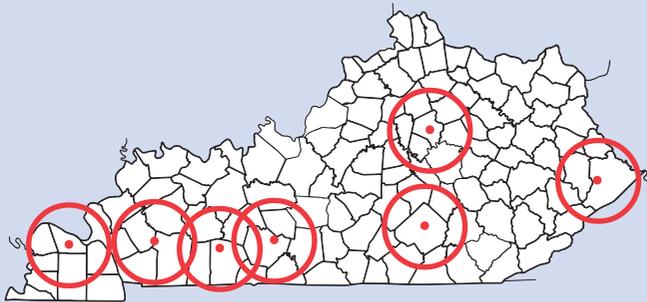
Examples of liberties protected by SB158

It is surprising how many “little” infringements take place in America and in Kentucky. Standing up now will protect our children.

- A Catholic hospital could not be forced to distribute contraceptives or abortifacient drugs.
- The public schools or government could not prevent members of the Jewish Community from taking a day off to observe Yom Kippur. (Christian Holy Days such as Easter and Christmas are generally automatically observed.)
- A high school valedictorian could thank God in a speech. (Commonly denied in Kentucky)
- A high school team could no longer be prevented from praying before a game. (ex: Fall 2011 in Bell County, KY)
- A nurse could not be forced to participate in an abortion against her religious convictions. (ex: Louisiana, May 2009 – still in court)
- Religious symbols and crosses would be protected at memorial sites. (ex: Utah Highway Patrol and Transportation Department sued by American Atheists to remove crosses from memorials placed to honor fallen patrol officers.)
- A college religious group could not be disbanded for not allowing people hostile to their religious beliefs to join and lead the group. (ex: Vanderbilt University in 2011)
- A Mennonite, Muslim, or Jewish student could not be forced to remove a recognized religious head-covering that does not interfere with their identification or scholastic performance.
- Parents and religious schools could continue to educate their children according to their moral values.
- Pastor/counselor confidentiality would be better protected.
- If jewelry is allowed in a school, students could not be denied the right to wear crosses or Stars of David.
- Family and friends visiting loved ones in hospitals could no longer be denied bringing religious material to their loved one. (ex: Recently, Walter Reed Hospital banned Bibles and other religious material from being brought in by family and friends for patients. Because of the protection of religious freedom in federal institutions granted by the federal “compelling interest test,” Walter Reed backed down and rewrote the policy to allow religious materials for patient use.)
- College students could no longer be disciplined for presenting a religious view on a subject being discussed.
- Religious universities could not be denied accreditation for not teaching or performing abortions.
- Pregnancy care centers could not be forced to refer for abortions or offer abortifacients.
- Students could not be accused of discrimination and threatened with expulsion for holding a pro-life rally and not including abortion information. (ex: Spokane Falls Community College)
- A state could no longer require the name of God to be eliminated from a religious memorial or burial service (ex: In 2011 at the Houston National Cemetery, the Veteran’s Administration: 1) banned the mention of God’s name at veteran’s funerals; 2) required families of deceased veterans to submit prayers in advance for approval; 3) banned the names “God and Jesus” and the words “God Bless” from being used on condolence cards sent out by volunteers from the National Memorial Ladies; 4) prohibited a private funeral home from mentioning to veterans’ families that they could request prayer for a veteran’s funeral service; and 5) closed the chapel once used for religious services, removed the cross and Bible and converted it to a storage facility. (The VFW and National Memorial Ladies filed suit citing the federal religious freedom statute.)
- Public employees could no longer be fired for praying together after work on public property. (ex: 2006 University of Texas fired three employees for praying after work for an employee who was absent that day. University officials said their prayer was deemed “harassment” and that they damaged university property by praying. Case is going to trial.)



