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## Group Suing Over Farmers? Market Drums Up Donations and Anger, But Fails to Serve City <sup>[1]</sup>

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**By:**

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The Alliance Defending Freedom, a Christian group helping an East Lansing Farmer?s Market vendor sue the City of East Lansing over its civil rights ordinance, has been using the case to drum up donations, and their case has also been resulting in hundreds of angry?even threatening?emails to East Lansing?s staff and City Council. But two and a half weeks after announcing the cause, the group has yet to formally serve notice to the City in the lawsuit.

The complaint against the City was filed on May 31, yet according to City Clerk Marie Wicks, ?I can confirm that as of close of business on Friday, June 16, the city had yet to be officially served

with the Country Mill federal lawsuit. The city clerk is the position responsible for accepting service of lawsuits. I have also verified that neither the city attorney nor the city manager's office has been served with this lawsuit.?

The Alliance Defending Freedom is featuring the case on its website [2] as a major reason to donate to the group. In its main website banner (shown below; orange oval added), the case is featured as one of three major causes for which people should donate to the group, the other two being the "HHS Mandate" (the requirement under the Affordable Care Act to pay for contraceptives) and "Pro-Life." The page says "\$2 million [is] needed by June 30" to support the organization's efforts.



What is the case about? As ELi previously reported [3], after becoming aware that long-time vendor Country Mill Farms refuses to perform same-gender marriages at its business location in Charlotte, Michigan, the City of East Lansing amended its vendor policies for the Farmer's Market to exclude businesses that violate the City's civil rights ordinance, no matter where they make such a violation.

In 1972, East Lansing was the first community in the U.S. to enact civil rights protections for gay men and lesbians, as WKAR has reported [4]. Today, the City's civil rights ordinance [5] seeks to protect individuals from being discriminated against on the basis of "religion, race, color, national origin, age, height, weight, disability, sex, marital status, sexual orientation, gender identity or expression, student status, or because of the use by an individual of adaptive devices or aids."

Stephen Tennes, who owns Country Mill, has said he would serve anyone at the East Lansing market, but that's not enough to keep his business in accordance with the City's amended vendor policies. At the last meeting of City Council, on June 6, Council expressed dismay at "hate mail" received in response to news of the suit, but iterated their support for the City's policy. (Present were Mayor Mark Meadows, Mayor Pro Tem Ruth Beier, Shanna Draheim, and Erik Altmann. Susan Woods was absent.)

The case has been assigned in federal court to judge Paul Maloney, who was named to the court by President George W. Bush and confirmed by the U.S. Senate in 2007. Court filings indicate that the Alliance Defending Freedom filed an amended complaint [6] on June 8 and asked on June 9 [7] for preliminary injunctive relief, to have Country Mill restored to its spot in the farmer's market.

In that June 9 request, the plaintiffs claimed that, "As of the filing of this Motion, counsel for East Lansing has not appeared in this case." But the City is not required to appear when it has not been served, and there is no evidence in court documents that the City has been served a summons for this case. The Court documents show incomplete "proof of service" forms dated June 1

[8] and June 9 [9], indicating simply an intention on the part of the plaintiffs to serve the City.

The Alliance Defending Freedom has not responded to ELi's questions about why they have yet to serve the City. [See update below.]

Asked about how he thinks the case would go if it proceeds to Court, Mayor Meadows tells ELi, "After 45 years of trying cases, I never speculate on the outcome of a case." He points to the Alliance Defending Freedom's interest in raising \$2 million by the end of June, remarking, "Of course, the publicity regarding this lawsuit helps this happen. Most of the publicity (if any) regarding a lawsuit occurs at its inception. It is usually a long slog from then on and there is little interest in the real work of a case. Even if the Tennes[es] lose, there will be plenty of folks who assume they won."

The case has become national news, particularly in the conservative press, with outlets such as Breitbart reporting [10] on it. Stephen Olschanski for the State News [11] and Andrew Surma for mLive [12] have reported on the "vicious and disturbing" emails received by City staff and Council following publicity of the case.

Asked about whether she feels it is appropriate to ban a vendor who is willing to serve anyone in East Lansing for discrimination against gay people at their Charlotte location, Mayor Pro Tem Beier tells ELi, "I agree with our ordinance. Maybe this would be easier to understand if I substitute skin color for sexual orientation. If a business owner does not allow black people or interracial couples to get married on their farm in Charlotte, I would not want that business owner to be a vendor at the East Lansing farmer's market."

She notes that as she has communicated this to people objecting to the policy, "One of the people said that that was not a fair comparison because people could not choose their color but they could choose their orientation."

The U.S. Supreme Court ruled same-sex marriage to be a nationwide right in June 2015. A memorandum [13] filed in the Country Mill case on June 9 in support of the plaintiffs argues that this case is about "censorship" of "religious viewpoint" and "unconstitutional" restrictions on speech. They also argue the policy of the City violates the Michigan State Home Rule City Act.

**Update, June 19, 11:30 a.m.:** A media representative from the Alliance Defending Freedom responded, "The process server indicated [the City] would be served last week, likely Late Thursday or Friday. We should have confirmation on that today." We answered that, according to the City Clerk, as of Friday close of business, the City had not been served.

**Update, June 19, 5:30 p.m.:** City Clerk Marie Wicks wrote to ELi to say, "Just wanted to let you know that I was just served and accepted on behalf of the City, the Country Mill Lawsuit. The City has 21 days (not counting today), to respond."

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- [10] <http://www.breitbart.com/big-government/2017/06/04/christian-farmer-barred-michigan-market-views-gay-marriage/>
- [11] <http://statenews.com/article/2017/06/city-receives-trove-of-nasty-emails-following-lawsuit>
- [12] [http://www.mlive.com/lansing-news/index.ssf/2017/06/east\\_lansing\\_receives\\_1000\\_ema.html](http://www.mlive.com/lansing-news/index.ssf/2017/06/east_lansing_receives_1000_ema.html)
- [13] [http://eastlansinginfo.org/sites/default/files/alliance\\_defending\\_freedom\\_support\\_plaintiffs\\_17-06-09.pdf](http://eastlansinginfo.org/sites/default/files/alliance_defending_freedom_support_plaintiffs_17-06-09.pdf)
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