Governor Jay Inslee applauds State Supreme Court decision in Arlene's Flowers case

Sky Valley Chronicle
February 16, 2017

Chronicle staff

(OLYMPIA, WA.) -- Washington Governor Jay Inslee released a statement today saying, "Today, the state Supreme Court ruled in favor of equality for all Washingtonians. By ruling that intolerance based on sexual orientation is unlawful, the Court affirmed that Washington state will remain a place where no one can be discriminated against because of who they love."

"I am proud that our state was one of the first to vote to recognize same sex marriage and that we continue to uphold the rights of all our residents," said Inslee.

The Washington State Supreme Court ruled that a florist cannot cite religious beliefs as justification for discriminating against same-sex couples.

The case, State of Washington v. Arlene’s Flowers Inc., was brought by two men – one of them a repeat customer of Arlene’s – who had asked the Richland florist to provide flowers for their wedding.

Owner Barronelle Stutzman refused, claiming that to grant such a request would be expressing support for marriage of same-sex couples, in conflict with her religious beliefs and free speech rights.

In Feb. 2015 the Benton County Superior Court rejected the florist’s argument. She then appealed to the state supreme court.

Americans United for Separation of Church and State filed a friend-of-the-court brief in the case, arguing that Arlene’s Flowers had no right to discriminate.

“Supporters of Arlene’s Flowers say they want religious freedom, but what they really seek is the right to use their religion to humiliate others and treat them like second-class citizens,” said the Rev. Barry W. Lynn, executive director of Americans United. “That’s not religious freedom; it’s just plain, old-fashioned bigotry. The Washington Supreme Court was right to shut it down,” said Americans United in a statement posted on the group’s website.

Americans United explained in its brief that the argument used by Arlene’s Flowers
could have allowed others to justify discrimination through denial of services in virtually any context, discriminating as the business pleases simply by contending that its provision of goods or services is expressive.

In that scenario, argued the brief, gay men, lesbians, and members of other protected classes (and their children) would not know which businesses they could patronize and could not expect the law to protect their rights of access to public accommodations.

The court noted the Americans United brief in its ruling saying, "Stutzman's rule would create a 'two-tiered system' that carves out an enormous hole from public accommodations laws: under such a system, a 'dime-store lunch counter would be required to serve interracial couples but an upscale bistro could turn them away.'"

Americans United's involvement in the case was part of its Protect Thy Neighbor project, which seeks to stop religion-based discrimination against LGBTQ people and others.