Love & Respect



*This national ministry is coming to Kentucky
via video presentation again this Spring*

*(Listed below are the dates/places - **NOTE CHANGES**)*

Pikeville, March 9-10

Pikeville United Methodist Church
107 Main Street, Pikeville, KY 41501

Hopkinsville, March 23-24

Restoration House Family Worship Center
2414 Ft. Campbell Blvd, Hopkinsville, KY 42240

Russellville, March 30-31

Southern Heights Baptist Church
1400 Nashville Street, Russellville, KY 42276

Somerset, April 13-14

Somerset Christian Academy
815 Grand Central Blvd, Somerset, KY 42503

Bowling Green, April 20-21

Rich Pond Baptist Church
200 Brad Avenue, Bowling Green, KY 42104

Central Kentucky, May 4-5 (New Dates)

Woodford Community Church
320 Hope Lane, Versailles, KY 40383

Paducah, May 18-19 (New Dates)

Heartland Worship Center
4777 Alben Barkley Dr. Paducah, KY 42001

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

UPDATE: “Love and Respect” video seminars and now, “Love and Lordship” retreats are making a difference

KY Marriage Movement is already growing

As you read this, we are preparing for the first of several Love and Respect Conferences across the Commonwealth this Spring.

What an encouragement to hear story after story of the lives and marriages already being positively impacted by the Kentucky Marriage Movement in one way or another. We have received encouraging feedback from those who attended the Love and Respect conferences last Fall – news of a marriage restored, improved, or asking about the next conference so they can let a friend or family member know.

This is exactly what we envisioned when we began praying and asking the Lord to show us how we could raise up His standard of Marriage in the Commonwealth.

Please continue to let us know your successes and struggles. We desire to help as the Lord allows and we hope and pray that you are being motivated to reach out and help others in their marriages and families as well. As a matter of fact, we

recently got word of a Love and Respect conference being held in Morehead as a result of the one that was held in Grayson in October and they’ve nearly quadrupled the number attending! That’s what we hope to see happen



Greg Williams is Director of Marriage Outreach for The Family Foundation

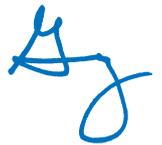
as the Body of Christ comes together to make Marriage and marriages in each church and community all they were intended to be. What a great impact we can have if we take up this banner and stand firm for Marriage and marriages.

As another part of the Kentucky Marriage Movement, we recently held our first “Love and Lordship”

weekend retreat. Comments were very encouraging and we continue to hear positive feedback of the impact on marriages and the desire to help others. That’s how it’s supposed to work!

Please consider joining us for one of the Love and Respect conferences this Spring (see opposite page for details), and pass on the word to your family and friends. We hope to see you there so that together we can continue to build the Kentucky Marriage Movement.

As always, let us know how we can help you and your church or community.



What an encouragement to hear story after story of the lives and marriages already being positively impacted by the Kentucky Marriage Movement in one way or another.

To find out more or to register, go to www.kentuckymarriage.org

CHOOSE LIFE plates strengthen Care Centers

Over 45 Pregnancy Care Centers serve Kentucky women who are in an untimely pregnancy. These funds support their work.

For the fourth time in as many years, the official Kentucky “CHOOSE LIFE” license plate project has generated sizeable funds for Kentucky’s pregnancy care centers, this past year it generated \$40,316.23. The specialty plates have been on sale through the Kentucky Transportation Cabinet well into five years and by all accounts have proven to be a great success.

The big winners in the “CHOOSE LIFE” license plate project have always been

the Kentucky women who are caught in an untimely pregnancy and who do not feel that they have life-giving options. Since 100 percent of the money generated by the plates goes to the local pregnancy care centers (PCCs) that dot the state, it is the women in need that experience the most meaningful impact from the funds given.

Currently there are over 45 pregnancy care centers that range significantly in budget, yet each is committed to the well-being of the mother in need and the health of her child.

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 Unbridled SPIRIT in Kentucky!

Tandem pro-life bills move through Senate

After eight-year drought, pro-lifers ask House to pass Ultrasound (SB 103) and Face to Face Consultation (SB 102) bills.

The House has killed the Ultrasound Bill in each of the last four Sessions

For the fifth time in as many years, a bill providing abortion-minded women a glimpse into their womb easily cleared the State Senate. The Ultrasound Bill (SB 103), which passed the Senate 32-4 on Feb. 14, requires abortionists to give women in their care an opportunity to see the ultrasound picture of their unborn child. Under the bill's language, the woman could refuse to look at the images, but the abortionist would still be required to explain them to her or face stiff fines.

