



**FAMILY  
COUNCIL**

**INSIDE:**

—  
**Drinking and  
Gambling Our Ways  
to Prosperity?**

—  
**Mountain Home City  
Council Narrowly  
Approves Public  
Drinking District**

—  
**Oaklawn Opens  
Sports Betting  
in Hot Springs**

—  
**Survey Says  
Millennials  
Increasingly  
Uncomfortable With  
LGBT Movement**

—  
**& MORE**



**AUGUST 2019  
UPDATE LETTER**

**DEAR FRIENDS,**

Leon Holmes and I became friends in 1984 while I was volunteering for the Unborn Child Amendment Committee. Leon was an attorney who had helped draft an amendment to the Arkansas Constitution prohibiting publicly funded abortions. We spent the next four years trying to pass that amendment. The Arkansas Supreme Court removed the amendment from the ballot in 1984. In 1986 we made it to the ballot, but we narrowly lost in the 1986 General Election. Voters eventually passed the amendment in 1988. Years later one of Leon's daughters wrote a paper about the Unborn Child Amendment. In an interview, a pro-abortion attorney who opposed our efforts told her, "Those people [all of us who worked so hard] kept coming and they kept coming and they finally wore us down and passed their amendment."

When I launched Family Council in 1989, Leon volunteered to help me read bills that were filed at the legislature. In those days, a lot of state lawmakers were retired attorneys. When I tried to talk to them about legislation, they would brush me off. But as soon as I said, "Well, Leon Holmes has some concerns about the measure," I had their undivided attention. It's funny how quickly a conversation can change for the better.

In 2003 I was visited by an FBI agent regarding Leon. The Agent and I spent about 45 minutes discussing my friend Leon. "President George W. Bush is considering nominating Mr. Holmes to be a federal judge," the agent told me. "Is there anything in Mr. Holmes' history that you think would disqualify him from service?" I told him there wasn't anything and that I believe Leon is a standup guy. He asked me whether or not Leon had any vices or bad habits, and I told him I did not know of any. I asked how many FBI agents were investigating Leon's background. He told me they had six agents looking into him.

President Bush nominated Leon for the federal court, but his nomination was not without controversy. Leon's pro-life work from the 1980s came up during the U.S. Senate's confirmation hearings. Some pro-abortion senators did not appreciate the things Leon had done to fight abortion 20 years earlier, and they tried to use that to disqualify him from becoming a federal judge.

The U.S. Senate did eventually confirm him to the bench, but his confirmation was challenging enough that I personally believe that's one reason Leon's name wasn't floated as a possible replacement for U.S. Supreme Court Justices Antonin Scalia or Anthony Kennedy. With his level of education and thirty years of experience teaching and practicing law and serving as a federal judge, I'd say he's more qualified to be on the nation's highest court than some of the justices who are serving there now.

I've gone to lunch with senators, congressmen, and governors over the years. Sometimes when we walk into the restaurant, people will turn and stare. When Leon and I grab lunch at some hole in the wall eating place, nobody does that. He looks just like everyone else. You wouldn't know he's one of the most powerful judges in the country or that he helped pioneer the pro-life movement in Arkansas or that he is flat out one of the smartest lawyers in Arkansas or any other state. He looks more like a neighbor you might ask if you can borrow his hedge-trimmer than an expert in constitutional law—and I mean that as a compliment.

Leon is retiring from the bench, and President Trump nominated his replacement last month: Lee Rudofsky. I think Mr. Rudofsky will do a fine job, but he has some big shoes to fill on the court. We owe a lot to Leon Holmes and to others like him who stood up for what was right when very few others had the courage or the will to do so. And now let me tell you a little more about how we are continuing to stand up for what is right in Arkansas—and a little more about Mr. Lee Rudofsky, too.

**414 S. Pulaski St., Suite 2 • Little Rock, AR 72201 • 501-375-7000 • [info@familycouncil.org](mailto:info@familycouncil.org)**



Family Council  
President Jerry Cox

## MY THOUGHTS: DRINKING AND GAMBLING OUR WAYS TO PROSPERITY?

There are times I think Arkansas is like the unpopular high school kid who goes out partying because he thinks it will earn him the respect and friendship of all the “cool” kids.

We have some of the best lakes, mountains, rivers, and wildlife of any state in the country. The largest retailer in human history is headquartered in Arkansas. The largest privately-owned investment bank outside of Wall Street is based in Little Rock. When it comes to farming, Arkansas is a global leader in rice and poultry. But somehow we just aren’t “cool” enough for some people’s tastes.

The solution? Alcohol and gambling. That’s been the story for decades. Hot Springs had a fun, family-friendly theme park called Magic Springs that operated from 1977 to 1995. Not long after

the park reopened in 2000, management applied for a beer garden permit at the park. Never mind that plenty of amusement parks do just fine without alcohol.

