



Center for
Religious Liberty



RELIGIOUS LIBERTY

and the “Wedding Vendor” Cases



Center for Religious Liberty

The Center for Religious Liberty at Family Research Council exists to cultivate religious freedom for every person worldwide.

We believe that religious liberty is the freedom to hold religious beliefs of one's choice and to live according to those beliefs. While it was foundational to the formation of the United States of America, religious freedom is not merely an American right, but an inherent human right for all people of all faiths everywhere.



RELIGIOUS LIBERTY

and the “Wedding Vendor” Cases

Alexandra McPhee, Esq.

People of faith increasingly find themselves facing lawsuits (along with censure and hostility) when they refuse to renounce their religious beliefs on marriage and sexuality in living out their faith. One need look no further than the wedding industry, where small business owners are being forced to make the choice between violating their faith and freely running their businesses.

The conflict is often one of religious freedom versus laws that broadly prohibit discrimination based on sexual orientation and/or gender identity (SOGI laws). These laws were originally intended to protect the civil rights of all individuals. But now, radical LGBT interest groups are using them as a weapon to force their views on others.

The First Amendment has long protected free exercise beyond the walls of houses of worship and the freedom from being forced by the government to speak a message against one’s conscience. But the government has already compelled the men and women featured here to speak and act against their religious beliefs. This is unacceptable in any free country.

**RELIGIOUS BELIEFS
NATURALLY AFFECT ALL
AREAS OF A PERSON’S LIFE,
INCLUDING THEIR WORK.**

Religious beliefs naturally affect all areas of a person’s life, including their work. This is particularly true in the wedding business, which often touches on the transcendent. A wedding vendor sends a message when they help make a wedding ceremony a reality. They deserve the same constitutional protections as anyone else who communicates a message and lives out their faith through their work.

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Family Research Council.*



WHAT CAN WE DO ABOUT THIS?

Pray

Pray for strength for those who currently face public ridicule and costly, time-consuming litigation for taking a stand for their faith. Pray for wisdom for the legislators who write our laws, the officials who enforce them, and the judges who decide these cases to conduct their duties faithfully. Pray for boldness in ourselves to speak the truth and live out our faith in love.

Vote

As voters, we have the power to elect public officials who will promote and enact legislation that supports religious freedom. Getting the right laws on (or wrong laws off) the books can help stop these attacks on people living out their faith.

Stand

When we are forthright about our faith and support others in their expression of faith, we can be an encouragement to our neighbors and fight against the heightening legal and cultural pressure to push religion out of the public square.



The wedding vendors being attacked here happily serve same-sex attracted customers. They love them, invite them into their shops, and want to care for them. In some cases, they already have longstanding friendships and positive and ongoing relationships with those customers. They simply do not want to be forced to celebrate an event that they cannot support in good conscience. For that, they are being sued and publicly ridiculed.

Compelling business owners of faith to celebrate a union to which they are religiously opposed violates the principles of the First Amendment and oversteps the historical and proper use of civil rights laws. Neither they nor anyone else should have to give up their constitutional rights as a condition of making a living. Let us commit to advocating for the religious liberty of those featured here and others like them.

TIMELINE

“Wedding Vendor” Cases



2018¹

Jack Phillips

Masterpiece Cakeshop

COLORADO

A Colorado state agency decided that it was a violation of the law when Jack declined to provide a cake in celebration of a same-sex wedding. In a ruling ultimately reversing the state agency’s decision, the U.S. Supreme Court held that the state agency acted with extreme hostility towards Jack’s religious beliefs, rendering the agency’s decision invalid.²

Jack is now back in court for another cake request³—he could not in good conscience fulfill a request to make a custom cake in celebration of a sex transition. The individual seeking the commission sued, and Jack is now being forced to endure even more litigation for standing up for his beliefs. Jack has also initiated a lawsuit against certain state officials for the improper treatment of his case because of hostility towards his faith.

Photo: Alliance Defending Freedom

2018⁴

Aaron & Melissa Klein
Sweet Cakes by Melissa
OREGON



Melissa and Aaron Klein were the owners of Sweet Cakes by Melissa in Oregon. After declining to create a wedding cake for a same-sex commitment ceremony, the same-sex couple sued and the Kleins became immersed in a years-long litigation battle involving various government entities. The Kleins eventually had to close their bakery. Moreover, the very government official deciding their case made public comments opposing their actions.

