

Marriage and Religious Freedom: Current Threats



"Marriage and the family are institutions that must be promoted and defended from every possible misrepresentation of their true nature, since whatever is injurious to them is injurious to society itself" (The Sacrament of Charity (*Sacramentum caritatis*), 29). As the following limited examples illustrate, redefining and weakening marriage in civil law has harmed religious liberty in multiple contexts:

Small businesspersons-

A baker in Colorado, Jack Phillips, was targeted by a state agency after declining to create a custom cake for a same-sex wedding in 2012. Though he finally won his appeal in the U.S. Supreme Court in 2018, the state continued to pursue action against him for turning down the creation of a custom "gender transition" cake – requested by a lawyer who knew of Phillips' situation – in 2017. A [lawsuit](#) to stop this pursuit is pending as of 2019. For not submitting to the state and sending himself and his staff to "re-education," Phillips has lost 40% of his business.

Two young women starting a calligraphy business in Phoenix, Arizona in 2015 were [ordered by state courts](#) to serve same-sex weddings. Breanna Koski and Joanna Duka are required to not even talk about their faith with clients, or face fines and even jail time. The case is before the state supreme court in 2019.

A bakery, owned by Aaron and Melissa Klein, was fined \$135,000 by the State of Oregon in 2015 and forced to close its storefront due to public harassment after declining to create a cake for a same-sex wedding in 2013. An [appeal](#) to the U.S. Supreme Court is pending as of 2019.

A florist and grandmother, Barronelle Stutzman, who declined to create custom floral arrangements for a same-sex "wedding" for a long-time customer, was [sued](#) by the state attorney general in 2013. As of 2019, Arlene's Flowers is receiving a [second review](#) after the U.S. Supreme Court instructed the Washington Supreme Court to reconsider the case in light of the former's decision in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*.

A farmer, Stephen Tennes, in 2017 was [prohibited](#) by the city from participating in a local farmers' market in Michigan because he had refused to host a same-sex wedding on his land. He was eventually allowed back in but only after having to file a federal lawsuit against the city.

Filmmakers and active Christians, Carl and Angel Larsen, were told by the State of Minnesota that if they produce films celebrating authentic marriage using cinematography services for opposite-sex couples, then they would also have to serve and include same-sex couples. They sued in 2016, and an [appeal](#) was pending at the beginning of 2019.

A Christian mortgage firm in Colorado was sued in 2017 for only treating opposite-sex couples as "married" in their employment benefits. Under pressure, the business agreed in a [settlement](#) to change its policy, and the chairman resigned.

A graphic designer, Lorie Smith, is being [required](#) to use her creative skills to publicize same-sex weddings in Colorado. Her 2016 lawsuit is still not resolved as of 2019.

An ordained Pentecostal couple, Donald and Evelyn Knapp, with a wedding chapel business in Idaho, was [warned](#) by their city in 2014 that they would have to serve same-sex weddings, and they were subjected to investigations before the city eventually backed off.

Photographers in 2013, Elaine and Jonathan Huguenin, were [told](#) by the New Mexico Supreme Court that if they were to remain in business, they would have to photograph a same-sex “commitment ceremony” against their beliefs.

Bed-and-breakfast owners, Jim and Mary O’Reilly, who declined to host a reception for a same-sex “wedding” in Vermont, in a 2012 [settlement](#), had to pay \$30,000 and were resigned to never host wedding receptions again.

T-shirt maker Blaine Adamson was subjected to government action in Kentucky for declining to create a pro-“LGBT” custom shirt for a Pride event in 2012. The [lawsuit](#) is still in progress as of 2019.

Adoption and foster care agencies-

Several states and localities have eliminated funding, contracts, or even licensing with faith-based child welfare providers, which serve as adoption or foster care agencies, because the agencies, consistent with their religious beliefs, seek to place children in homes headed by a married mother and father. This effectively shuts certain faith-based agencies down completely and leaves vulnerable children with fewer options. This has occurred or is being threatened in:

Michigan (initiated by a [lawsuit](#), in progress as of 2019)

Pennsylvania ([Philadelphia](#), then statewide action, 2018; challenges in progress as of 2019)

New York ([Buffalo](#) 2018; and lawsuit in progress in [Syracuse](#) as of 2019)

Illinois ([2011](#))

Washington DC ([2010](#))

San Francisco (partial [2006](#), full [2008](#))

Massachusetts ([2006](#))

Christian hospitals, schools, and housing-

A faith-based, non-profit retirement community in Missouri was [sued](#) in 2018 for not letting a civilly married same-sex couple cohabitate, a right which the community reserves for people in a “biblical” marriage.

In 2019 a counselor [filed](#) a complaint with the Equal Employment Opportunity Commission (EEOC) against Roncalli (Catholic) High School, after being placed on administrative leave for violating her contract by living in a same-sex marriage and failing to negotiate a resolution with the school. Several weeks prior, as she considered her plans, another counselor in a same-sex civil union at the same school, who had to cover the first’s workload, [complained](#) to the EEOC of a hostile work environment.