This year Mountain Home voted to allow public drinking throughout most of the town’s historic downtown, and other cities and towns are planning to follow suit. The theory is that public drinking somehow will revitalize Main Street and the town square. Apparently that’s the reason stores closed down and people moved away: They couldn’t drink beer in front of the county courthouse lawn.

This year we’ve seen full-fledged casinos open at the race tracks in Hot Springs and West Memphis. Oaklawn’s and Southland’s operations more or less were casinos for the past 10 years, but now it’s official, and their gambling racket is bigger than ever before. Never mind that these are multi-million dollar outfits smack dab in the middle of two of Arkansas’ poorer counties—if gambling is good for the economy, then why is there so much poverty in Hot Springs and West Memphis? And never mind that Branson, Missouri, is one of the most popular tourist destinations in the country despite the fact the town has zero gambling.

We aren’t going to drink and gamble our way to a better economy. Embracing those vices won’t make us “cool.” Just like the unpopular kid trying to chug a six-pack at a party, people are just going to laugh at us.

## Mountain Home City Council Narrowly Approves Public Drinking District

On June 21 the Mountain Home City Council narrowly passed a city ordinance legalizing public drinking in certain areas of downtown, with Mayor Hillrey Adams casting the deciding vote on the issue.

Earlier this year the Arkansas Legislature narrowly passed Act 812 by Sen. Trent Garner (R – El Dorado) and Rep. Sonia Barker (R – Smackover). The act lets cities create “entertainment districts” where alcohol can be carried and consumed publicly on streets and sidewalks. Act 812 is virtually identical to a bill Democrats passed in 2005; fortunately then-Governor Mike Huckabee vetoed that bill. Family Council strongly opposed both the 2005 measure and Act 812 of 2019.

The Mountain Home city ordinance initially proposed in early June would have legalized public drinking from 4:30 PM – midnight seven days a week throughout some 12 blocks of the city’s historic downtown. For perspective, Bourbon Street in New Orleans is only 13 blocks long. However, the ordinance was modified slightly at the last minute to reduce the size of the public drinking district by about three blocks and to prevent bars and restaurants from selling alcohol in carry-out containers during the city’s Friday

Night Block Party events. It’s a small victory that the ordinance was amended at the eleventh hour to address some of its problems, but the fact remains that public drinking isn’t going to revitalize downtown Mountain Home or boost the city’s economy.

**If we really want to improve our communities, letting people drink on city streets and sidewalks is not the way to do it.**

As we have said before, entertainment districts raise serious concerns about public safety. Cities like Memphis and New Orleans have had significant problems with violence in their entertainment districts, and public drinking and intoxication also raise concerns about drunk driving in surrounding neighborhoods. If we really want to improve our communities, letting people drink on city streets and sidewalks is not the way to do it.



Assistant Executive Director  
David Cox

## POLICY POINTS: WILL PUBLIC DRINKING REVITALIZE MAIN STREET? DON'T COUNT ON IT.

By David Cox

To hear city officials in some parts of the state tell it, the secret to boosting the economy and resurrecting Main Street isn't better schools, more jobs, lower taxes, or higher wages. No, it's letting people drink booze on the public sidewalk.

Several of Arkansas' cities—including Texarkana, El Dorado, Little Rock, and Pine Bluff—seem infatuated with the idea of legalizing public drinking in neighborhood "entertainment districts." Some people point to Beale Street in Memphis and the Kansas City Power and Light District as proof that public drinking is some sort of silver bullet that can attract tourists, revitalize businesses, bolster tax revenue, and make the town square great again. Here's the truth.

Cities and towns that have revitalized their Main Street and downtown areas did not get there by deregulating public intoxication. These communities generally followed one of two routes: Either they found a wealthy foundation or business that would provide millions of dollars in grant money to improve the city, or they voted to spend large sums of money on tax incentives for businesses to locate downtown. Public drinking was something that came along after the cities revamped their neighborhoods—and a lot of people believe it's a blight on these communities. If you don't believe me, look at some of the recent news stories out of Memphis and New Orleans about stabbings, shootings, riots, and attacks against police in their entertainment districts.

You can reopen storefronts on the town square without letting people drink booze in the middle of the sidewalk. You can attract new shops and offices without forcing the people who run these businesses to sidestep puddles of vomit and piles of trash every Monday morning when they come to work. Revitalizing downtown is something that takes time and it has to be approached from several angles. There is no silver bullet that will do the trick—least of all public drinking.

## Oaklawn Opens Sports Betting in Hot Springs

In July the casino at Oaklawn in Hot Springs began accepting bets on sporting events. Gamblers will be able to wager on everything from professional golf to NASCAR races and from college football to Olympic events.