Pro-life advocates believe that the debate is really about practicing good medicine and giving women all the information they deserve before making such a watershed decision. The bill's primary sponsor, Sen. Joe Bowen (R-Owensboro), said the intent of the bill is to inform and not to influence. "It is very important for pro-choice advocates to know that this is an information procedure, not an influence procedure."

"If this bill saves the life of one child, it is worth all the effort, plain and simple."

– Sen. Joe Bowen
R-Owensboro



An Oregon study concluded that abortion vulnerable women who viewed an ultrasound were only 30 percent likely to continue with the procedure. This troubles Planned Parenthood's research arm, the Guttmacher Institute. According to their Feb. 7 *Policy Brief*, "Since routine ultrasound is not considered medically necessary as a component of first-trimester abortion, the requirements appear to be a veiled attempt to personify the fetus and dissuade a woman from obtaining an abortion. Moreover, an ultrasound can add significantly to the cost of the procedure."

Pro-life advocates point out that Guttmacher is biased since Planned Parenthood is the number one abortionist in the nation and rakes in millions from the grisly procedure. "Abortion providers who profit from keeping women scared and in the dark are not unbiased sources," said Richard Nelson, policy analyst for The Family Foundation. "Abortionists are already routinely doing the ultrasound to determine gestational age of the fetus and how much to charge for the abortion. Failure to give women in a crisis pregnancy every bit of information possible is bad medicine and morally wrong."

Nelson also points to a 2003 study published in the medical journal *Contraception* which contradicts Guttmacher's recent statement. The study found that 99 percent of Planned Parenthood's abortion facilities perform ultrasounds beforehand, even when doing first trimester abortions.

SB 103 was assigned to the House Health and Welfare Committee, which is chaired by Rep. Tom Burch (D-Louisville). Advocates of the measure remain cautious about the bill's chances since that committee, widely known as the "graveyard" of pro-life legislation, killed five pro-life bills, including The Ultrasound Bill, last year.

If the measure passes, failure to abide by it would result in abortionists being fined \$100,000 for the first violation and \$250,000 for subsequent offenses. Violators would also be reported to the Kentucky Board of Medical Licensure.



One frame of an ultrasound of a 9-week unborn child

Face to Face consultation bill closes 14-year loophole

The effort to require abortionists to meet in person with their patient at least one time before performing an abortion began 14 years ago. This could be the year the intent of the law is finally implemented.

Sen. Mike Wilson (R-Bowling Green), primary sponsor of SB 102, said the original intent of the 1998 Informed Consent law was to provide a face-to-face meeting between the abortionist and patient where they would explain the procedure, risks and options to abortion. But he said the law has been circumvented by tape recorded messages used by abortionists, thus depriving women of the ability to ask questions.

"I'm not aware of any other medical procedure apart from an emergency situation you can have without a

doctor providing all the information in person before the procedure," Wilson said. SB 102, which effectively precludes tape-recorded messages as acceptable, passed the Senate on Feb. 8 by a vote of 32-5.

The original sponsor in 1998, Sen. Katie Stine (R-Southgate), then a House member, said that before the bill originally passed, there was an in-depth discussion about the questions of whether the woman is inconvenienced or faced a greater burden by meeting with the abortionist in person prior to the abortion procedure. A resounding "no" was the conclusion after the measure easily cleared both the House and Senate. While abortionists chafed at the new law, Stine and other pro-lifers didn't expect the Kentucky Board of Medical Licensure to neglect enforcement.

"We passed it with the understanding that the Board of Medical Licensure would enforce it, but they failed to do that," Stine said. "If the law was followed as intended, there would be no need for this bill right now." Stine, a pro-life champion in her 18-year tenure in the legislature, believes that most Kentuckians favor this bill and that it would easily pass the House if it made it out of the House Health and Welfare Committee.

"If people are really for women having all the information possible, there should be no controversy, no criticism of this legislation."

