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No. 91615-2

IN THE
Supreme Court of the State of Washington

STATE OF WASHINGTON,
Respondent,

v.

ARLENE'S FLOWERS, INC., D/B/A ARLENE'S FLOWERS AND GIFTS,
AND BARRONELLE STUTZMAN,
Appellants.

ROBERT INGERSOLL AND CURT FREED,
Respondents,

v.

ARLENE'S FLOWERS, INC., D/B/A ARLENE'S FLOWERS AND GIFTS,
AND BARRONELLE STUTZMAN,
Appellants.

**BRIEF OF AMICI CURIAE RELIGIOUS LIBERTY ATTORNEYS
IN SUPPORT OF APPELLANTS**

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QUESTION PRESENTED

Whether the application of Washington law compelling a citizen's speech which runs against his or her sincere religious beliefs and artistic expressive autonomy violates the Free Speech Clause and the Free Exercise Clause of the First Amendment.

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STATEMENT OF IDENTITY AND INTERESTS OF *AMICI CURIAE*¹

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Amicus Curiae Matthew Clark is an Alabama attorney who focuses on constitutional cases involving religious liberty and the sanctity of marriage, and who has served as an attorney with the Alabama Supreme Court.

Amici Curiae believe religious liberty is a God-given right that stands above all other rights and is the first liberty guaranteed in the Bill of Rights to the United States Constitution. They believe religious liberty includes the right to advocate and support traditional marriage and the right to refuse to support practices and ideas contrary to traditional marriage.

SUMMARY OF ARGUMENT

Amici agree with Appellants that the Washington Attorney General showed hostility toward Appellants by, among other actions, seeking out this case even though Respondents Ingersoll and Reed had not filed a complaint, singling out Arlene's Flowers for prosecution while ignoring other civil rights violations, bypassing the Washington State Human Rights Commission because it had commissioners "of a political or religious affiliation" that didn't

¹ Pursuant to Washington Rule of Appellate Procedure 10.6, all parties have consented to the filing of this *amicus* brief. Further, pursuant to Rule 10.6, *amici* are familiar with the issues involved in the review and with the scope of the argument presented or to be presented by the parties. The specific issues *amici* will present are set forth in the Summary of Argument. *Amici* believe additional argument is necessary on these specific issues because the Court will benefit from the history that underlies the religious liberty and free speech guarantees of the First Amendment. *Amici* state that no party's counsel authored this brief in whole or in part; no party or party's counsel contributed money that was intended to fund preparing or submitting this brief; and no person other than the *amici curiae* contributed money that was intended to fund preparing or submitting this brief.

support "gay rights" (CP 1885-86, Brief of Appellants 14), ignoring the artistic expression of Appellants' profession, and in other ways. *Amici* agree with Appellants that the State of Washington acted "inconsistent with [its] obligation of religious neutrality" and showed "elements of a clear and impermissible hostility" toward Appellants, thus acting contrary to the mandates of the First Amendment as explained by the U.S. Supreme Court in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 138 S.Ct. 1719, 1723, 1729 (2018). *Amici* will not waste this Court's valuable time by duplicating the arguments so capably made by Appellants.

Rather, *Amici* will focus upon the most precious of all rights protected by the United States Constitution, the God-given right of religious liberty which is the first right protected by the Bill of Rights. Because this is a God-given right explicitly protected by the First Amendment, while same-sex marriage is, at most, only a court-created right adopted by a 5-4 majority in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015), the State's claimed interest in protecting same-sex couples from discrimination must yield to the explicit right of religious liberty. This is especially true when the right of free exercise of religion is exercised as a hybrid right with the right of free speech which, *a fortiori*, includes the right not to be compelled to send a message contrary to one's religious and moral convictions.

ARGUMENT

- I. **Because religious freedom is the first and foremost right of the Bill of Rights, infringements upon free exercise of religion should be accorded "strict scrutiny."**

Religious liberty is the first of all human rights because rights themselves are the gift of God.