In 2017, the Court of Appeals of Oregon affirmed⁵ a lower tribunal's decision holding that the Kleins violated the state's public accommodation law as well as an order directing the Kleins to pay \$135,000 in emotional damages into an escrow account. The state supreme court did not take up the case. The Kleins are now trying to take their case to the U.S. Supreme Court.



2018⁶

Carl & Angel Larsen
Telescope Media Group
MINNESOTA

Carl and Angel Larsen are Christians who work in media and film in Minnesota. They want to expand their services to the wedding industry, but they believe in natural marriage and do not want to facilitate the creation of any video that would be tantamount to the promotion of same-sex marriage. Yet under state law, they could be forced to do just that.

State officials have repeatedly said they will prosecute business owners like the Larsens. If they decline to film a same-sex wedding, existing law could force the Larsens to pay civil penalties in addition to legal damages and serve up to 90 days in jail. Carl and Angel want to stay true to their beliefs, but they don't want to wait around to be fined and jailed either. They have filed suit asking that a court declare that they can't be compelled to violate their faith in this way. A federal district court dismissed their case, but the Larsens appealed and argued their case⁷ before the 8th Circuit of the U.S. Court of Appeals in October 2018.

Photo: Alliance Defending Freedom

2018⁸

Lorie Smith

303 Creative LLC

COLORADO



Lorie Smith is owner of 303 Creative LLC in Colorado, and she uses her creative talents to make wedding websites. But because of the state's antidiscrimination law, she cannot do so in accordance with her belief that weddings are exclusively between one man and one woman. The law would require her to use her talents even for same-sex weddings. Moreover, the law prohibits Lorie from even sharing why she believes she could only create, in good conscience, wedding websites celebrating natural marriage.

Lorie filed a lawsuit to protect herself from enforcement of the state's antidiscrimination law. A federal district court dismissed her claims that the law unconstitutionally forces her to make wedding websites for same-sex unions, in contravention of her religious beliefs. But the court agreed to hold off on deciding Lorie's claims against the law's prohibition on her ability to communicate her beliefs pending the U.S. Supreme Court's decision in Jack Phillips's case (discussed previously).⁹ Now that the Supreme Court has decided Jack's case, Lorie is awaiting further proceedings in the federal district court.

Photo: Alliance Defending Freedom



2018¹⁰

Barronelle Stutzman

Arlene's Flowers

WASHINGTON

Barronelle Stutzman is an expert designer of flower arrangements and owner of Arlene's Flowers in the state of Washington. One day, a long-time customer requested a flower arrangement for his same-sex commitment ceremony. Barronelle declined to make the arrangement because she believed it would be inconsistent with her convictions regarding natural marriage. After the account of the incident was widely circulated on social media, the state attorney general sued Barronelle on its own accord for allegedly violating a state antidiscrimination law.

In the course of litigation, the state attorney general attempted to get Barronelle to barter her beliefs for \$2,001. She refused.¹¹ As a result, the case wound up in the state supreme court. Though the state supreme court ruled against Barronelle, the U.S. Supreme Court vacated the decision after she appealed. The Court ordered that the decision be reviewed in light of its own holding in Jack Phillips's case (above), which had been decided by the Court while Barronelle's case was at the state level.¹² The state supreme court's revision is pending now.

Photo: Alliance Defending Freedom

2018¹³

**Joanna Duka &
Breanna Koski**

Brush & Nib Studio

ARIZONA



After meeting at a Bible study, Joanna Duka and Breanna Koski decided to open Brush & Nib Studio in Arizona and specialize in custom designs. With the studio's focus on weddings, the two artists became concerned that their views of marriage conflicted with a city ordinance that would require them to provide their services for same-sex weddings. In fact, the ordinance seemed to prohibit the artists from even discussing with potential customers or the general public that they would only create art consistent with their beliefs.

Instead of waiting for a lawsuit to be filed against them, Joanna and Breanna sued the city. The lawsuit alleged that the ordinance violates Joanna, Breanna, and Brush & Nib's rights under the Arizona Constitution and the Arizona Free Exercise of Religion Act by forcing them to create works in violation of their beliefs and prohibiting them from discussing those beliefs. The case made its way to the Arizona Court of Appeals, which sided with the City.¹⁴ The state supreme court has agreed to review the case, and the artists and their studio will have another chance to fight for their constitutional rights.¹⁵

Photo: Alliance Defending Freedom

2018¹⁶

Cathy Miller

Tastries

CALIFORNIA



Cathy Miller is a baker and owner of Tastries, a small bakery that creates custom wedding cakes. A same-sex couple placed an order for one such cake with a store employee. Cathy later took over the order and realized that the cake was for the couple's same-sex commitment ceremony. She apologized and explained that because of her religious convictions, she could not create a cake celebrating a same-sex commitment ceremony. Cathy told the couple that she would refer their order to a competitor. Afterwards, the couple filed a complaint with the California Department of Fair Employment and Housing, alleging a violation of the Unruh Civil Rights Act, the state's public accommodation law.