– Sen. Katie Stine
R-Southgate



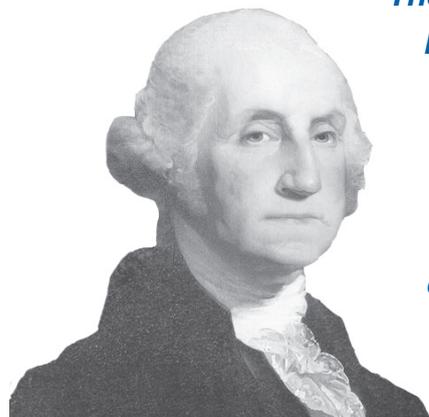
ULTRASOUND & INFORMED CONSENT BY STATE

- 11 states require verbal counseling or written materials to include information on accessing ultrasound services.
- 20 states regulate the provision of ultrasound by abortion providers.
- 7 states mandate that an abortion provider perform an ultrasound on each woman seeking an abortion, and require the provider to offer the woman the opportunity to view the image.
- 9 states require that a woman be provided with the opportunity to view an ultrasound image if her provider performs the procedure as part of the preparation for an abortion.
- 5 states require that a woman be provided with the opportunity to view an ultrasound image.

Source: Guttmacher Institute

Here are some frequently asked questions about our state Religious Freedom Amendment

- 1. Don't we already have religious freedom in Kentucky under the First Amendment?** Because of 1990 and 1997 U.S. Supreme Court decisions, the free exercise clause is only being given its “compelling interest test” protection in cases where the FEDERAL government may be encroaching on religious freedom. The U.S. Supreme Court has stated that it is up to each individual STATE to re-establish the “compelling interest test.” Therefore, any state or local government regulation is not covered in Kentucky since we have not yet acted.
- 2. Have any other states done this?** Yes. Over half of the states have moved to re-establish the “compelling interest test.”
- 3. Will the Religious Freedom Amendment favor one group over another?** No. It will protect people of all denominations and faiths and their sincerely held beliefs. When it comes to religious freedom, the law makes no distinction.
- 4. Would the Religious Freedom Amendment allow protection for harmful or illegal behavior?** No. First, because a person would have to demonstrate that they have a sincerely held religious belief. Secondly, because religious liberty cannot negate another person's civil rights. And thirdly, because the government would have a compelling interest to protect other citizens from the harmful behavior.
- 5. Would the Religious Freedom Amendment result in frivolous suits?** No. Nearly 80 years of history using this test has proven that it is reliable and effective.
- 6. Why should this be a constitutional amendment?** Religious Freedom is one of America's fundamental rights – it's in the First Amendment. Similarly, our State Constitution is where the language establishing fundamental rights for the Commonwealth is located. It is here where it was first established and now needs to be reinstated and clarified.
- 7. Is the Religious Freedom Amendment giving new freedoms to religious people or groups?** No. Since 1938 the U.S. Supreme Court had decided religious freedom claims using the “compelling interest test.” The government had to prove it had both a “compelling interest” and that it was using the “least restrictive means” to protect that interest in order to restrict or burden someone's religious freedom. This meant the government could not take away someone's religious freedom unless they could prove both things. For example, the Amish have been allowed to educate their children in Amish schools because, although the government had a compelling interest to see that children be educated, the “least restrictive means” did not require students to be in public schools. Therefore, the Amish could educate their children in Amish schools. The same has been true for home schooling.
- 8. To what degree is religious freedom protected currently?** In Kentucky, a citizen must first prove two things: 1) They have a sincerely held religious belief and 2) that belief has been burdened (denied or restricted). All the state or local government has to prove is that they didn't establish the regulation or policy to INTENTIONALLY restrict or target a religion. However, many laws UNINTENTIONALLY restrict religious freedom. For example, the state could pass a law stating, “Hats may not be worn by state employees at work.” This would deny an Orthodox Jewish man the freedom to wear a yarmulke or an observant Mennonite woman to wear a head-covering, even though it would cause them to violate a sincerely held religious belief.
- 9. How would the Religious Freedom Amendment change things?** A citizen would still need to prove they have a sincerely held religious belief that has been burdened; however, the long established and effectively used “compelling interest test” would be restored so that the government would have to prove that it has a compelling interest and there is no less religiously restrictive means to protect that interest. Otherwise the citizen's religious freedom could not be restricted.

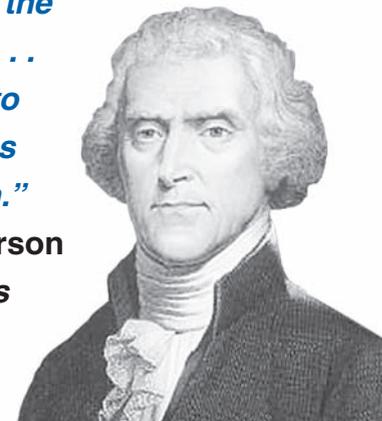


“The liberty enjoyed by the People of these States of worshipping Almighty God agreeable to their consciences is not only among the choicest of their blessings but also of their rights.”