The foundational document of the American nation, the Declaration of Independence, recognizes the "laws of nature and of nature's God" and says the rights of human beings are

"unalienable" because they are "endowed by their Creator." Justice Douglas wrote in *Zorach v. Clauson*, 343 U.S. 306, 313 (1952), "We are a religious people whose institutions presuppose a Supreme Being," and in *McGowan v Maryland*, 366 U.S. 420, 562 (1961) he wrote in dissent,

The institutions of our society are founded on the belief that there is an authority higher than the authority of the State; that there is a moral law which the State is powerless to alter; that the individual possesses rights, conferred by the Creator, which government must respect.

Professor Leo Pfeffer called the Free Exercise Clause the "favored child" of the First Amendment. Leo Pfeffer, *Church, State and Freedom* 74 (1953). Chief Justice Burger seemed to share that view, writing in *Meek v. Pittinger*, 421 U.S. 349 (1975), "One can only hope that at some future date the Court will come to a more enlightened and tolerant view of the First Amendment's guarantee of free exercise of religion...." *Id.* at 387 (Burger, C.J., concurring in judgment in part and dissenting in part).

Professor Lawrence Tribe wrote that the First Amendment religion clauses embody two basic principles: separation (the Establishment Clause) and voluntarism (the Free Exercise Clause). "Of the two principles," he said, "voluntarism may be the more fundamental," and therefore, "the free exercise principle should be dominant in any conflict with the anti-establishment principle." Lawrence H. Tribe, *American Constitutional Law* 833 (1978).² Voluntarism is central to the case at hand, for Washington's ruling has the effect of compelling Barronelle Stutzman to act involuntarily in contravention of her most basic beliefs. This is a violation of the right to free exercise at its very core.

The U.S. Supreme Court appeared to accord strict scrutiny in early free exercise cases. In *Cantwell v. Connecticut*, 310 U.S. 296 (1940), the Court held:

...the [first] amendment raises two concepts -- freedom to believe and freedom to act. The first is absolute, but, in the nature of things, the second

² *Cf.* 2d ed. at 1160.

cannot be. Certain conduct remains subject to regulation for the protection of society. The freedom to act must have appropriate definition to preserve the enforcement of that protection. In every case the power to regulate must be so exercised as not, in attaining a permissible end, unduly to infringe the protected freedom.

Id. at 303-04. The Court seems to say even as early as *Cantwell* that infringements on free exercise are subject to some higher standard than lower-tier reasonable relationship to a legitimate state purpose.

The strict scrutiny test was further articulated in *Sherbert v. Verner*, 374 U.S. 398 (1963), and developed into a three-part test in *Wisconsin v. Yoder*, 406 U.S. 205 (1972). In *Thomas v. Review Board*, 450 U.S. 707, 715, 716 (1981), the Court clarified that free exercise protects individuals and their personal religious beliefs, not just beliefs that are part of an official creed or shared by an entire denomination.³

The State contends that the requirement that Barronelle Stutzman make a floral display for a same-sex wedding was not a substantial burden upon the exercise of her religious beliefs. But because conscience is unique to the individual, the State cannot and should not superimpose its own conscience upon that of Ms. Stutzman. Telling Barronelle what does and does not constitute a substantial burden on her belief is tantamount to telling her what she believes. The very nature of what constitutes a "substantial burden" is highly individualized. One person who holds religious objections to same-sex marriage may see no conflict between her beliefs and creating a floral arrangement for a same-sex wedding. Another equally sincere objector might not object to such as long as she is not required to attend the wedding and confirm that the floral arrangement is her work. Another person may not object to creating the floral arrangements as

³ *Cf. United States v. Ballard*, 322 U.S. 78, 86, 87 (1944): "Men may believe what they cannot prove. They may not be put to the proof of their religious doctrines or beliefs. Religious experiences which are as real to life to some may be incomprehensible to others. Yet the fact that they may be beyond the ken of mortals does not mean that they can be made suspect before the law."

long as she is not required to put the final individualized trimmings for the floral arrangement that make it unique to the occasion. Still another might find all of these scenarios offensive, and others might go still further.

The State and the Court have neither the jurisdiction nor the competence to tell Barronelle Stutzman what does and does not constitute a substantial burden upon her religious beliefs. When the State or the Court attempts to dissect the appellants' beliefs and decide what is and is not a substantial burden, they attempt to do precisely what the U.S. Supreme Court in *Thomas* said they are not permitted to do. This Court should give substantial deference to Barronelle Stutzman's determination that making a floral display constitutes a substantial burden upon the exercise of her religious convictions.

