

ADF Asks Supreme Court to Take Up Barronelle Stutzman's Case

Just a few weeks ago, the U.S. Supreme Court decided to take up the case of Jack Phillips, a Colorado baker who is being punished because he would not make a wedding cake for a same-sex "marriage" in violation of his deeply held religious beliefs.

Now, the Alliance Defending Freedom, which is representing Phillips, is also asking the high court to take up the case of Barronelle Stutzman, the floral artist from Washington state who faces similar government persecution in her home state. She was sued by the American Civil Liberties Union and Washington Attorney General Bob Ferguson, a Democrat, merely for living consistently with her faith.

Stutzman had served Rob Ingersoll, who is homosexual, on several occasions over the course of 10 years, but when he approached her about making custom floral arrangements for a same-sex wedding, she explained that she could not do so without violating her deeply held religious beliefs, and pointed him to a florist who could. The two continued to chat about the wedding, they hugged, and Ingersoll left her store.

She was later sued for that conversation by the ACLU and Ferguson for unlawfully discriminating against Ingersoll.

"Rob Ingersoll and I have been friends since very nearly the first time he walked into my shop all those years ago," Stutzman said. "There was never an issue with his being gay, just as there hasn't been with any of my other customers or employees. He just enjoyed my custom floral designs, and I loved creating them for him."

“But now the state is trying to use this case to force me to create artistic expression that violates my deepest beliefs and take away my life’s work and savings, which will also harm those who I employ. I’m not asking for anything that our Constitution hasn’t promised me and every other American: the right to create freely, and to live out my faith without fear of government punishment or interference.”

The state courts ruled that Stutzman must pay penalties and attorneys’ fees for declining to use her artistic abilities to design custom floral arrangements for a long-time customer’s same-sex ceremony. Last year, the Washington Supreme Court took up the case, and it, too, concluded that the government can force her—and, by extension, other Washingtonians—to create artistic expression and participate in events with which they disagree.

“If the government can ruin Barronelle for peacefully living and working according to her faith, it can punish anyone else for expressing their beliefs,” ADF Senior Counsel Kristen Waggoner, who argued before the Washington Supreme Court together with co-counsel George Ahrend in November of last year, said. “The government shouldn’t have the power to force a 72-year-old grandmother to surrender her freedom in order to run her family business. Anyone who supports the First Amendment rights that the U.S. Constitution guarantees to all of us should stand with Barronelle.”

ADF’s attorneys have requested permission to consolidate Stutzman’s cases, *Arlene’s Flowers v. State of Washington* and *Arlene’s Flowers v. Ingersoll*, with Phillips’ case, *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, which the court has already accepted. The petition filed with the U.S. Supreme Court explains:

The Washington Supreme Court’s ruling is not the first to disavow the First Amendment’s protection of artistic expression and those who create it ... But the breadth of the

court's reasoning, which extends to nearly all speech created for profit, is particularly hazardous, as is the extreme nature of Barronelle's punishment, which threatens to shutter her business and personally bankrupt her. This Court's review is needed to prevent the state from silencing professional speech creators with dissenting religious views.

[Click here to read the entire petition.](#)

"Our nation has a long history of protecting the right to dissent, but simply because Barronelle disagrees with the state about marriage, the government and ACLU have put at risk everything she owns," Waggoner said. "This includes not only her business, but also her family's savings, retirement funds, and home. Not only does her case and Jack Phillips' case involve similar issues, but both Barronelle and Jack face burdensome penalties for simply exercising their right of free expression." {eo}