



Written by [Raven Clabough](#) on May 16, 2016

## Latest Battle Over LGBT Ordinances Hits Phoenix

The latest battle in the war over transgender and same-sex laws is taking place in Phoenix, Arizona, where a Christian calligraphy studio has filed a lawsuit against the city over its LGBT non-discrimination ordinance.

The calligraphy studio, Brush & Nib, is run by two Christian women who sell hand paintings and calligraphy for weddings and events. The owners contend that the city's ordinance, which prohibits businesses from refusing service based on sexual orientation and gender identity, would compel them to violate their own convictions in direct violation of their First Amendment rights.

The Daily Caller reports, "The lawsuit is a 'pre-enforcement challenge,' which means the studio is challenging the ordinance in court even though it has not yet been directly affected by it."

The city is fully prepared to defend its ordinance. "The Phoenix non-discrimination ordinance protects fundamental civil rights for everyone, and we will defend it aggressively," Phoenix Mayor Greg Stanton said in a statement.

But the plaintiffs contend that the city's efforts to avoid discrimination are in fact discriminatory against individuals who do not wish to violate their own consciences. "We fully expect to have a hearing in the next few weeks on our motion for preliminary injunction and to have the Arizona superior court grant our motion and vindicate the free speech and religious liberty rights of our clients," Jon Scruggs, an attorney working on the case with Alliance Defending Freedom (ADF) — the Christian legal group representing the studio — told The Daily Caller News Foundation. "In reality, the case is pretty simple when you boil it down: no American, including artists, should have the government force them to create art against their artistic and religious beliefs."

The plaintiffs assert that their business is in art, which should be considered free speech, and as such, their business should not be compelled to action by the federal government. "Artists shouldn't be threatened with jail for disagreeing with the government," Alliance Defending Freedom (ADF) Senior Counsel Jeremy Tedesco said in a statement. "The government must allow artists the freedom to make personal decisions about what art they will create and what art they won't create. Just because an artist creates expression that communicates one viewpoint doesn't mean she is required to express all viewpoints. It's unjust, unnecessary, and unlawful to force an artist to create against her will and intimidate her into silence."

Meanwhile, One Community, an Arizona LGBT advocacy group, called the lawsuit "baseless," claiming that no one's beliefs should be forced upon anyone else, even as the plaintiffs are attempting to make the same argument. "Businesses that are open to the public should be open to everyone on the same terms, including to customers who are gay or transgender," Angela Hughey, president of

BRUSH&NIB





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One Community, said on Facebook. “Nobody should be turned away from a business simply because of who they are or who they love. Protecting people from discrimination, including people who are gay or transgender, is about treating others as we want to be treated.”

Phoenix is just one of many areas throughout the country that is witnessing a contentious battle over LGBT ordinances.

North Carolina and the federal government have filed lawsuits against each other over North’s Carolina’s recently passed transgender law. Under the law, transgender individuals are asked to use public restrooms that correspond to the sex with which they were born, not with which they identify. North Carolina Governor Pat McCrory has defended the law as “very common-sense,” but the LGBTQ community claims the law is discriminatory.

Additionally, ABC News reports that the Justice Department has already been asked to intervene and block the execution of Mississippi’s House Bill 1523, which states that government and business employees can deny services if offering those services asks them to violate their own religious beliefs that marriage should be between a man and a woman and gender is defined biologically.

The *New York Times* reports that a group in Illinois called Students and Parents for Privacy filed a lawsuit against the Department of Education, the Justice Department, as well as Attorney General Loretta Lynch, and school directors of Township High School demanding that the district stop the practice of “forcing 14- to 17-year-old girls to use locker rooms and restrooms with biological males.”

In a stark example of government overreach, President Obama issued a decree to all public schools that requires them to permit transgender students to use the bathroom that corresponds to the gender with which they feel comfortable.

Last week, President Obama issued a “guidance letter,” to all public schools indicating that they must permit students to use whichever restroom they choose. The letter was jointly signed by the Departments of Justice and Education and includes a thinly veiled threat to cut federal funding to schools that do not comply. “A school may not require transgender students to use facilities inconsistent with their gender identity or to use individual-user facilities when other students are not required to do so,” reads the letter, which was obtained by the *New York Times*.

Schools will receive a list of “emerging practices,” ABC News reports, that will provide “advice for how to deal with a number of issues, from ensuring faculty uses the student’s preferred pronoun to preventing staff from inadvertently disclosing a student’s status as transgender.”

Thus far, numerous state leaders have openly condemned the president’s guidance letter, with some vowing to fight it.

Following the release of the letter, Arkansas Governor Asa Hutchinson tweeted, “As Gov., I recommend that school districts disregard @POTUS’s ‘guidance’ on gender identification in schools.”

School officials also articulated their disdain for the decree as well.

“I got news for President Barack Obama,” Port Neches-Groves (Texas) Superintendent Rodney Cavness told [12News](#). “He ain’t my President and he can’t tell me what to do. That letter is going straight to the paper shredder. I have 5 daughters myself and I have 2,500 girls in my protection. Their moms and dads expect me to protect them. And that is what I am going to do. Now I don’t want them bullied ... but there are accommodations that can be made short of this. He is destroying the very fiber of this country. He is not a leader. He is a failure.”



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