But in *Employment Division v. Smith*, 494 U.S. 872, 882 (1990), the Court appeared to limit *Yoder* to cases in which either (1) the law was directly aimed at religion, or (2) the free exercise claim was asserted as a hybrid right alongside another right such as privacy or free speech.

Unlike *Yoder* and *Thomas*, which were almost-unanimous decisions,⁴ *Smith* was decided by a sharply divided Court. Justice Scalia wrote the majority opinion, joined by Chief Justice Rehnquist and Justices White, Stevens, and Kennedy. Justice Blackmun dissented, joined by Justices Brennan and Marshall, arguing that the strict scrutiny test must be preserved in free exercise cases. Justice O'Connor wrote a concurrence that sounded much more like a dissent: she excoriated the majority for departing from the strict scrutiny test but concurred because she believed there was a compelling interest in regulating controlled substances that could not be achieved by less restrictive means.

⁴ Only Justice Douglas dissented in *Yoder*, and he dissented only in part. He did not dispute the tripartite strict scrutiny test but dissented only because he felt there might be a conflict between the rights of the parents and those of the child which had not been fully articulated in the case. In *Thomas* there was only one dissent.

Smith received harsh criticism from the beginning. A massive coalition of organizations, ranging from liberal groups like the American Civil Liberties Union and People for the American Way to more conservative groups like the National Association of Evangelicals, the United States Catholic Conference, and the Southern Baptist Convention, joined together to denounce the decision and call for a return to the *Yoder* standard. Congress responded by passing the Religious Freedom Restoration Act of 1993, 42 U.S. Code §2000bb-3, in the House by a voice vote and in the Senate 97-3, which was signed into law by President Clinton, and which was struck down as applied to the states by a vote of 6 to 3 in *City of Boerne v Flores*, 521 U.S. 507 (1997), but unanimously upheld as applied to the federal government in *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418 (2006).

Following *Flores*, in 2000 the American Civil Liberties Union worked with a coalition of organizations to secure passage of the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. §§2000cc et seq. RLUIPA prohibits the imposition of burdens on the free exercise rights of prisoners and limits the use of zoning laws to restrict religious institutions' use of their property.

Twenty-one states have adopted state versions of the Religious Freedom Restoration Act requiring their state governments to apply the compelling-interest/less-restrictive-means test, and ten additional states have incorporated the principles of the Act by state court decisions.⁵

Scholars have likewise criticized *Smith*. One of the most noteworthy is Professor Michael McConnell, who cogently observes that the Court effectively decided *Smith* on its own,

⁵ States which have adopted "mini-RFRA" statutes include Connecticut, Rhode Island, Pennsylvania, Virginia, South Carolina, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Illinois, Indiana, Missouri, Kansas, Oklahoma, Texas, New Mexico, Arizona, and Idaho. Similar proposals are pending in other states. The state courts of another ten states (Alaska, Hawaii, Ohio, Maine, Massachusetts, Michigan, Minnesota, Montana, Washington, and Wisconsin) have incorporated the principles of the Act by state court decision. See *State Religious Freedom Restoration Acts*, National Conference of State Legislatures (May 4, 2017), <http://www.ncsl.org/research/civil-and-criminal-justice/state-rfra-statutes.aspx>.

as none of the parties had asked the Court to depart from the *Yoder* test in deciding the case.⁶ Jane Rutherford, writing in the *William and Mary Bill of Rights Journal*, argues that *Smith* leads to the unfortunate result of subjecting minority faiths to the power of the majority and decreasing the rights of minorities to express their individual spirituality.⁷ John Witte, Jr., of Emory University, writing in the *Notre Dame Law Review*, demonstrates that *Smith* is at odds with the basic principles that underlie the religion clauses, especially liberty of conscience, free exercise, pluralism, and separationism.⁸

Aden and Strang document the failure of lower federal courts to follow *Smith* by routinely ignoring the "hybrid rights" exception.⁹ According to Aden and Strang,

One would assume, *a priori*, that the Supreme Court's pronouncement in *Smith*--that when a plaintiff pleads or brings both a free exercise claim with another constitutional claim the combination claim is still viable post-*Smith*--is the law. In fact, litigants assumed just that, but the appellate courts have been thoroughly unreceptive to hybrid right claims.¹⁰

