



Written by [Joe Wolverton, II, J.D.](#) on June 13, 2018

Arizona Court Orders Christian Store Owners to Make Wedding Invitations for Homosexual Couples

Just three days after the U.S. Supreme Court handed down a decision in favor of a baker who refused to bake a cake for a gay “wedding,” a court in Arizona is forcing a pair of Christian small-business owners to provide their products to a homosexual couple.

On June 7, the Arizona Court of Appeals held that Brush and Nib, a stationery and calligraphy company in Phoenix specializing in wedding invitations, could not invoke their religious belief that same-sex relationships are sinful as a reason for refusing to make invitations for a homosexual couple. The court’s ruling upholds the city’s anti-discrimination ordinance.

According to that section of the city’s code, business owners may lose their license to conduct business in the city if they fail to comply with the ordinance and criminal penalties are imposed for failure to obey the law.

For each day Joanna Duka and Breanna Koski, the owners of Brush and Nib, followed their religious beliefs and disobeyed the law, they would each be penalized up to \$2,500 and six months in jail. Additionally, business owners cannot explain to potential customers or to the public why they were choosing not to create invitations for a “wedding” that violates their religious beliefs.

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Here, these two Christian women and business owners are placed in the infamous and immoral position of having to choose between violating a city ordinance or violating what they believe to be a commandment of God. Especially egregious was the ordinance’s prohibition on sharing with the public the basis for their refusal to create art for homosexual “weddings.” These women would not be silenced.

This unconscionable conundrum reminds one of the situation created when the law is used to forcibly take control over the property of another person, as described in *The Law* by Frederic Bastiat:

It is impossible to introduce into society a greater change and a greater evil than this: the conversion of the law into an instrument of plunder.

What are the consequences of such a perversion? It would require volumes to describe them all. Thus we must content ourselves with pointing out the most striking.

In the first place, it erases from everyone’s conscience the distinction between justice and injustice. No society can exist unless the laws are respected to a certain degree. The safest way to make laws respected is to make them respectable. When law and morality contradict each other, the citizen





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has the cruel alternative of either losing his moral sense or losing his respect for the law.

These two evils are of equal consequence, and it would be difficult for a person to choose between them.

Duka and Koski chose to maintain their moral sense and suffer the consequences of their commitment to their faith.

In order to avoid being penalized for adhering to the tenets of their Christian faith, the women filed suit. The purpose of their legal complaint is provided by their attorneys:

So Joanna and Breanna took the only viable option left. In May 2016, Alliance Defending Freedom filed a lawsuit on their and Brush & Nib's behalf against Phoenix. The lawsuit alleged that Phoenix is violating Joanna, Breanna, and Brush & Nib's rights under the Arizona Constitution and the Arizona Free Exercise of Religion Act by compelling them to create art they object to and by stopping them from discussing their artistic and religious beliefs with others. The lawsuit asked the Arizona court to give Joanna, Breanna, and Brush & Nib the freedom to create artwork consistent with their artistic and religious beliefs and to explain these beliefs to others.

On June 7, the state's Court of Appeals upheld the decision handed down by a lower court that Phoenix's anti-discrimination applies in this case and Duka and Koski cannot claim a religious exemption to not providing their products to a gay couple.

Proving that the recent ruling in the case of the Colorado baker was not a victory for the free exercise of religion and the right of business owners to refuse service based on their religious faith, the Arizona Court of Appeals opinion actually *quotes* the U.S. Supreme Court's *Masterpiece Cakeshop* decision handed down just days before, in its finding that Brush and Nib must make wedding invitations for the homosexual couples. The Arizona court's decision reads:

This conduct, even though it may incidentally impact speech, is not speech. Further, allowing a vendor who provides goods and services for marriages and weddings to refuse similar services for gay persons would result in 'a community-wide stigma inconsistent with the history and dynamics of civil rights laws that ensure equal access to goods, services, and public accommodations.'

As I wrote in [my analysis of the *Masterpiece Cakeshop* decision](#), the text of that 7-2 opinion specifically refuses to shore up the right of conscience and the fundamental rights of free exercise of religion and free speech. That case's plain text demands that "customers receive 'the full and equal enjoyment' of public accommodations irrespective of their sexual orientation."

The majority opinion in the *Masterpiece* decision clearly condemns Christians' refusal to act against their faith in the sentence that says religious objections "do not allow business owners and other actors in the economy and in society to deny protected persons equal access to goods and services under a neutral and generally applicable public accommodations law."

Not unexpectedly, the American Civil Liberties Union praised the pro-gay agenda Appeals Court decision.

"The Arizona court today rightly ruled that businesses open to the public must be open to all and cannot discriminate against potential customers based on who they are: in this case, members of the LGBT community," Joshua Block, a staff lawyer for the ACLU, wrote in a press release issued after the decision was handed down.

Finally, there is no question that the free exercise of religion is under near-constant assault. The attacks



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are aimed more than not at the Christian faith. In defending against the war government is waging against Christianity, I offer this warning pronounced by the eminent John Locke in his essay "A Letter Concerning Toleration:"

The care of the salvation of men's souls cannot belong to the magistrate; because, though the rigour of laws and the force of penalties were capable to convince and change men's minds, yet would not that help at all to the salvation of their souls. For there being but one truth, one way to heaven, what hope is there that more men would be led into it if they had no other rule to follow but the religion of the court, and were put under the necessity to quit the light of their own reason, to oppose the dictates of their own consciences, and blindly to resign themselves up to the will of their governors ... [and be] put under an obligation of following their princes in the ways that lead to destruction.

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