After the Department investigated Cathy and Tastries, it asked a trial court to force Cathy to stop creating wedding cakes according to her religious beliefs while the Department prepared a lawsuit against her.¹⁷ In a promising short-term victory, the trial court would not fulfill the Department's request, reasoning that it would violate Cathy's Free Speech rights. But Cathy's faith and business remain on the line. The Department has filed a second, similar complaint against Cathy in addition to a separate action arguing that the same trial court is acting outside of its authority by saying it can preside over the new complaint.¹⁸ It has since been revealed that the same-sex couple wore a microphone during the meetings at Tastries "to record the refusal,"¹⁹ bringing their motives into question.

Photo: Freedom of Conscience Defense Fund

2017²⁰

Amy Lawson

Amy Lynn Photography

WISCONSIN



Amy Lawson, sole owner of Amy Lynn Photography, started her photography business in Wisconsin with the desire to operate in accordance with her Christian beliefs.

But state and local public accommodation laws categorically prohibit businesses from declining to provide services based on sexual orientation, and state law is broad enough to prohibit any communication about the reasons why a business would decline to provide services for an event like a same-sex wedding.

Like many others, Amy cares about people regardless of their sexual orientation. Her only concern was whether she would be forced to dedicate her talents to the celebration of same-sex unions or anything contrary to her pro-life beliefs. She challenged the ordinance by asking a court to declare whether she would be subjected to these laws. In an encouraging victory, the court declared that she would not, as her business did not meet the definitions of public accommodation under either the state or the local laws.²¹ While it is a welcome outcome, the laws are still on the books for business owners who believe like Amy but meet the state or local definition of public accommodation.



2017²²

Jim & Beth Walder

TimberCreek
Bed & Breakfast

ILLINOIS

TimberCreek Bed & Breakfast, owned by Jim and Beth Walder, expressly considers itself to be a Christian establishment.²³ An individual inquired whether TimberCreek would host ceremonies for civil unions. Jim said he only hosted weddings, that a same-sex commitment ceremony would be inconsistent with his beliefs, and why he thought it was wrong.²⁴ Civil unions were not recognized in Illinois at the time of the parties' exchange.

The individual and his same-sex partner filed a complaint with the Illinois Human Rights Commission and asserted emotional damages, even though they never directly requested to use the facilities (and thus never received a rejection). TimberCreek was required to pay the couple \$30,000 for "emotional distress" and \$52,000 for the couple's attorneys fees and other incidental costs.²⁵ This case reached its final stage when the Illinois Court of Appeals dismissed TimberCreek's appeal of the Commission's decision for reasons unrelated to the merits of the case.

2016²⁶

Don & Evelyn Knapp

The Hitching Post
Wedding Chapel

IDAHO



Don and Evelyn Knapp own the Hitching Post Wedding Chapel in Idaho. The Knapps filed a lawsuit against their city because their for-profit company could have been compelled to comply with a city ordinance that prevents most businesses from discriminating based on a person's sexual orientation. Don and Evelyn briefly closed the wedding venue after a person inquired about using the chapel for a same-sex wedding.

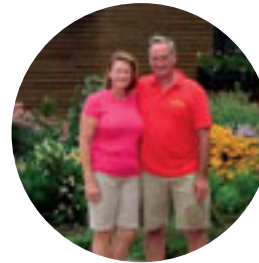
After a federal district court dismissed all but one of their claims,²⁷ the Knapps and the city eventually settled.²⁸ When the Knapps reopened the Hitching Post, they reorganized the company as a religious corporation, which, according to the city's attorney, meant the ordinance "didn't apply to them and they wouldn't have been compelled to perform same-sex weddings."²⁹ But the language of the ordinance remains in place, so it is possible that it could be used to shut down other religious wedding vendors when they decline to provide services for same-sex ceremonies.

2016³⁰

**Cynthia &
Robert Gifford**

Liberty Ridge Farm

NEW YORK



Cynthia and Robert Gifford are the owners of Liberty Ridge Farm in New York, where they live and make available space on their property for events, sometimes including weddings, for the community. A same-sex couple filed a complaint with the New York State Division of Human Rights when Cynthia explained that it would be against her and her husband's beliefs to host a same-sex commitment ceremony. Short of officiation, Cynthia is involved at every level of coordinating the weddings, and she could not in good conscience do the same for a same-sex union.