After discussing numerous federal circuit court cases in which hybrid rights claims have been denied, Aden and Strang suggest reasons the circuit courts have not followed: (1) the fact that the hybrid exception was created in what many view as a post-hoc attempt to distinguish controlling precedent; (2) the compelling interest test in the realm of free exercise jurisprudence was never "compelling," and hybrid claims simply suffer a continuation of that reluctance to

⁶ Michael W. McConnell, *Free Exercise Revisionism and the Smith Decision*, 57 U. Chi. L. Rev. 1109 (1990). Professor McConnell also notes that "over a hundred constitutional scholars" had petitioned the Court for a rehearing which was denied. *Id.* at 1111. See also Michael W. McConnell, *The Origins and Historical Understanding of Free Exercise of Religion*, 103 Harv. L. Rev. 1409 (1990).

⁷ Jane Rutherford, *Religion, Rationality, and Special Treatment*, 9 Wm. & Mary Bill Rts J. 303 (2001).

⁸ John Witte, Jr., *The Essential Rights and Liberties of Religion in the American Constitutional Experiment*, 71 Notre Dame L. Rev. 371, 376-78, 388, 442-43 (1966).

⁹ Stephen H. Aden and Lee J. Strang, *When a 'Rule' Doesn't Rule: the Failure of the Oregon Employment Division v. Smith "Hybrid Rights Exception,"* 108 Penn St. L. Rev. 573 (2002).

¹⁰ *Id.* at 587.

excuse conduct because of religious belief; (3) the difficulty in determining the proper burdens and procedures to assert a hybrid claim-the analytical difficulty in conceptualizing how hybrid claims fit into free exercise jurisprudence; and (4) growing hostility to exemptions from state anti-discrimination laws with ever increasing numbers of protected classes.¹¹

Additional reasons may be "the courts' deeply ingrained reticence to grant exemptions based on religious claims,"¹² "a more 'progressive' attitude toward persons with traditional religious beliefs (especially evangelical Christians) seeking exemption from laws or regulations synchronous with the judges' leanings,"¹³ and "the increasing regulation of private life by state governments through anti-discrimination statutes."¹⁴

In summary, the rationale of *Employment Division v. Smith*:

- * Was adopted *sua sponte* without request, argument, or briefing from the parties.
- * Was adopted by a bare majority over a strong dissenting opinion by three Justices and a concurring opinion that rejected the *Smith* rationale and concurred only in the result.
- * Rests upon a strained attempt to reconcile its reasoning with that of *Yoder* and other decisions.
- * Was sharply criticized by a wide spectrum of the legal and religious community of the nation.
- * Was criticized by a wide spectrum of constitutional scholars.

¹¹ *Id.* at 602.

¹²*Id.* at 602-03.

¹³ *Id.* at 604.

¹⁴ *Id.*

* Was repudiated by an overwhelming vote of Congress in adopting the Religious Freedom Restoration Act which was signed into law by President Clinton but partially invalidated by the Supreme Court in *Flores*.

* Was repudiated by (thus far) thirty-one states through the adoption of mini-RFRA statutes or state constitutional amendments or state court decisions.

* Has been ignored, strained, or limited by many circuit courts and other courts.

* Has proven unfair and unworkable in practice.

* Is manifestly contrary to the Framers' elevated view of religious liberty by reducing this most-cherished right to mere lower-tier status.

Because of all of these factors, this Court should, at most, apply *Employment Division v. Smith* narrowly in light of the First Amendment and in light of the Washington State Constitution, Article I, Section 11.¹⁵ One way the Court could do this is to recognize that this case is a hybrid-rights exception to *Smith*.

II. This case clearly qualifies as a hybrid-rights exception to *Smith*.

Smith's hybrid-rights doctrine asserts that strict scrutiny must be applied to a free exercise of religion claim when that claim is raised in tandem with a claimed violation of another constitutional right. Barronelle Stutzman has claimed not only a violation of her free exercise of religion but also a violation of her freedom of speech and her right to freedom of association, all of which arise outside of and independent of her free exercise of religion claim.

