

Richland florist discriminated against gay couple by refusing service, state's highest court rules

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Barronelle Stutzman, center, a Richland, Wash., florist who was fined for denying service to a gay couple in 2013, smiles as she is surrounded by supporters after a hearing before Washington's Supreme Court, Tuesday,... (AP Photo/Elaine Thompson) More

The high-profile court case highlights the clash between constitutional principles — the right to be treated equally under the law and the free exercise of religion and speech. The case is likely to be appealed to the U.S. Supreme Court.



By [Lynn Thompson](#)

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A Richland florist who refused to provide flowers to a gay couple for their wedding violated anti-discrimination law, the state Supreme Court ruled Thursday.

The [court ruled unanimously](#) that Barronelle Stutzman discriminated against longtime customers Rob Ingersoll and Curt Freed when she refused to do the flowers for their 2013 wedding because of her religious opposition to same-sex marriage. Instead, Stutzman suggested several other florists in the area who would help them.

The couple went ahead with their wedding, but they had it at home with 11 guests and flowers from another florist, instead of the larger event they had envisioned.

The couple and state Attorney General Bob Ferguson sued Stutzman under the state's anti-discrimination and consumer-protection laws in what became a high-profile case that highlighted the clash between the right to be treated equally under the law and the free exercise of religion and speech.

A Benton County Superior Court judge last February ruled that [Stutzman's religious beliefs did not allow her to discriminate against the couple](#) and that she must provide flowers for same-sex weddings, or stop doing weddings at all. Thursday's state Supreme Court ruling upheld the lower court.

Gov. Jay Inslee praised the ruling.

"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," he said in a statement.

The [Alliance Defending Freedom](#), which represents Stutzman, said that she will ask the U.S. Supreme Court to review and reverse Thursday's ruling.

Stutzman acted consistently with her faith, an Alliance news release said, but Washington justices "concluded that the government can force her — and, by extension, other Washingtonians — to create artistic expression and participate in events with which they disagree."

In November, the [state Supreme Court heard arguments in the case, Ingersoll v. Arlene's Flowers](#), during a special session at Bellevue College.

Attorneys for Stutzman argued that a floral arrangement is a form of speech deserving of protection and that government cannot compel Stutzman to create an arrangement for a gay couple against her religious beliefs.

Ferguson urged the court to uphold state anti-discrimination laws and not to create an exception for religious beliefs. He noted that many people once held strong religious beliefs against interracial marriage, but the courts struck down those laws as discriminatory.

Stutzman and her attorneys argued that the Benton County Superior Court's ruling was unlawful government coercion and that the creative expression of floral arrangement deserves the same protection as free speech.

During the November hearing, several justices expressed skepticism for that argument, asking why it wouldn't also extend to bartenders, stationery providers or landscape artists who also bring creativity to their work.

"So anyone worried about their expression may deny services to a customer?" asked Justice Steven Gonzales.

The case attracted more than a dozen friend-of-court briefs on behalf of the gay couple, including the National Association for the Advancement of Colored People, Lambda Legal Defense and Education Fund and a group of Washington businesses that include Amazon, Microsoft and the Metropolitan Seattle Chamber of Commerce.

Ferguson brought the suit against Arlene's Flowers after Stutzman refused his letter directing her to comply with Washington law that prohibits discrimination on the basis of sexual orientation.

Ferguson agreed that the case raises unprecedented issues, but not the same issues that alarm the florist and her attorneys.

He told the justices in November that no court in the country has held that a religious objection allows a business owner to violate anti-discrimination law.

"Ms. Stutzman is free to believe what she wishes," he said, but because she runs a public business, he said, she is required under the law to serve everyone equally.

Amicus briefs were filed on behalf of Stutzman and Arlene's Flowers, including one from African-American and Hispanic churches and their pastors who argued that the government should not penalize people for the belief that marriage is a union between a husband and wife.

Noting that the U.S. Supreme Court ruled in 2015 that same-sex marriage is legal, the brief argues that "its ruling in no way requires private citizens to facilitate such marriages against their conscience ... Mrs. Stutzman seeks the freedom to act on her reasonable, conscientious belief about marriage — while leaving same-sex couples free to do the same."

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