



Written by [Jack Kenny](#) on February 22, 2014

## Ariz. Bill Would Protect Those Denying Same-sex Wedding Services

An act to grant legal protection to business people who refuse to provide services for same-sex weddings is in limbo after [winning passage](#) in the Arizona House of Representatives on Thursday.

The bill, approved in the Senate a day earlier, will arrive at the desk of Governor Jan Brewer next week, but the governor has given no indication of whether she will sign or veto the measure. Brewer, a Republican, vetoed a similar bill last year, during a battle with lawmakers over other matters. The chief executive described that bill as a distraction from more pressing matters facing the legislature. Brewer's policy is not to discuss pending legislation, a practice she followed as this year's bill went through the House and Senate, leaving people on both sides of the debate wondering what she will do.



Arizona is not one of the 17 states where same-sex marriage enjoys legal status. In November 2008, voters approved adopted a constitutional amendment limiting legal marriage to a union of one man and one woman, though a few of the state's cities and towns have since granted legal status to same-sex unions. Gay rights and civil liberties groups are urging Brewer to use her veto pen again, while religious rights advocates are calling on the governor to sign the bill. The controversy has apparently divided business owners as well as legal advocates and political activists, with some supporting the right to withhold service as a matter of conscience and others arguing that permitting vendors to deny service to same-sex couples would be bad for business in general.

"I make dinner for a living — I'm not a social activist," Rocco DiGrazia, owner of a Tucson pizzeria, [told](#) the *New York Times*. "But I do have a lot of gay customers and employees, and why are you trying to alienate these people?" DiGrazia said he fears the measure would be "opening the door to hate and bigotry of all stripes," though the bill's passage has apparently convinced him at least one class of citizens deserves to be turned away. A sign of his restaurant's door declares, "We Reserve the Right to Refuse Service to Arizona Legislators."

Arguments against the bill include both assertions of an equal right of same-sex couples to public accommodations and concerns that adverse publicity from allowing businesses to deny services to them would harm the state's image and perhaps its finances as well. Gonzalo A. de la Melena, Jr., president of the Arizona Hispanic Chamber of Commerce, wrote the governor on Friday that signing the bill would "ultimately have the effect of casting Arizona in a negative light that stands to damage our reputation



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nationwide and globally, and significantly harm our fiscal future.”

The reference to fiscal harm suggests the likelihood of a backlash against the law in the form of a nationwide boycott against Arizona businesses, with organizations supporting “gay rights” refusing to hold conferences, conventions or other events in the state. The legislation might also have an impact on the National Football League’s plans to hold the Super Bowl in Arizona next year.

The state faced a similar dilemma in the early 1990s, after the Sun Bowl in Tempe had been selected as the site for the 1993 Super Bowl. The legislature came under fire for refusing to pass a bill making Martin Luther King, Jr. Day a state holiday in honor of the slain civil rights leader. Following a vote by the players’ association, the NFL moved the game to the Rose Bowl Bowl in Pasadena, California. Arizona eventually adopted a Martin Luther King, Jr./Civil Rights Day as a state holiday.

The current controversy in Arizona is heating up in other states as well. In New Mexico, the *Times* reported, a photographer refused to take pictures of a lesbian couple’s commitment ceremony. A florist in the state of Washington would not provide flowers for a same-sex wedding, and a baker in Colorado refused to make a cake for a wedding party for two men tying the knot.

Some states are considering measures similar to what the Arizona legislature passed. Lawmakers in Tennessee are considering a religious exemption for wedding vendors, while a similar bill in Kansas was shelved over concerns about discrimination. Supporters of an initiative in Oregon are hoping to place on the ballot a measure to allow individuals or businesses to opt out of participating in same-sex wedding ceremonies. In Arizona, supporters and opponents of the legislation argue not only the merits of the bill, but the impact it would have. Proponents say it merely expands and clarifies an existing religious freedom law by permitting individuals a religious liberty defense if sued for violating anti-discrimination law. Opponents describe it as a cloak for bigotry.

