



Written by [Dave Bohon](#) on October 20, 2014

Idaho Ministers Face Jail for Refusing Same-sex “Marriage” Ceremonies

The city of Coeur d’Alene, Idaho is trying to force a Christian couple who run a wedding chapel in the community to perform same-sex wedding ceremonies. City officials have told Donald and Evelyn Knapp, ordained Christian ministers who run the [Hitching Post](#) wedding chapel, that the city’s non-discrimination ordinance requires them to perform homosexual “weddings,” and their refusal to do so may cost them thousands of dollars in fines and months in the county jail.



Earlier this year a federal judge overturned Idaho’s 2006 voter-passed constitutional amendment defining marriage as only between a man and a woman, prompting homosexual couples to begin filing for marriage licenses. Last year Coeur d’Alene passed a non-discrimination ordinance that, among other requirements, bans businesses from refusing service based on an individual’s sexual orientation. Business owners who violate the law face fines and jail time.

The Knapps, who are ordained with the International Church of the Foursquare Gospel, a conservative Pentecostal denomination, ran into problems when they were apparently reported to city officials after telling a potential customer that they would not perform a same-sex wedding ceremony, citing their Christian convictions as well as the ordination rules of their denomination. The city began to pressure them, warning them of the possible consequences should they refuse to submit.

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On October 17, the conservative legal advocacy group [Alliance Defending Freedom](#) (ADF) filed a lawsuit against the city of Coeur d’Alene on behalf of the Knapps, asking a federal judge to issue a temporary restraining order barring the city from any actions against the couple over their refusal to obey the ordinance.

Noting that the Knapps believe marriage is a sacred covenant between only a man and a woman, the lawsuit charges that performing “same-sex wedding ceremonies would thus force the Knapps to condone, promote, and even consecrate something forbidden by their religious beliefs and ordination vows.”

The suit notes that the Knapps “are thus under a constant, coercive and substantial threat to violate their religious beliefs due to the risk that they will incur the penalties of jail time and criminal fines for declining to speak a message and perform a wedding service that contradicts their religious beliefs and ministerial vows.”

In a statement announcing the lawsuit, ADF Senior Legal Counsel Jeremy Tedesco charged that “government should not force ordained ministers to act contrary to their faith under threat of jail time and criminal fines. Many have denied that pastors would ever be forced to perform ceremonies that are completely at odds with their faith, but that’s what is happening here — and it’s happened this quickly. The city is on seriously flawed legal ground, and our lawsuit intends to ensure that this couple’s



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freedom to adhere to their own faith as pastors is protected just as the First Amendment intended.”

The Knapps, who are both in their 60s, face months in jail and up to \$1,000 in fines for their refusal to perform homosexual wedding ceremonies. Their Hitching Post Wedding Chapel is conveniently located across the street from the Kootenai County Clerk’s office, which issues marriage licenses. The couple, who have enjoyed 47 years of marriage themselves, began operating the wedding chapel in 1989 as a ministry, performing Christian wedding ceremonies that include an invocation of God’s blessing on the union, along with remarks drawn from the Bible designed to encourage couples and help them begin their marriage on the right footing. “They also provide each couple they marry with a CD that includes two sermons about marriage, and they recommend numerous Christian books on the subject,” noted the ADF, and they “charge a small fee for their services.”

Back in May Donald Knapp told local station KXLY-TV: “I think the Bible is pretty clear that homosexuality is not [God’s] way, and therefore I cannot unite people in a way that I believe would conflict with what the Bible teaches.” He added that while he bears no ill will toward homosexuals who wish to marry, “I cannot in clear conscience unite such a couple.”

ADF Legal Counsel Jonathan Scruggs said that the city “somehow expects ordained pastors to flip a switch and turn off all faithfulness to their God and their vows. The U.S. Constitution, as well as federal and state law, clearly stand against that. The city cannot mandate across-the-board conformity to its interpretation of a city ordinance in utter disregard for the guaranteed freedoms Americans treasure in our society.”

Tedesco pointed out that “government exists to protect and respect our freedoms, not attack them. The city cannot erase these fundamental freedoms and replace them with government coercion and intolerance.”

UCLA law professor Eugene Volokh believes it is likely the Knapps will ultimately be given an exemption under Idaho’s Religious Freedom Restoration Act, that will protect them from being forced to perform same-sex ceremonies at their public wedding chapel.

“The Knapps allege that ‘sincerely held religious beliefs prohibit them from performing, officiating, or solemnizing a wedding ceremony between anyone other than one man and one woman,’” Volokh wrote in a *Washington Post* op-ed. “I know of no reason to think they’re lying about their beliefs. Requiring them to violate their beliefs (or close their business) is a substantial burden on their religious practice.”

He added that “I find it hard to see a compelling government interest in barring sexual orientation discrimination by ministers officiating in a chapel. Whatever interests there may be in equal access to jobs, to education, or even in most public accommodations, I don’t see how there would be a ‘compelling’ government interest in preventing discrimination in the provision of *ceremonies*, especially ceremonies conducted by ministers in chapels.”

Similarly, [Ryan T. Anderson](#), who researches marriage issues for the Heritage Foundation, wrote that “it is unclear how the city could claim that forcing the Knapps to perform a same-sex wedding is a compelling government interest being pursued in the least restrictive way. There are numerous other venues where a same-sex couple could get married. Indeed, there is a county clerk’s office directly across the street from the chapel.”

Anderson added that government’s recognition of same-sex marriage “need not and should not require any third party to recognize a same-sex relationship as a marriage. Government should respect the rights of all citizens. Indeed, a form of government respectful of free association, free contracts, free



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speech and free exercise of religion should protect citizens' rights to live according to their beliefs about marriage."



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