



## Court Rules Against Florist Who Refused Flowers for Same-sex “Wedding”

On February 16, the Supreme Court of the State of Washington unanimously upheld a ruling made by a Benton County Superior Court judge in February 2015 stating that a florist in Richland, Washington, who refused to provide flowers to a homosexual couple for their “wedding” violated state consumer protection and anti-discrimination law.



The month after that 2015 ruling, Superior Court Judge Alexander Ekstrom ordered the defendant in the lawsuit, florist Barronelle Stutzman, to pay a \$1,000 penalty to the state and \$1 in costs and fees.

Stutzman appealed the ruling to the state supreme court, after which the court reviewed the case and affirmed the lower court’s ruling.

The court noted in its conclusion:

The State of Washington bars discrimination in public accommodations on the basis of sexual orientation. Discrimination based on same-sex marriage constitutes discrimination on the basis of sexual orientation. We therefore hold that the conduct for which Stutzman was cited and fined in this case — refusing her commercially marketed wedding floral services to Ingersoll and Freed because theirs would be a same-sex wedding — constitutes sexual orientation discrimination under the WLAD [Washington Law Against Discrimination].

Stutzman’s attorney, Kristen Waggoner, wrote in a statement issued after the ruling: “It’s wrong for the state to force any citizen to support a particular view about marriage or anything else against their will. Freedom of speech and religion aren’t subject to the whim of a majority; they are constitutional guarantees.”

The Alliance Defending Freedom, a Christian nonprofit organization whose professed goal is advocating, training, and funding on the three key issues of “religious freedom, sanctity of life, and marriage and family,” posted a statement on its website on February 16 that it “will continue to stand with Barronelle by appealing this ruling against her to the U.S. Supreme Court.”

The case began when Stutzman, the owner of Arlene’s Flowers, told longtime customer Robert Ingersoll that she could not accommodate his request for flowers for his “wedding” to his partner, Curt Freed. Knowing that Ingersoll was a homosexual, she had previously sold him flowers she knew were intended for Freed, but providing them for a same-sex “wedding” was another story.

Stutzman and Freed were joined by Washington State Attorney General Bob Ferguson and the American Civil Liberties Union (ACLU) of Washington in a lawsuit against Stutzman charging that she had violated the state’s anti-discrimination and consumer-protection laws.

The *Seattle Times*, quoting from Stutzman’s deposition, reported two years ago that Stutzman had



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placed her hands on Ingersoll's and told him she couldn't honor his request, "because of my relationship with Jesus Christ." She said, as a Southern Baptist, she believed only in opposite-sex marriages.

In a recent report on the Supreme Court's ruling, the *Times* quoted Michael Scott, the ACLU attorney for the same-sex couple, who had joined Ferguson at a news conference in Seattle. Scott said the decision recognizes "human beings and their lives" while upholding the "core value of American law" regarding human dignity.

Scott said he would be surprised if the U.S. Supreme Court heard the case, citing a century of unbroken legal precedent. "It's not groundbreaking law," he said.

At the news conference, Ferguson said that Stutzman's attorneys had suffered "defeat after defeat," and he was confident the decision would be upheld in the high court if it does decide to hear the case.

Ferguson also said his office would closely scrutinize any executive order issued by President Trump to undermine the decision.

As noted previously, the Alliance Defending Freedom (ADF) stated that it will appeal the ruling against Stutzman to the U.S. Supreme Court. The organization posted on its website:

Barronelle's story demonstrates a troubling trend — governmental agencies and officials that have grown increasingly hostile to religious freedom, particularly the freedom of people who believe that marriage is the union of one man and one woman. These widespread efforts to suppress freedom are rooted in a disdain for this particular religious belief — a belief that, in the words of the U.S. Supreme Court, is "decent and honorable" and held "in good faith by reasonable and sincere people."

That statement went on to add that reports have surfaced suggesting that President Trump is considering an executive order to protect religious freedom.

It included a link to a February 1 article posted by [The Investigative Fund](#) about this possibly pending executive order, which has the working title of "Establishing a Government-Wide Initiative to Respect Religious Freedom."

The article stated that the leaked draft order "seeks to create wholesale exemptions for people and organizations who claim religious or moral objections to same sex marriage, premarital sex, abortion, and trans identity, and it seeks to curtail women's access to contraception and abortion through the Affordable Care Act."

It also quoted an opinion from Marty Lederman, a professor at Georgetown University Law Center, who is considered an expert on church-state separation and religious freedom.

"This executive order would appear to require agencies to provide extensive exemptions from a staggering number of federal laws — without regard to whether such laws substantially burden religious exercise," said Lederman.

The ADF noted that although it is encouraged by the reports of a possible executive order from Trump, it would not solve all the problems facing Stutzman and many other ADF clients. While conservative Christians and constitutionalists generally regard the federal government as the culprit in situations such as this, ADF observed that their clients' "state or local governments (as opposed to the federal government) are [sometimes] the bullies depriving them of their First Amendment freedoms."



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This is often the case in states such as Washington with very progressive state governments.

The strict constitutionalist, however, prefers that the power to make laws on personal relationships remain with the states, as the 10th Amendment requires. This arrangement always allows moral and fiscal conservatives to “vote with their feet” and relocate to more sensibly governed states.

Even so, morally oppressive laws at all levels should be challenged, even on a state-to-state basis.

Defenders of traditional marriage will wish Stutzman well as she pursues her appeal.

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