Here's something you can bet on: Nothing good is going to come of it if fans have big money riding on whether or not a 20-year-old college quarterback can throw a touchdown pass. There's a reason everyone from colleges and universities to the front offices of professional sports leagues don't want people betting on their athletic events: They know gambling is a scourge.

Interestingly, since becoming a full-fledged casino, Oaklawn has re-branded several of its so-called "electronic games of skill." Up until this year, the racetracks in Hot Springs and West Memphis let people gamble on electronic games that, in theory, required some level of skill to play and win. In 2007 Family Council Action Committee filed a lawsuit over these so-called "electronic games of skill," in part because we believed these are really casino games. Attorneys for Oaklawn and Southland assured the Arkansas Supreme Court and the media that even though these electronic games looked a lot like casino games, they really weren't.

When one Supreme Court justice asked what kinds of games the racetracks planned to offer, an attorney for Southland shrugged and said, "Yahtzee." Of course, that's

not what happened. The tracks offered video poker and several other games that you would find on the floor of a Las Vegas casino.

Fast-forward to 2019. Now that Oaklawn and Southland can offer casino games, some of these "electronic games of skill" from years past apparently are being re-designated as slot machines. For example, Oaklawn has offered games like Willy Wonka Pure Imagination and Zeus: Son of Kronos since at least 2017. Once upon a time these were electronic games of skill. Now that casino gambling is legal, Oaklawn's website lists them as slot games. Imagine that.





## Survey Says Millennials Increasingly Uncomfortable With LGBT Movement

In June the radical pro-LGBT organization GLAAD released the results of its annual survey on Americans' "comfort levels" with LGBT people—and the findings have a few people scratching their heads. The survey shows that U.S. adults are increasingly uncomfortable with LGBT people and issues, with Millennials ages 18 – 34 apparently leading this shift.

According to the survey, the number of adults ages 18 – 34 who are uncomfortable with learning a family member is LGBT rose from 24% in 2016 to 36% in 2018. The number of Millennials uncomfortable with the idea of their children having a lesson on LGBT history at school rose from 27% to 39% during that same time.

Strikingly, the number of Millennials that GLAAD counts as "allies"—people who are comfortable with LGBT efforts at every point—dropped from 62% in 2016 to 45% in 2018.

Normally we might dismiss a survey like this as an outlier, but GLAAD is a radically pro-LGBT group whose long-term goals literally include writing sexual orientation and gender identity into the U.S. Constitution, and this is the second year in a row that their study has found Millennials are shifting away from their camp. Needless to say, liberals are alarmed by these findings. Their solution is to further "educate" Millennials about things like tolerance and inclusion. But as many pundits have pointed out, groups like GLAAD have been pushing the LGBT agenda on Millennials for years.



This shift among Millennials probably is the result of several factors, but one of them may be the tactics that groups like GLAAD use. LGBT activists have spent the past few years bullying and marginalizing those who disagree with them. Anyone who questions whether or not it's appropriate to give puberty blockers to elementary school children or let men into women's shower facilities and locker rooms is shouted down and automatically branded a bigot. Is it any wonder Millennials might be tired of that?

## ACLU, Planned Parenthood Sue State Over Abortion Laws

In June the ACLU, Planned Parenthood, and Little Rock Family Planning Services filed legal challenges against three pro-life laws recently passed by the Arkansas Legislature. The laws are Act 493, prohibiting abortion after the eighteenth week of pregnancy, except in cases of rape, incest, or to save the life of the mother; Act 619, prohibiting abortion of an unborn baby solely because the child has Down Syndrome; and Act 700, requiring abortion doctors to be board certified or board eligible OB/GYNs.

These lawsuits are almost unbelievable. The ACLU is challenging laws designed to do things like ensure abortion doctors are properly certified in obstetrics and gynecology

and protect babies from being aborted simply because they have Down Syndrome. Planned Parenthood is challenging laws that hold abortion doctors to reasonable standards. The fact that abortionists would challenge a state law requiring them to be trained and certified as OB/GYNs speaks volumes.

Polling in Arkansas consistently shows most people believe abortion ought to be either completely illegal or legal only under certain circumstances. Historically, even people who support abortion have said abortion doctors need proper training. The fact that the ACLU and Planned Parenthood would challenge these laws shows they are severely out of touch with the rest of Arkansas.

I believe these laws can withstand a legal challenge. However, even when courts strike down a pro-life law, there's always a silver lining in the ruling. I believe these lawsuits will simply pave the way for even better pro-life laws in the future—no matter how the courts rule. Attorney General Leslie Rutledge and her team have done an excellent job defending Arkansas' other pro-life laws to date. I'm sure they will do a good job with this one as well.



## President Trump Nominates Arkansas Attorney Lee Rudofsky for Federal Bench



*In July President Trump nominated Lee Rudofsky, above, as a federal judge for the United States District Court for the Eastern District of Arkansas.*

On July 1, President Donald Trump nominated Lee Rudofsky to serve as a federal judge for the United States District Court for the Eastern District of Arkansas. Mr. Rudofsky would replace retiring judge Leon Holmes.

