

Ken Ham's Ark Encounter Under Government Attack

Bowing to pressure by secularist groups outside the state, Kentucky officials announced late Wednesday a decision to deny the Ark Encounter theme park an opportunity to participate in a popular tax rebate incentive program offered by the state's tourism office.

By letter on Dec. 10, state officials told the theme park's developer, Answers in Genesis (AiG), that the only way AiG could participate in the rebate program is if AiG would agree to two conditions: 1) waive its right to include a religious preference in hiring, and 2) affirm that it will tolerate no "proselytizing" at the theme park.

AiG has countered that the state's new conditions are unlawful because it is well-established under both federal law (Title VII) and state law (KRS §) that religious organizations and entities like AiG are specifically permitted to utilize a religious preference in their hiring. Moreover, the government cannot show hostility toward religion or discriminate against persons or organizations who express religious viewpoints.

"We have been working on this project with Kentucky for more than two years, so this just-received denial announcement is as disappointing as it is costly for our ministry without the expected rebate," said AiG president Ken Ham. "Our construction has already begun at the Williamstown, Kentucky, site, and it must proceed. We are fully prepared to defend our fundamental rights in court if necessary, as this issue is of huge importance, not only to us, but to every religious organization."

Two public interest law firms, Freedom Guard and the Center for Religious Expression, have agreed to represent AiG in the

matter. "The legal question here has already been answered unequivocally by the courts," said Mike Johnson, Chief Counsel of Freedom Guard. "No state is allowed to treat religious organizations less favorably than other organizations who seek to avail themselves of a facially neutral economic incentive program. Just because some state officials may not agree with the message of a Christian organization does not mean that organization and its member can be censored or treated as second-class citizens."

In spite of misinformation being disseminated by opposition groups, no taxpayer dollars were ever to be used to construct the full-size Ark, the centerpiece of the theme park. Instead, the Kentucky incentive program merely allows large scale economic development projects to qualify for a rebate of some of the brand new tax dollars each project generates, if and when certain performance benchmarks are ultimately reached.

In 2012 the Ark project was originally granted approval to participate in the state incentive program just like so many other economic development projects had been previously allowed. When the Ark's ownership structure changed in 2014, AiG was made to reapply for the rebate. Because AiG is the full owner of the Ark, AiG simply wishes to exercise its rights as a religious organization to hire adherents of its own religion.

AiG is currently evaluating its legal options in the wake of the state's actions, and will announce its decision within the next several days.