“There is significant fear it will undermine local nondiscrimination laws,” said Sarah Warbelow, state legislative director for the Human Rights Campaign, a gay rights advocacy organization. “This is not about the freedom of individuals to practice their religion, this is about a license to discriminate against individuals.” The conservative Center for Arizona Policy, which supports the bill, sees it in a different light. The law, says Josh Kredit, legal counsel for the group, is “vitaly needed to ensure that in America people are free to live and work according to their faith.”

Most states where same-sex marriage is legal have exemptions for religious organizations, but not for private businesses or individuals. The rights enumerated in the Constitution, however, including the First Amendment right to free exercise of religion, are rights guaranteed to persons. “In America, people should be free to live and work according to their faith, and the government shouldn’t be able to tell us we can’t do that,” said Joseph E. La Rue, the legal counsel at Alliance Defending Freedom, a Christian legal organization based in Scottsdale, Arizona. “Faith shouldn’t be something we have to leave inside our house.”

Nor should it be something people should have to leave inside their churches, according to religious leaders who have spoken out against the contraceptive mandate under the Affordable Care Act, which requires coverage of birth control, abortion-inducing drugs, and sterilization in health care plans for employers. While the mandate exempts religious communities and houses of worship, compliance is required of religious-affiliated institutions, such as schools and hospitals, as well as from employers in privately owned, for-profit companies who have moral and religious objections to any involvement in providing such services.



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The Supreme Court has scheduled hearings next month in two cases involving family-owned businesses seeking exemptions from the mandate due to their religious beliefs. The companies are the Oklahoma-based [Hobby Lobby Stores](#), owned by evangelical Christians, and [Conestoga Wood Specialties](#), a Pennsylvania company owned by a Mennonite family. The Union of Orthodox Jewish Congregations of America issued a statement objecting to the Obama administration's determination that only religious institutions serving exclusively members of their own faith were eligible for exemption from the mandate.

Most troubling is the administration's underlying rationale for its decision, which appears to be a view that if a religious entity is not insular, but engaged with the broader society, it loses its "religious" character and liberties. Many faiths firmly believe in being open to and engaged with broader society and fellow citizens of other faiths. The administration's ruling makes the price of such an outward approach the violation of an organization's religious principles. This is deeply disappointing.

Shortly after the mandate was announced, Cardinal Francis George of Chicago noted that religious liberty means more than freedom to worship, a right recognized even by the constitution of the former Soviet Union. The Catholic prelate also denied the charge that in fighting the contraceptive mandate and its application to religious institutions, the Catholic bishops are opposing "separation of church and state."

"The bishops would love to have the separation of church and state we thought we enjoyed just a few months ago, when we were free to run Catholic institutions in conformity with the demands of the Catholic faith, when the government couldn't tell us which of our ministries are Catholic and which are not, when the law protected rather than crushed conscience," the cardinal said.

In opposing the Arizona legislation, Daniel Mach of the American Civil Liberties Union argued that it runs counter to the nation's progress in opposing discrimination against unwelcome minorities. "Over the years, we as a nation have rejected efforts to invoke religion to justify discrimination in the marketplace, and there's no reason to turn back the clock now," he said. While acknowledging religious liberty as a fundamental right, Mach insisted that "it's not a blank check to harm others or impose our faith on our neighbors."

It appears, however, that advocates of same-sex marriage are attempting to impose their ideological convictions on those who choose to abide by both a moral belief and societal norm of many millennia, holding that weddings and marriages are for people of opposite genders. Having themselves adopted the view that same-sex unions are as normal as heterosexual marriage, they are not content to leave people who believe otherwise alone to run their respective businesses according to their own faith and moral consciences.

If that would be turning back the clock, it might be worth remembering that clocks, like people, are sometimes wrong and need turning back.



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