Leon and I have been good friends since the 1980s—long before he was a federal judge—when we worked together on a state constitutional amendment that prohibits publicly funded abortions in Arkansas. I'm sorry to see Leon retire from the bench, but I'm very pleased with President Trump's decision to nominate Lee Rudofsky to take his place.

Mr. Rudofsky is highly qualified to serve as a federal judge. He is a graduate of Cornell University and Harvard Law School, and he has experience with constitutional law. As Solicitor General for the State of Arkansas, Mr. Rudofsky tirelessly defended state laws and policies in court—including policies that protect taxpayers from subsidizing abortionists like Planned Parenthood through Medicaid funding. While there were many other qualified candidates for the position, I am confident Mr. Rudofsky will do an excellent job serving on the federal bench, and I urge the United States Senate to confirm him.

## This Law We Helped Pass Saves One Unborn Baby Every Day, On Average

The Woman's Right to Know Act of 2015 has saved at least one baby per day, on average, in the past three years. The law requires abortionists to give women all the facts about abortion up front—including information about abortion's risks, consequences, and alternatives. The law also requires doctors to give women plenty of time to weigh their options before having an abortion.

In June the Arkansas Department of Health released reports indicating 520 women chose not to have abortions in 2018 after they were given informed-consent information. We estimate about one out of every nine women who asks about abortion chooses not to go through with the procedure once they know the facts about it.

**We worked closely with Rep. Robin Lundstrum (R – Elm Springs) to pass this good law four years ago.** It's one of the best laws we've ever worked on. All told, the Woman's Right to Know

Act has saved 1,251 lives in the past three years. Laws like this one are part of the reason abortion in Arkansas has plummeted to a 42-year low.



## WE NEED YOUR HELP

Your financial support enables us to pass laws like the Woman's Right to Know Act. There aren't many places where you can turn dollar bills into lives saved, but Family Council is one of them. When you give to Family Council, you don't just support an organization. You become a partner with us in our work. We aren't just another charity. **We are working to change lives and make Arkansas a better place to live, work, and raise a family.**

Here's a quick snapshot of a few of the things your support will help us do in the coming months:

- 1. Fight Abortion.** Abortion in Arkansas has dropped to a 42-year low. We plan to continue building a culture that values and protects innocent human life. We want to make abortion unthinkable in Arkansas.
- 2. Support Pregnancy Resource Centers.** We are proud to partner with our new foundation, the ARFuture Foundation, to support pregnancy resource centers in Arkansas. These centers address the demand for abortion by helping women navigate unplanned pregnancies. This is another way we can fight abortion.
- 3. Publish the Arkansas Voter's Guide.** Since 1990, Family Council has produced Arkansas' leading, non-partisan voter's guide. We survey the candidates on a wide variety of issues, and we publish their survey responses in print and online. No other organization does what we do. The 2020 elections will be here before we know it, and we are already working on our voter's guide.
- 4. Promote Home Schooling.** Our home school office, the Education Alliance, helps home schoolers every day. The home schooled students our office has helped over the years have gone on to become community leaders, business executives, military officers, teachers, ministers, and parents. Home schooling does more than give kids a good education. It is producing leaders and shaping a better culture.
- 5. Oppose Public Drinking.** Now that cities have the option of creating "entertainment districts" where public drinking is legal, the public drinking debate is going to come up in cities and towns all over the Arkansas. We plan to be in the middle of those discussions. We have worked with citizens who oppose public drinking in several communities this summer, and we plan to continue those efforts in the coming months. We may not be able to stop public drinking at every turn, but I think we can keep it from inundating Arkansas the way some people believe it will.

As I said, these are just a few of our plans. We have a lot of important work to do. That's why I hope you will send a generous, tax-deductible donation today, if you are able. We've been able to promote, protect, and strengthen traditional family values for 30 years because friends like you have given faithfully to our work. With your help, we can continue to fight the good fight.

Thank you for standing with us. **My team and I deeply appreciate your friendship, your financial support, your kind words, and your prayers.** Please let us know if there is ever anything we can do for you.

Sincerely,



Jerry Cox, President

*Thank you!!*

P.S. One pro-life law we helped pass in 2015 has saved more than 1,200 unborn children from abortion in the past three years. The ACLU and Planned Parenthood have filed a legal challenge against three pro-life laws we helped pass this year, but I believe Attorney General Leslie Rutledge and her team will successfully defend these laws in court. Support for the LGBT agenda is dropping among Millennials, and abortion in Arkansas has hit a 42-year low. We are working hard to promote, protect, and strengthen traditional family values in Arkansas. That's why I hope you will send us a generous, tax-deductible donation today. Thank you for standing with us!