¹⁵ Wash. Const., art. I, § 11: "Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual....". See also *First Covenant Church v. City of Seattle*, 120 Wash. 2d 203, 840 P.2d 174 (1992) ("The language of our state constitution is significantly different and stronger than the federal constitution. ... Our state constitutional and common law history support a broader reading of article 1, section 11 than of the First Amendment. ...State action is constitutional under the free exercise clause of Article I ... if a compelling state interest justifies any burden on the free exercise of religion."), *Sprague v. Spokane Valley Fire Dep't*, 409 P.3d 160 (Wash. 2018) ("[W]hen a government permits speech, it may not discriminate against only certain viewpoints -- whether those viewpoints are religious or not."), *State ex rel. Bolling v. Superior Court for Clallam County*, 16 Wash. 2d 373, 133 P.2d 803 (1943), *State v. Gunwall*, 106 Wash. 2d 54, 720 P.2d 808 (1986).

The *Smith* hybrid-rights doctrine never said the hybrid right must be an upper-tier fundamental right. If it did, the doctrine would make no sense, because such rights can stand on their own independent of a free exercise claim. As Justice Souter said in his concurring opinion in *Church of the Lukumi Babalu Aye, Inc., v. City of Hialeah*, 508 U.S. 520, 567 (1993) concerning the hybrid-rights doctrine,

[T]he distinction *Smith* draws strikes me as ultimately untenable. If a hybrid claim is simply one in which another constitutional right is implicated, then the hybrid exception would probably be so vast as to swallow the *Smith* rule, and, indeed, the hybrid exception would cover the situation exemplified by *Smith*, since free speech and associational rights are certainly implicated in the peyote ritual. But if a hybrid claim is one in which a litigant would actually obtain an exemption from a formally neutral, generally applicable law under another constitutional provision, then there would have been no reason for the Court in what *Smith* calls the hybrid cases to have mentioned the Free Exercise Clause at all.¹⁶

While *Amici* strongly disagree with any assertion that free exercise of religion is anything less than a fundamental right, we suggest that the Court's meaning was that when a free exercise claim is asserted in tandem with a non-fundamental right, the combined weight of the two rights requires that they be treated together as a fundamental right entitled to strict scrutiny. Accordingly, we urge this Court to either reconsider the entire *Smith* doctrine and/or hold that Barronelle Stutzman's hybrid free exercise claim must be accorded strict scrutiny.

Barronelle Stutzman's wedding arrangements are far more than just commercial productions or conduct. They are artistic expression. Ms. Stutzman does not just prepare a floral display. She learns about the couple's history, desires, dreams, and wedding details and then brings to bear her own artistic intention, passion, and creativity to design floral arrangements that communicate her vision of their story, while lending formality and a celebratory atmosphere to the wedding ceremony itself.

¹⁶ *Hialeah*, 508 U.S. at 566-67 (Souter, J., concurring in part and concurring in judgment).

Combining Barronelle's faith and floral artistry with the fact that she actually attends and takes part in the wedding ceremonies she serves, one sees that Barronelle puts her heart and soul into her wedding ceremony arrangements. By her acts of creation, she exalts God, who for her, invested the marriage ceremony with its meaning and beauty.

Barronelle's refusal to participate in Ingersoll and Freed's wedding speaks for itself as to her religious convictions. In the context of a long, nine-year, friendly service history with respect to Ingersoll, and Barronelle's hiring of homosexuals, her refusal to prepare a floral display demonstrates that her actions are not motivated by animus toward homosexuals but rather by religious and moral convictions. Her refusal to engage in a profit-making venture, and the punishment she has suffered at the hands of the State of Washington, is the most obvious piece of evidence of her religious and moral conscience. The friendly relationship over nine years between Barronelle and the Respondents demonstrates that there would have had to exist in Barronelle's mind an extremely important reason for her to refuse to express her artistic participation in the Respondents' wedding ceremony, and combined with her testimony, that could only be a strong religious and moral objection.

To now force Barronelle Stutzman to engage in expressive conduct endorsing something against which she has strong religious convictions, is the epitome of a free speech violation. Forcing someone to say something he disbelieves is an even more egregious free speech violation than forcing that person to be silent. Given the choice, people would rather say nothing than say something they do not believe. They would rather contribute nothing than contribute to a cause they consider reprehensible. As the U.S. Supreme Court recently stated in *Janus v. Am. Fed'n of State, Cty., and Mun. Emps., Council 31*, 138 S.Ct. 2448, 2463 (2018) compelling people to support expression that "they find objectionable violates [a] cardinal constitutional command" and is "universally condemned."