– George Washington

“No power over the freedom of religion . . . [is] delegated to the United States by the Constitution.”

– Thomas Jefferson
Kentucky Resolutions of 1798



Opinion: Analysis suggests one is a win, and one a very bad loss.

“Amendment math”

“It was the best of times and it was the worst of times” . . . for amendments to the Kentucky Constitution: The Gambling Expansion Amendment of 2012 and The Religious Freedom Amendment. One assures that America’s most fundamental freedoms are protected while the other assures that state government will dig ever deeper into the pockets of everyday Kentucky citizens.

What is good for Kentuckians is that the amendment designed to ensconce certain wealthy track owners into the state



Kent Ostrander is the executive director of The Family Foundation

constitution failed miserably in a 21-16 vote of the full Senate on Feb. 23. Given the math it authorized (*see below*), its downfall

Fiscal analysis of the Governor’s Jan. 17 budget address is troubling. Here is what he said and, using basic algebra, here is what he meant.

“That same analysis estimates that, under one scenario, expanding gaming at our tracks alone would bring in . . . \$377 million annually into the General Fund. These are conservative estimates.” He also said this: “. . . in 2010 Kentuckians lost \$451 million in neighboring states.”



Crunch the numbers: The following calculations are based on the tax rates of the Governor’s previous gambling proposal, which included a 25% tax rate for six years and an increase to 35% in the seventh year.

At his 25% tax rate, Kentucky citizens would have to lose over **\$1.5 BILLION** every year to yield \$377 million in tax revenue.

Equation: 25 percent of X (some large number) equals \$377 million.
Answer: X = \$1.508 BILLION

At his 35% tax rate, Kentucky citizens would still have to lose over **\$1 BILLION** every year to yield \$377 million in tax revenue.

Equation: 35 percent of X (some large number) equals \$377 million.
Answer: X = \$1.077 BILLION

The Bottom Line: LOSING BIG!

Using the Governor’s figures, Kentuckians would have to lose \$1.077 to \$1.508 billion every year to yield the \$377 million.

And, based on his “\$451 million out-of-state” remark (which is in doubt), he plans for Kentuckians to lose **3.34 times** the amount that they are allegedly currently losing (to other states). [$\$1,508 / \$451 = 3.34 \text{ times}$]
OR 2.38 times the amount that they are currently losing (to other states). [$\$1,077 / \$451 = 2.38 \text{ times}$]

This is good policy for Kentucky families?

The Kentucky *CITIZEN*

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was a major victory. That’s “plus one.”

What is also good for Kentucky citizens is that the amendment undergirding religious liberty is scheduled to be heard in a Senate committee on Wednesday, March 7. That is a “plus one” as well.

But even more good may come from the opportunity that a demonstration of how a constitutional amendment is supposed to be introduced, considered and passed in contrast to the constitutionally bankrupt notion of “Let the people decide.” Sadly, this misleading and empty slogan has been sown into the state for five years and has only recently been given even more credence by certain businessmen who have invested in the expanded gambling pipe dream with significant radio advertising.

May the bubble of the one amendment burst once and for all through the simple and lawful process of an honest and true concept that serves the people rather than depletes the people.

And yet even more good for the Commonwealth may come from the fact the Republicans and Democrats can demonstrate that they are, in fact, able to work together for the most profound truths our Founding Fathers discovered, penned and lived into existence.

Wouldn’t that be novel – that incumbent candidates running for office in the state legislature would have accomplished the people’s will, with good will toward one another and all the while have taken the nonpartisan road to serving the citizens?

Now that would be the best of times following the demise of the potential worst of times. And the citizens would rejoice as they do the math – a step back from the wrong direction *AND* a step forward in the right direction is actually two steps forward. But the multiplier effect of doing what is profoundly right, the right way, cannot be calculated.

Critical events are happening in March. If we don’t already have your email address, kindly email to us so we can update you quickly:

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