

Judge Rules God Reference in KY Law Unconstitutional

✖ A Kentucky judge ruled Wednesday that a reference to dependence on “Almighty God” in a 2006 law that formed the state Office of Homeland Security is unconstitutional.

Franklin Circuit Judge Thomas Wingate said the reference is akin to establishing a religion, which violates the First Amendment.

(Photo: Kentucky state Rep. Tom Riner of Louisville)

“The statute pronounces very plainly that current citizens of the Commonwealth cannot be safe, neither now, nor in the future, without the aid of Almighty God,” Wingate wrote in his 18-page decision. “Even assuming that most of this nation’s citizens have historically depended upon God, by choice, for their protection, this does not give the General Assembly the right to force citizens to do so now.”

The legislation includes two amendments that Wingate said were at issue. One lists the agency’s “dependence on Almighty God as being vital to the security of the Commonwealth” before its other duties. The other requires that a plaque be placed at the entrance of the state Emergency Operations Center in Frankfort that reads, in part, “The safety and security of the Commonwealth cannot be achieved apart from reliance upon Almighty God.”

Ten Kentucky residents and the national group American Atheists Inc. sued to have the references removed from the 2006 law.

Noting that there are 32 references to God in state statutes and the state constitution, Wingate said the homeland security legislation is “exceptional” and unconstitutional because it

“places an affirmative duty to rely on Almighty God for the protection of the Commonwealth.”

Democratic state Rep. Tom Riner, who tacked the references to God on to the law, said the phrases do not promote religion. “God is not a religion,” he told the Associated Press. “God is God.”

Riner, pastor of Christ is King Baptist Church in Louisville, said he plans to ask Kentucky Attorney General Jack Conway to reconsider the order. A spokeswoman for Conway told the AP he had not decided whether he would appeal.

Riner said he was not willing to reword the phrases.

“This is no small matter, the understanding that God is real,” he told the AP. “There are real benefits to acknowledging Him. There was not a single founder or framer of the Constitution who didn’t believe that.”