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Tensions Persist as Legal Costs Grow in Farmers? Market Lawsuit ^[1]

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By:

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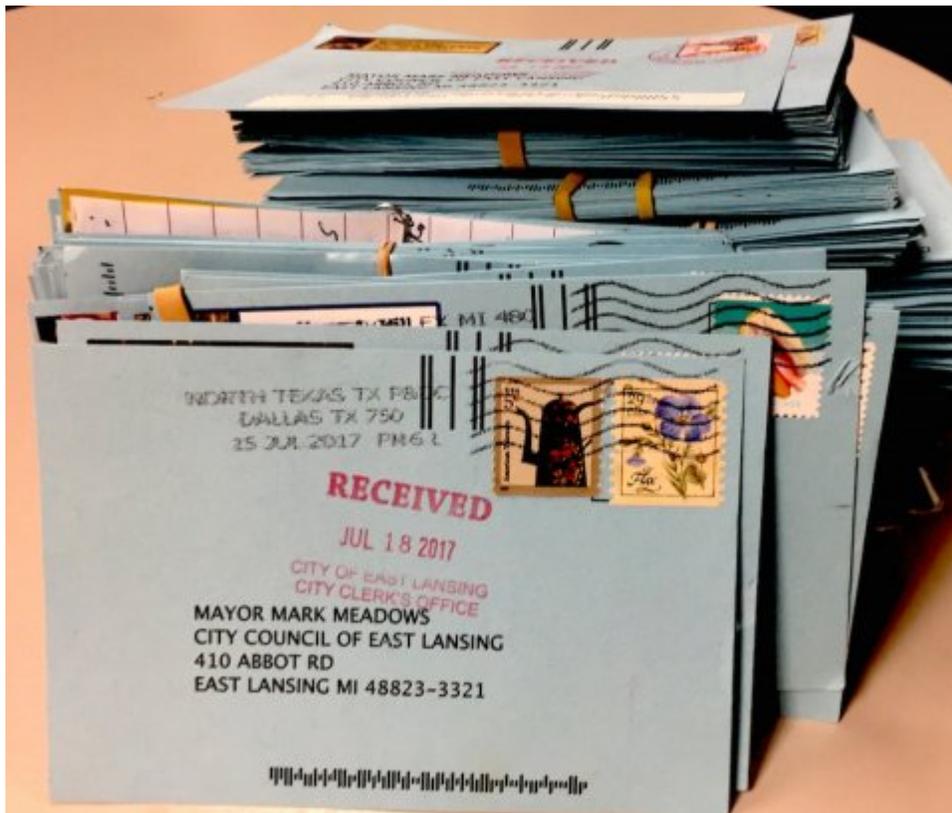
As the City of East Lansing starts to rack up legal bills defending itself against a lawsuit brought by a former farmers? market vendor, people on the side of the vendor continue to express anger over what they see as religious discrimination by the City.

Farmer Stephen Tennes and his business, Country Mill Farms, LLC, are suing the City ^[2] alleging the City is excluding the business from the City-run Sunday farmers? market ?because the City dislikes the farmer?s profession of his religious beliefs about marriage on Facebook.? Tennes

has indicated he will not host same-gender marriages on his farm in Charlotte, Michigan, where the family business does welcome marriages between one man and one woman. He has indicated this is in accord with his beliefs as a Roman Catholic.

WLNS recently reported [3] that St. Johns farmer Kyle Barnhart has mounted a sign along Route 127 in solidarity with Tennes. (See photo above.) It reads, "The City of East Lansing discriminates against farmers."

And, according to the City Clerk's office, the City continues to receive emails, postcards, letters, and phone calls in support of Tennes from as far away as Alaska. The Clerk's office has been receiving hundreds of the same blue postcard, signed and sent in by individuals from all over the United States, including Texas, California, and Ohio.



These are pre-addressed to Mayor Mark Meadows and read:

"The beautiful thing about the United States is that every person is ensured the same rights, including the freedoms of religion and speech. These freedoms safeguard our right to live and work in accordance to our personal convictions. No one should be forced to abandon their beliefs as a requirement of doing business."

The cards continue: "Yet that is exactly what East Lansing attempted to do when you banned Steve Tennes, owner of Country Mill Farms, from the East Lansing Farmer's Market in spite of the fact that Tennes happily sold his produce to anyone no matter their race, religion, or sexual orientation. As Steve Tennes so aptly stated: **"Whether you are a Jew, Muslim or Christian?people of faith should not be eradicated from the marketplace simply because they don't share the same thoughts and ideas that the government is choosing to promote."**

I urge you to rescind your coercive policy and embrace true tolerance?even for those who hold an opinion with which you disagree.? (Emphasis in original.)

The Clerk?s office isn?t sure who has distributed these postcards around the country for use, but ELi has found that a group called American Decency [4] provides an email-able version [5] of the same text at its website. That group, operating out of Fremont, Michigan, was founded by Bill Johnson whose ?efforts initially were focused on the defense of his local community against the distribution of pornography. The group?s mission [6] ?is to educate its members and the general public on matters of decency; to initiate, promote, encourage and coordinate activity designed to safeguard and advance public morality consistent with biblical Christianity.?

In a recent filing fighting a plaintiff?s motion in the lawsuit, attorneys representing the City told the court, ?The [religious] genesis of the plaintiffs? discriminatory practices is of no concern whatsoever to the City. The plaintiffs could renounce Catholicism/Christianity and declare themselves to be agnostic or atheists tomorrow and they still will be precluded from participating in the Farmer?s Market if they persist in their **action** of discriminating on the basis of sexual orientation. It is not the plaintiffs? beliefs that the City has any interest in; it is the plaintiffs? actions.?

The filing continues, ?It is clear East Lansing?s purpose in adopting the [civil rights] Ordinance and [farmers? market vendor] Policy was not to inhibit **religion**, but to inhibit **discrimination**.? (Emphases in original.)

The City has been represented in the case by Tom Yeadon, the City?s regularly-contracted attorney, but on Yeadon?s recommendation, the City has also now retained external counsel with experience with the area of law and the federal court in which the case is playing out (Western District of Michigan, Southern Division). That external counsel is Michael Bogren of Plunkett Cooney in Kalamazoo.

Legal costs to the City through the end of June came to about \$1600, but that does not include significant legal work conducted since that time.

Tennes, meanwhile, is being represented by Katherine L. Anderson of the Alliance Defending Freedom, a Christian religious-rights group, and by James Wierenga and Jeshua Thomas Lauka of David & Wierenga in Grand Rapids.

As we previously reported [7], the Alliance Defending Freedom is using the lawsuit to encourage donations to that organization. The group?s website?s front page has a story on the East Lansing case which links to a page headlined, ?Christians are being punished for living out their faith,? and saying, ?Your gift [is] needed to defend religious freedom!?

The City of East Lansing, meanwhile, is paying its legal fees in this case the usual way?from the City?s general fund, which comes chiefly from local property taxes.

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