



Steve Tennes and his family at their Michigan farm.

NATION

## Facebook Post Puts Catholic Farmer in the Crosshairs of Anti-Bias Ordinance

After advising on social media that his farm wouldn't host same-sex wedding ceremonies, Steve Tennes was blocked from participating in a farmers' market in East Lansing, Michigan.

By Joan Frawley Desmond – Posted 8/17/17 at 11:00 AM

CHARLOTTE, Mich. — What happens when a Catholic farmer runs afoul of a city ordinance that bars discrimination based on sexual orientation?

Steve Tennes, the owner of Country Mill farm, found out earlier this year that the city of East Lansing blocked his orchard, a popular local wedding site, from participating in a municipal farmers' market after he refused to host weddings for same-sex couples on his property.

The East Lansing Farmer's Market, the largest of its kind in the area, has provided a vital revenue stream for Country Mill. And by May, Tennes — a graduate of the University of Notre Dame and a former U.S. Marine — had filed suit in federal court, charging that the city's policy violated his constitutionally protected right to free speech, freedom of religion and equal protection.

"Steve served everyone at the market, and he always has. That goes for his employees, his customers and the people he does business with," Kate Anderson, legal counsel for the Alliance Defending Freedom, the Christian legal organization that is representing Tennes, told the Register.

“The only complaint is that Steve holds a view that has been held by millions of people for two millennia: that marriage is between one man and one woman,” said Anderson, who noted that Tennes will get his first day in court on Sept. 13, when a judge will hear his petition for a temporary injunction that would allow him to return to the market until the case is decided.

The city has rejected Tennes’ legal argument and has urged the court to dismiss the case. Nevertheless, Tennes’ lawsuit has already received [national media coverage](#), as religious-freedom advocates look for [compelling and relatable cases](#) that highlight problems posed by local and state ordinances that prohibit discrimination based on sexual orientation and gender identity in public accommodations.

Indeed, Steve Tennes and his wife, Bridget, who met in college and became engaged while serving in the U.S. military, say their case is important precisely because it shows how “Sexual Orientation and Gender Identity” (SOGI) laws can unjustly penalize Catholic business owners like them, as well as individual employees.

“The scary thing about this case is that if city officials can do this to a family farm located 22 miles outside their jurisdiction, they can do this to anybody on any issue,” said Bridget Tennes, referencing the city’s revised policy that requires broad compliance by farm owners, even when the reported violation occurs beyond its jurisdiction.

## How It Started

The trouble between the Tennes family and the city of East Lansing began last August, after Country Mill received an inquiry on its Facebook page that asked whether same-sex couples could be married at the orchard’s wedding venue. On Aug. 24, Steve Tennes responded that the property was unavailable for same-sex weddings because its owners believe that marriage is a union between one man and one woman.

“Within days, the city of East Lansing contacted us and requested that we not attend its farmers’ market that next weekend, solely because of the Facebook post,” said Steve Tennes, who grew up on his family’s farm, located in the town of Charlotte, and returned there after his marriage.

City officials said they were worried that protesters who opposed Tennes’ position would disrupt the market. But the farmer still brought his organic fruit and produce to the market, and no protests materialized.

However, Tennes opted to briefly suspend his wedding business, as he evaluated the situation. Then, in a December post on Facebook, he confirmed the policy governing his orchard wedding venue.

“It remains our deeply held religious belief that marriage is the union of one man and one woman, and Country Mill has the First Amendment right to express and act upon its beliefs,” read the December Facebook post, which also affirmed Tennes’ faith-based belief that every person should be treated with dignity and respect.

“Country Mill reserves the right to deny a request for services that would require it to communicate, engage in, or host expression that violates the owners’ sincerely held religious beliefs and conscience.”

### **East Lansing’s New Policy**

That Facebook post reportedly led the city of East Lansing to fine-tune its “Sexual Orientation and Gender Identity” ordinance. When Tennes applied to participate in the 2017 East Lansing Farmer’s Market, his application was denied for the first time in seven years.

“Contrary to this policy and the constitutionally protected rights of all couples, the Country Mill has advertised that their business practice is to prohibit same-sex couples from holding weddings at their orchard in Charlotte, Michigan,” read the city’s statement that clarified the decision to deny Country Mill’s application.

“Their business practices violate the city of East Lansing’s long-standing ordinance that protects sexual orientation as well as the Supreme Court’s ruling that grants the right for same-sex couples to be married.”

The city’s new policy required farmers’ market vendors to comply with its ordinance and “public policy against discrimination ... while at the market and as a general business practice.”

In effect, the city sought to impose the ordinance beyond city limits and into the nearby town of Charlotte. According to this revised interpretation, vendors at the farmers market are also prohibited from making statements about serving customers based on “sexual orientation, gender identity or expression.”

The city is “trying to control what Steve does 22 miles outside of its jurisdiction,” lawyer Kate Anderson told the Register.

But advocates for “LGBT” rights contend the city’s actions are justified and its policy will be vindicated in court.

“The city was not responding to Tennes’ beliefs, but to his discriminatory business practices,” stated [one commentary](#) posted on Think Progress, a website sympathetic to the “LGBT” movement.

### Michigan Catholic Conference

There are more than 25 “SOGI” local ordinances in Michigan alone, according to the Michigan Catholic Conference. And while the state of Michigan does not bar discrimination based on sexual orientation in public accommodations, its civil-rights commission plans to reassess state civil-rights statutes, following a petition from Equality Michigan.

Last month, Equality Michigan asked the commission to review state statutes so that language that protects against discrimination based on sex would be broadly interpreted to include sexual orientation and gender identity.

“The commission’s language would not have the weight of law or formal regulation, but it would provide an opportunity for people to bring complaints, and there are no religious-liberty protections included,” unlike other state SOGI laws, Paul Long, president and CEO of the Michigan Catholic Conference, told the Register.

The Michigan Catholic Conference sent a [letter](#) to the commission registering its concerns, but neither the conference nor the Diocese of Lansing have publicly weighed in on Steve Tennes’ legal challenge to the East Lansing SOGI. Still, Long said it is “important” for the Tennes family to raise key issues about SOGI laws and to “speak out with regard to their own religious-liberty rights.”

Meanwhile, Tennes is feeling the effects of his decision to take a stand.

The expulsion from the municipal farmers’ market in East Lansing has hit Country Mill’s bottom line, he said.

Tennes can no longer sell his organic pumpkins, blueberries and apples at the East Lansing market, and his absence has impeded his ability to engage with customers and promote side businesses that help boost revenue and cover expenses in a seasonal marketplace.

The ban also stings because the Tennes family has tried to give back to the community.

Every year, for example, Country Mill invites volunteers from local St. Vincent de Paul groups and food banks [to collect about 10,000 pounds of apples](#) from their 120-acre orchard that are donated to the needy.

### Heartening Support

Yet, as he waits for his day in court, the Catholic farmer has been heartened by the support he has received from former customers and others who support his right to live out his faith, even as the orchard's Facebook page has drawn a slew of angry critics.

"The online comments responding to the Facebook post [included] death threats," he acknowledged.

For that reason, he has been deeply touched by other voices expressing support, including those who "identify with the LGBT community. They have said, 'Although we don't agree with you, we respect your right to have your own religious beliefs.'"

Now, with his first court date only weeks away, he hopes the judge will issue a reprieve that will allow him to quickly return to the East Lansing market. At the same time, the father of five is mentally and spiritually prepared for an extended legal fight.

"My wife and I are both committed to taking this as far as it needs to go until it is resolved," he said.

"Sometimes, justice takes a long time."

*[Joan Frawley Desmond](#) is a Register senior editor.*

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