



Written by [Raven Clabough](#) on September 18, 2019

Arizona Supreme Court Upholds Rights of Christian Business Owners

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In a small victory for religious freedom, Arizona's Supreme Court ruled on Monday that business owners have the right to choose whether to provide certain products to same-sex weddings. Unfortunately, the ruling's limited scope may not be enough to protect other Phoenix businesses in the same position.

"The rights of free speech and free exercise, so precious to this nation since its founding, are not limited to soft murmurings behind the doors of a person's home or church, or private conversations with like-minded friends and family," Justice Andrew Gould wrote for the majority in the 4-3 ruling. "These guarantees protect the right of every American to express their beliefs in public. This includes the right to create and sell words, paintings and art that express as person's sincere religious beliefs."

Arizona calligraphers Joanna Duka and Breanna Koski own the Phoenix-based [Brush & Nib Studio](#), a company they say was founded on Christian values. The women state that while they serve any customer regardless of sexuality, they did not feel comfortable producing custom messages for same-sex wedding invitations.

"Breanna and I will gladly serve everyone," Duka explained. "But we cannot create custom artwork celebrating certain events, and the government should not control those expressive decisions."

When Phoenix passed an "anti-discrimination" ordinance in 2016 that would have compelled them to produce wedding invitations for same-sex marriages or else face fines and prison time, they filed suit, claiming their freedoms of speech and religion were being violated.

"Breanna and I create beautiful, hand-made artwork to celebrate weddings and other events," Duka added. "We can spend hours, days imagining, creating, designing these custom artistic pieces. This process is very personal for us. We pour our hearts and our souls into our custom artwork, and we care deeply about the messages that artwork expresses."

The women lost their case in the Maricopa County Superior Court in 2017, and an Arizona appellate court ruled against the women last year, upholding the city's ordinance, CBN News reported.

"We have previously found that eliminating discrimination constitutes a compelling interest," [Judge Lawrence Winthrop wrote](#), noting that "anti-discrimination ordinances are not aimed at the suppression of speech but at the elimination of discriminatory conduct."

But while the majority for the Arizona Supreme Court did not necessarily support Duka's and Koski's views on same-sex marriage, it recognized that their rights would be violated if they were forced to



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produce items that violated their belief systems under the discrimination ordinance.

“Duka and Koski’s beliefs about same-sex marriage may seem old-fashioned, or even offensive to some,” Gould wrote. “But the guarantees of free speech and freedom of religion are not only for those who are deemed sufficiently enlightened, advanced, or progressive. They are for everyone.”

“An individual has autonomy over his or her speech and thus may not be forced to speak a message he or she does not wish to say,” the court’s majority decision ruled.

Unfortunately, the ruling does not protect the rights of all businesses in all scenarios, and only applies to this business. Justice Gould added that the ruling does not “recognize a blanket exemption from the ordinance for all of the plaintiffs’ business operations.” This paves the way for forcing businesses to sell items deemed “neutral” such as place cards, notes Tucson.com.

As a result, City spokeswoman Julie Waters told Courthouse News that the ordinance will continue to be enforced against other local businesses.

“The city of Phoenix’s anti-discrimination ordinance is still a legal, valid law and remains in effect,” she declared.

Phoenix Mayor Kate Gallego issued a similar statement: “I want to be clear: The city of Phoenix does not and will not tolerate hate in any form. That doesn’t change with today’s ruling, and we will not stop with our fight.”

LGBTQ-rights group Lambda Legal, which filed an amicus brief supporting the city’s position, criticized the court’s ruling, Fox News reports.

“The court misguidedly has concluded that free speech protections allow businesses to express anti-gay religious views by denying particular custom-design services to customers because of who they are,” Pizer said.

But precedent is on the side of the plaintiffs. Last year, the U.S. Supreme Court ruled in favor of a Colorado baker who refused to bake a cake for a same-sex wedding. The majority determined the state’s civil rights commission violated the religious rights of the baker.



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