Therefore, even under the *Smith* rationale, Ms. Stutzman's free exercise claim asserted in tandem with her free speech claim must be accorded strict scrutiny. This is true even if her free speech claim is regarded only as commercial speech entitled by itself to intermediate scrutiny.

Ms. Stutzman also has a claim of freedom of association, which includes the right not to associate with persons or for purposes which one finds objectionable. Freedom of association is an upper tier strict scrutiny right when it is (1) expressive association or (2) intimate association. *Roberts v. U.S. Jaycees*, 468 U.S. 609 (1984). A wedding is both expressive and intimate, and as noted above, Ms. Stutzman's consistent practice is to bring her floral display to the wedding and participate in the ceremony and celebration.

III. Any state interest in protecting same-sex marriage cannot override the God-given constitutional right to religious liberty.

As we have seen above, religious liberty is a right of the highest order, especially when asserted as a hybrid right with freedom of speech and freedom of association. In contrast, the claimed right to same-sex marriage is at most only a court-created right, established in 2015 by a bare 5-4 majority in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015), even though, as Chief Justice Roberts wrote in dissent, "The Constitution itself says nothing about marriage...." *Id.* at 2613.

The state interest in protecting the right to same-sex marriage can be no higher than the right to same-sex marriage itself, and the right to same-sex marriage must yield to the right to religious liberty.

Please note, however, that the right to religious liberty and the protection of same-sex marriage are not in direct conflict. Accommodating Barronelle Stutzman's religious convictions does not prevent Ingersoll and Freed from having a same-sex ceremony. There is no evidence that Ingersoll and Freed would be unable to find a florist who would prepare a floral display for

their ceremony, and in fact they were able to get a floral display with no difficulty. Furthermore, there is no requirement that weddings must include a floral display.

Also, the requirement that businesses serve all customers is an abrogation of the common law. "At common law, only innkeepers and common carriers had an obligation to serve all comers regardless of race; other businesses generally had the right, as property owners, to exclude anyone for any reason."¹⁷ In recent years, anti-discrimination ordinances have been extended to other types of businesses and their protection has extended to other classifications.¹⁸ But their relatively recent origin is further reason that they should yield to the timeless right to religious liberty. The rise of equal access need not mandate the fall of individual liberty.

The State of Washington has imposed draconian economic sanctions upon Barronelle Stutzman and commands her: "Conform to the new view of marriage or be sanctioned to the point of bankruptcy!" Does the State of Washington's tolerance extend toward everyone - except the person with a religiously motivated conscience against same sex wedding ceremonies? Is this case to be a harbinger of things to come – the marginalization, if not outright elimination, of the right to free exercise of religion and speech for those who hold religious values and own businesses? Or has Justice Alito's ominous warning in his *Obergefell* dissent already become reality? "I assume that those who cling to old beliefs will be able to whisper their thoughts in the recesses of their homes, but if they repeat those views in public, they will risk being labeled as bigots and treated as such by governments, employers, and schools." *Obergefell*, 135 S.Ct. at

¹⁷ See Lauren J. Rosenblum, *Equal Access or Free Speech: The Constitutionality of Public Accommodations*, 72 N.Y.U.L. Rev. 1243 (1997) (quoting Earl M. Maltz, *Separate But Equal and the Law of Common Carriers in the Era of the Fourteenth Amendment*, 17 Rutgers L.J. 553, 553-54 (1986) (discussing obligations of common carriers); see also Alfred Avins, *What Is a Place of "Public" Accommodation?*, 52 Marq. L. Rev. 1, 2-7 (1968) (discussing common law rule that innkeepers and common carriers could not exclude, while others were legally permitted to do so.)

¹⁸ See generally 42 U.S.C. § 2000; Col. R.S.A. § 24-34-601(2).

2642-43 (Alito, J., dissenting). Surely there is room in the State of Washington and its business community for Barronelle Stutzman and people who share her beliefs.

CONCLUSION

Amici urge this Court to recognize Baronelle Stutzman's right to religious liberty.

Respectfully submitted the 5th day of March, 2019

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