It was held that the Giffords categorically discriminated against those who identify as homosexual under the state public accommodation law. They were also ordered to pay the same-sex couple a total of \$13,000 and to "establish antidiscrimination training."³¹ It didn't matter that the Giffords were willing to host receptions for same-sex unions or that they had hosted parties involving same-sex couples in the past. After a decision from a state appellate court affirming the holding and order, the couple decided to not pursue an appeal after much deliberation and likely exhausting litigation.³²

2015³³

Dick & Betty Odgaard

Gortz Haus Gallery

IOWA



Dick and Betty Odgaard of Iowa owned the Gortz Haus Gallery and used the building's former church sanctuary as a wedding venue.

A same-sex couple filed a complaint with the Iowa Civil Rights Commission after the Odgaards refused to rent the space for their same-sex wedding ceremony. As a part of a settlement agreement to end the litigation,

Dick and Betty agreed to pay the couple thousands of dollars and to not host any more weddings.

Faced with the resulting dramatic loss in business, the Odgaards closed the gallery and have since sold the property to a church. Betty said, "If it can't be a gallery anymore, this is the next best thing. We're pretty tickled."³⁴

Betty and Dick also filed a suit against the Commission alleging a violation of their religious beliefs, but the suit was dismissed, and the Iowa Supreme Court declined to review the case.³⁵

2014³⁶

Elaine & Jonathan Huguenin

Elane Photography

NEW MEXICO



Elaine and Jonathan Huguenin run Elane Photography, a New Mexico-based studio dedicated to wedding photography. A same-sex couple requested the studio's services for their commitment ceremony, but to do so would have been contrary to the Huguenins' faith. Though able to secure photography elsewhere, the same-sex couple filed a complaint with the New Mexico Human Rights Commission alleging Elane Photography violated the state antidiscrimination law when Elaine declined to photograph the ceremony.

The case wound up at the state supreme court, which ruled that, once Elane Photography opened its doors to the public, it had to make its services available to both same-sex and natural marriages.³⁷ The state supreme court's ruling became binding on the parties when the U.S. Supreme Court declined to review the case.³⁸

Photo: Alliance Defending Freedom

2012³⁹
**Ocean Grove
Camp Meeting
NEW JERSEY**



The Ocean Grove Camp Meeting Association is a square-mile parcel of land in New Jersey owned and operated by a Methodist congregation. A same-sex couple sought the use of the Boardwalk Pavilion located on the property for their commitment ceremony. The Association's leaders Scott and Nancy Hoffman declined to do so because hosting the ceremony would conflict with the Association's beliefs on marriage.⁴⁰ Though able to secure a nearby venue, the same-sex couple filed a complaint with the New Jersey Division on Civil Rights arguing that the Association violated the state antidiscrimination law.

The Division held that the Association is required to rent the Pavilion for civil union ceremonies when it would otherwise offer the same service for a traditional wedding.⁴¹ This decision is the final stage of this case, and the Association has ceased use of the Pavilion as a wedding venue.⁴²



2012⁴³
**Jim & Mary
O'Reilly
Wildflower Inn
VERMONT**

Jim and Mary O'Reilly operate and own the Wildflower Inn, a countryside bed and breakfast destination in Vermont. The O'Reillys, when asked, would inform those seeking receptions for same-sex ceremonies that they believed in natural marriage only; but they did not summarily turn away customers on this ground. The O'Reillys conducted their business in good-faith reliance on a 2005 decision from the Vermont Human Rights Commission that indicated their actions were consistent with the state's public accommodation law.⁴⁴

After an Inn employee lied to an inquiring same-sex couple by saying that the O'Reillys declined to rent the venue because of their "personal feelings" (and after referring the couple to her own personal business), the same-sex couple sued.⁴⁵

Despite the errant actions of the employee and the O'Reillys' good-faith reliance on the Commission's 2005 decision, the O'Reillys had to enter into a settlement agreement to end the litigation. The cost of expressing their faith: \$30,000 in civil penalties and payments to a charitable trust established and designated by the same-sex couple.⁴⁶

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The freedom to believe and live according to one's beliefs is the foundation for a civil society where people of differing beliefs can live and work together with mutual respect. These stories show what it means—and what it costs—to live out what you believe.

RememberthePersecuted.org

There is a worldwide crisis of religious liberty. We hope this page can serve as a resource to bring hope and help to the persecuted.



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