



Religious Liberty in Peril

The firestorm over the Indiana Religious Freedom Restoration Act put the country on notice as never before that fierce and furious force—social, political, and economic—will swiftly be brought to bear against any who stand in the way of the ongoing revision of marriage. Fear of widespread resistance fueled a full-court press against the law’s enactment. Opponents of the law predicted it would unleash a wave of discrimination against same-sex couples comparable to Jim Crow segregation in the South. A most unlikely development, countered law professor Michael McConnell: “In the decades that states have had [such] statutes, no business has been given the right to discriminate against gay customers, or anyone else.”

Nonetheless, opponents of the law showed scarce sympathy for the rights of conscience it was designed to protect—especially the religious liberty of Christian small-business owners who conscientiously object to the redefinition of marriage and the politically mandated ceremonies it entails.

Kevin and Crystal O’Connor, owners of Memories Pizza in Walkerton, Indiana, told an inquiring TV reporter that, though they would not turn away individual patrons, they could not furnish pizza for a gay wedding in the unlikely event that anyone asked them to, because they were “a Christian establishment.” This simple declaration of faith opened the floodgates of social media

shaming by a digital mob the O’Connors were powerless to resist. “Who’s going to Walkerton, IN to burn down #memoriespizza w me?” tweeted an Indiana high school girls golf coach. She needn’t have bothered. “I don’t know if we will reopen,” Crystal said, “or if we can, if it’s safe to reopen.” Kevin concurred: “I’m just a little guy who had a little business that I probably don’t have anymore.”

In her forty years as a florist, 70-year-old great-grandmother Barronelle Stutzman employed self-identified homosexuals. For nine of those years she sold flowers to Robert Ingersoll and Curt Freed, but when they asked her to provide floral arrangements for their 2013 wedding, she declined because of her “relationship with Jesus Christ.” Adherence to her faith soon brought lawsuits to her door. First the Attorney General of Washington and then the aggrieved couple sued and prevailed. Though it was unprecedented for a Washington attorney general to sue a family business owner in a personal capacity unless the owner had committed fraud or misrepresentation, both the state and the couple were granted damages not only from Stutzman’s business but from her personal assets as well. “The message sent by the attorney general and the ACLU to the people of Washington is quite clear,” her attorney noted. “Surrender your religious liberty and free speech rights, or face personal and professional ruin.”

The vulnerability of people like Barronelle Stutzman and the O’Connors gave an ardent supporter of marriage redefinition pause. “Should we destroy their livelihoods?” Conor Friedersdorf asked. “Should we . . . encourage the general public to boycott, write nasty reviews, and drive them out of

business, causing them to lay off their staff, lose their life savings, and hope for other work?" Friedersdorf thought of the mom-and-pop restaurants he frequented in LA, and another question came to mind: "If that fate befell a Mormon father with five kids or a childless Persian couple in their fifties or a Hispanic woman who sunk her nest egg into a pupusa truck, should that . . . be considered a victory for the gay-rights movement?" Though he persists in wanting "homophobic" business owners to change their views and their practices, "if there turn out to be few enough of them that they're not creating a systemic problem for gay citizens, it's hard to see an interest sufficiently compelling to justify legal compulsion—especially in professions with an inherently expressive character, like photography."

Or like flower arranging. Washington's Attorney General offered to settle Barronelle Stutzman's case for a \$2000 fine if she promised not to turn down same-sex couples again. "It's about freedom, not money," she replied. "Washington's constitution guarantees us 'freedom of conscience in all matters of religious sentiment.' I cannot sell that precious freedom. You are asking me to walk in the way of a well-known betrayer ... who sold something of infinite worth for 30 pieces of silver. That is something I will not do."