

Noah Has Won a Major Legal Victory

Building a replica of Noah's Ark is the ambitious goal of a \$150-million development project in Northern Kentucky by an organization named "Answers in Genesis," led by its enthusiastic co-founder Ken Ham. He predicts that up to two million people will visit this park annually, after it opens this summer.

When completed, this modern Noah's Ark will be a massive structure the length of nearly two football fields, raised 15 feet off the ground. This project received an added boost by a court ruling in its favor in January, in the case of Ark Encounter v. Parkinson.

The Kentucky Tourism Cabinet originally approved tax incentives for this development, as it would for any project that attracts so many tourists to Kentucky. But then the government officials reversed themselves, declaring that the Establishment Clause of the First Amendment prevents them from giving a tax break to a project that includes some Christian messages.

This reversal by the Kentucky government against the Ark left it "high and dry," one might say, as the Christian group had already bought hundreds of acres of farmland in Kentucky based on the promised tax incentives. So the modern-day Noah sued in federal court, where district judge Gregory Van Tatenhove presided.

In a brilliant decision observing "that some interaction between church and state is 'inevitable,'" the judge ruled that the State of Kentucky itself had actually violated the First Amendment rights of the modern-day Noah, by discriminating against his group on the basis of his

“religious beliefs, purpose, mission, message, or conduct.”

The Court held that government violates both the Establishment Clause and the Free Exercise Clause when it excludes an organization from a benefit based on its religious message. Noah would have been pleased by this ruling.

Phyllis Schlafly has been a national leader of the conservative movement since the publication of her best-selling 1964 book, *A Choice Not An Echo*. She has been a leader of the pro-family movement since 1972, when she started her national volunteer organization called *Eagle Forum*. In a ten-year battle, Mrs. Schlafly led the pro-family movement to victory over the principal legislative goal of the radical feminists, called the *Equal Rights Amendment*. An articulate and successful opponent of the radical feminist movement, she appears in debate on college campuses more frequently than any other conservative.