Paramus Catholic High School, the school president, and the Archdiocese of Newark, were [sued](#) in New Jersey in 2016 for dismissing a teacher in a same-sex marriage.

A Catholic high school in Ohio was [sued](#) in 2013 for dismissing a teacher whose same-sex relationship was publicized in a local newspaper.

A Catholic hospital in New York was [sued](#) in 2012 by an employee for not providing health insurance covering the employee's same-sex "spouse."

Public officers and employees-

Fire Chief Kelvin Cochran in Atlanta was fired in 2014, after a long career of distinguished service, for writing a book on Christian life on his own time, which included a very small section on traditional sexual ethics. In 2017, he partially [won](#) a wrongful termination suit.

An Army chaplain, Maj. Scott Squires, serving at Fort Bragg, North Carolina, faced dereliction of duty charges in 2018 for rescheduling a marriage retreat with another chaplain once he learned a same-sex couple planned to enroll. Though the charges were recommended by an investigator, they were [dropped](#).

A federal judicial nominee, Brian Buescher of Nebraska, had his fitness to serve [challenged](#) by two U.S. Senators in 2018 because he is a member of the Knights of Columbus, and the organization maintains the authentic view of marriage. This was not the first time a judicial nominee faced this specific line of questioning, though it was the first to receive major reporting. Weeks later, judicial nominee Neomi Rao was fiercely [questioned](#) by another U.S. Senator as to whether she personally believes same-sex sexual relationships are "immoral" or a "sin."

A state judge in West Virginia, Lynn Nelson, under threat from the local judicial commission, [decided](#) in 2018 to no longer perform any weddings so that he would not have to perform same-sex weddings.

Town clerk Laurel Eriksen, who declined to serve a same-sex couple, though they did not have the required appointment and she referred them to a colleague who would do it at another time, was [investigated](#) by the governor of New York in 2018.

A magistrate judge in Wyoming, Ruth Neely, was [censured](#), forbidden from solemnizing marriages, and ultimately pushed out of her office in 2017 for simply expressing in a 2014 interview that her religious beliefs would not allow her to perform same-sex weddings.

A county magistrate in North Carolina, Gayle Myrick, was forced to resign because of her views on marriage in 2014, though the Equal Employment Opportunity Commission (EEOC) [ruled](#) in her favor, and the state settled her case in 2018.

Notaries public in Maine, who number approximately 25,000, were [told](#) by state officials in 2012 that if they perform any weddings, they must provide wedding services to persons in same-sex relationships or face action for human rights violations.

Two city employees in Oakland, California, Regina Rederford and Robin Christy, were threatened with termination and censored in 2003 when they posted Christian materials on their bulletin board. An appeals court in 2007 agreed that the terms "natural family, marriage and family values" amounted to homophobic hate speech, even though other city employees used their official email to denigrate Christians.

Schools and Universities (as the opponents)-

Austin Independent School District, which rents school spaces to churches, threatened to stop renting to Celebration Church in 2018 because of its stance on marriage.

In 2018, Rider University in New Jersey removed Chick-fil-A as an option after it won a student poll for new restaurants to bring to campus, due to the restaurant leadership's stance on marriage.

A Christian student organization at the University of Iowa, Business Leaders in Christ, was stripped of campus recognition in 2017 because of the statement of faith required of its leadership, which includes belief in natural marriage. They sued and have been successful thus far.

A popular national Christian student organization, InterVarsity Christian Fellowship, was de-recognized by the California State University system in 2014 for its position on marriage.

A Gallaudet University administrator, Angela McCaskill, was placed on leave for three months in 2012 for signing a Maryland petition to place the state's marriage redefinition law on the ballot.

A 15-year-old high school student in Wisconsin, Brandon Wegner, was interrogated, censored, and threatened with suspension for writing a school newspaper op-ed opposing adoption by persons of the same sex in 2012, even though it was run parallel to a piece with the opposite viewpoint.

Also of notoriety were the threats by mayors of major cities, such as Boston and Chicago, in 2012 to stop the fast-food chain, Chick-fil-A, from operating in their cities because its leadership supported the authentic definition of marriage. In 2016, the mayor of New York urged citizens to not patronize the chain.

These are just some examples of the numerous situations brought about by the government and the academy. In the private sector, there have been many more terminations of people's employment based on their support of referenda or other means to maintain the authentic definition of marriage.

The highest profile example is likely Brendan Eich, the CEO of massive internet browser company Mozilla, who in 2014 was removed for having privately donated to California's Proposition 8 against same-sex marriage.

Threats such as these have occurred in many other countries as well, often to an even more persistent and invasive extent where religious freedom rights are less protected.