

How to Protect Your Faith-Based Business From Leftist Attacks

It was right there in the *New York Times* earlier this year: blatant hostility toward the religious liberty rights of people of faith. Openly gay columnist Frank Bruni didn't candy-coat it:

"I do support the right of people to believe what they do and say what they wish—in their pews, homes and hearts. But outside of those places? You must put up with me, just as I put up with you."

That's the reality of today in America, where it's now open season on people of faith who are vulnerable to growing attacks by litigious individuals and organizations offended by traditional religious viewpoints. They're seeking to litigate employment discrimination claims to further a larger political or cultural agenda.

While there is hope from key Supreme Court cases, *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC* (a victory granting ministries latitude in hiring, firing and disciplining ministerial employees) and *Hobby Lobby Stores Inc. & Conestoga Wood Specialties Corp. v. Burwell* (a landmark win for freedom of conscience rights), churches, ministries and schools, and faith-based businesses still need to take legal steps to protect themselves from serious legal and financial ruin.

What does it look like when ministries or faith-based businesses face legal attacks? Churches, synagogues, religious charities, orphanages, shelters, Christian sororities and fraternities, and faith-based businesses are all at risk.

Consider these six real-life examples of religious liberty threats:

1. Catholic Charities forced to close adoption services in Boston. When a Massachusetts state law was passed stating that homosexuals must be allowed to adopt, Catholic Charities of the Boston Archdiocese made the difficult decision to stop offering adoption services—to avoid violating their sincerely held religious beliefs by providing adoptions to same-sex couples. Then, when the Catholic agency tried to obtain an exemption from state law, it was denied.

2. Transgender man sues Christian university that expelled him. A student who designated himself as “female” on his application for admission was expelled from California Baptist University after it was discovered he was born a male. The student sued the private, Christian, liberal arts university in Riverside, California, and alleged the school violated California’s Unruh Civil Rights Act—which provides protection from discrimination by all places of businesses in California because of, among other things, sex (including pregnancy, childbirth, medical conditions related to pregnancy or childbirth, gender, gender identity and gender expression).

3. The Salvation Army must close programs after the city of San Francisco refuses religious exemption. The 150-year-old Christian denominational church and international charitable organization could not comply with the domestic partners law in San Francisco, California and was forced to scale back its programs for senior citizens and the homeless. The city of San Francisco refused to grant The Salvation Army a religious exemption, and now The Salvation Army no longer accepts city money to help fund its community outreach efforts.

4. Same-sex couple sues Christian preschool for rejecting son as student. After initially accepting a 3-year-old student, New Hope Christian School in Albuquerque, New Mexico, rejected the admission of the young boy after learning his

parents were a same-sex couple. The two men raising the son filed a lawsuit under New Mexico's Human Rights Act, which makes it unlawful for "any person in any public accommodation to make a distinction, directly or indirectly, in offering or refusing to offer its services, facilities, accommodations or goods to any person because of ... sex, sexual orientation, gender identity, spousal affiliation"

5. Government tells Christian ministers: Perform same-sex weddings or face jail and fines. City officials in Coeur, d'Alene, Idaho told Christian ministers Donald and Evelyn Knapp that they have to officiate same-sex weddings at Hitching Post Wedding Chapel in Coeur d'Alene, Idaho. The couple, who own and operate the wedding chapel, which has been in existence for over 50 years, face a 180-day jail term and \$1,000 fine for each day they decline to celebrate the same-sex wedding.

6. InterVarsity Christian Fellowship loses campus access to California State University system. Because InterVarsity Christian Fellowship requires its student leaders to affirm Christian doctrines, California State University told the evangelical and interdenominational campus ministry that a nondiscrimination policy requires student leadership position to be open to all students. As a result, 23 student chapters in the California State system are no longer recognized as official student groups and have lost free access to rooms in which to hold meetings and to student activities fairs for recruitment efforts.

What's the solution to protecting yourself from legal attacks? In a word: "religify." When you religify your ministry or faith-based business, you specify all your beliefs and act in accordance with all of those beliefs through proper documentation and enforcement of policies.

This includes examining articles of incorporation, bylaws, employee handbooks, policies and procedures, independent

contractor agreements and other documentation to ensure that churches, ministries, and faith-based businesses are prepared and protected against legal and financial ruin from individuals and organizations who are offended by traditional religious viewpoints—and seek to litigate employment or discrimination claims to further a larger political or cultural agenda.

Liberty Institute's constitutional attorneys have created free-of-charge Religious Liberty Templates and Guides to use as a resource in drafting bylaws, articles of incorporation, employment manuals, discipline policies and other corporate documents to try to avoid risk exposure. Churches, ministries and faith-based businesses are encouraged to work diligently to ensure their beliefs are written down, codified and enforced so that they have the tool kit needed to prove the sincerity of their faith—and protect themselves from coming legal attacks.