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## Arizona Gov. Jan Brewer vetoes controversial religious freedom bill

By Valerie Richardson

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Arizona Gov. Jan Brewer vetoed a religious freedom bill Wednesday under threat of a national boycott by foes of the measure who said it would promote discrimination against gays.

"I sincerely believe Senate Bill 1062 has potential to create more problems than it purports to solve," Ms. Brewer said at a brief press conference. "It could divide Arizona in ways that we could not even imagine and no one would ever want. Religious liberty is a core American and Arizona value. So is nondiscrimination."

The Republican governor said she met with lawmakers, citizens and attorneys before making the decision. She had until Saturday to sign or veto the bill, or allow it to become law without her signature.

Doug Napier, senior counsel for the conservative Alliance Defending Freedom in Scottsdale, said the veto represented a defeat for freedom and victory for fear and a national campaign that the bill's proponents said had wildly distorted the bill.

"Freedom loses when fear overwhelms facts and a good bill is vetoed. Today's veto enables the foes of faith to more easily suppress the freedom of the people of Arizona," Mr. Napier said in a statement.

Supporters said the bill, which sparked a fierce national debate, is meant to clarify and strengthen the legal rights of business owners who object to providing services that violate their sincerely held religious or moral beliefs. Critics contended the bill was so broadly written that it provided a virtual license to discriminate in the marketplace against gays or other targeted groups.

Rea Carey, executive director of the National Gay and Lesbian Task Force Action Fund, cheered the governor's decision. She said the legislation would have been "bad for Arizona people and the Arizona economy."

"She has stopped a bill that both cynically uses religion as a smokescreen to justify discrimination and insults people of faith who feel that discrimination is morally wrong," Ms.

Carey said in a statement. "This decision sends a clear message that extremism is totally unacceptable to people of all political persuasions."

The governor's veto also was praised by Arizona's two Republican U.S. senators, John McCain and Jeff Flake. "I hope that we can now move on from this controversy and assure the American people that everyone is welcome to live, work and enjoy our beautiful state of Arizona," Mr. McCain said.

However, Cathi Herrod of the conservative Center for Arizona Policy called it "truly a disappointing day in our state and nation when lies and personal attacks can overshadow the truth."

"The religious beliefs of all Arizonans must be respected, and this bill did nothing more than affirm that," Ms. Herrod said.

Ms. Brewer defended her record on religious liberty. "I have protected religious freedoms when there is a specific and present concern that exists in our state, and I have the record to prove it," she said.

Religious business owners, such as bakeries and photographers, who decline to participate in same-sex weddings have been sued successfully in several states, but she noted that Arizona is not among them.

"Senate Bill 1062 does not address a specific or present concern related to religious liberty in Arizona," said Ms. Brewer. "I have not heard one example in Arizona where a business owner's religious liberty has been violated. The bill is broadly worded and could result in unintended and negative consequences."

The Republican governor announced her decision amid a national outcry against Senate Bill 1062, led by gay-rights leaders who said the bill essentially legalized discrimination against homosexuals.

The uproar became so intense that even some Arizona Republicans, including three legislators who voted for the bill, urged Ms. Brewer to veto the legislation in order to avoid an economic boycott against the state.

Mr. McCain and Mr. Flake asked the governor this week to veto the bill, as did 2012 Republican presidential nominee Mitt Romney. Mr. Flake and Mr. Romney are practicing Mormons.

Companies such as Apple and American Airlines came out against the bill, and the Arizona Super Bowl Committee urged a veto, arguing that the legislation would "deal a significant blow" to the Arizona economy and would threaten to pull the Super Bowl from the state.

Supporters of the bill attempted to counter the negative blitz by insisting that the measure would not allow discrimination but would help religious business owners avoid participating in ceremonies that offend their faith, namely same-sex weddings.

The Alliance Defending Freedom released a letter Wednesday from 11 legal scholars that said the bill "has been egregiously misrepresented by many of its critics."

"Some of us are Republicans; some of us are Democrats. Some of us are religious; some of us are not. Some of us oppose same-sex marriage; some of us support it," said the letter. "But all of us believe that many criticisms of the Arizona bill are deeply misleading."

Cato Institute senior fellow Ilya Shapiro, who supports same-sex marriage, said the measure wasn't radical, given that it brings state law into line with the 1993 federal law.

"This is not the case like the Jim Crow South where the state was involved in enforcing segregation laws and would fine businesses that did not segregate," said Mr. Shapiro. "Here, if one wedding photographer or baker doesn't serve you, there are lots of alternatives. It's a much different scenario."

He said the real issue is whether to allow freedom of association. Any law that requires a Christian baker to prepare a cake for a same-sex wedding also can demand that a gay baker do the same for religious conservatives, he noted.

"Why would a gay couple want to have their wedding cake made by someone who doesn't like them?" Mr. Shapiro said.

Fair or not, the successful uproar over the Arizona bill, and its veto by a Republican governor, is likely to chill efforts in other states to follow suit.

About a dozen states are considering similar measures to protect religious freedoms in the wake of court decisions against companies in the wedding industry, such as photographers and bakers.

So far, courts have ruled against the small-business owners on anti-discrimination grounds. A New Mexico Supreme Court decision against Elane Photography, whose owner refused to shoot photos at a same-sex wedding, could be the first to go before the Supreme Court.