

News and Current Events :: Washington Supreme Court Punishes Barronelle Stutzman. What Now?

Washington Supreme Court Punishes Barronelle Stutzman. What Now? - posted by proudpapa, on: 2017/2/17 9:29

After much anticipation, the Washington Supreme Court has punished Barronelle Stutzman for peacefully operating her business consistently with her faith. The court's decision affirms a lower-court ruling that requires Barronelle to pay the attorneys' fees that the ACLU racked up in suing her. Often, in cases like this, the attorneys' fees for each side are hundreds of thousands of dollars, if not more.

Barronelle is a 72-year-old floral artist who owns and operates Arlene's Flowers in Richland, Washington. She serves everyone in her community, regardless of their race, sex, religion, or sexual orientation. But even though she serves all people, she cannot use her artistic skills to celebrate all events. In particular, because of her beliefs about marriage, she cannot design custom floral arrangements for a same-sex wedding (although she would be happy to sell premade arrangements or raw flowers to couples planning such an event).

So while she has been glad to serve Rob Ingersoll, a gay man and one of her all-time favorite customers, for nearly a decade (and would be happy to continue doing so today), she could not use her artistic talents for one request to create custom arrangements designed to celebrate his nuptials.

But the State of Washington (which first filed a lawsuit against Barronelle) and now the State's highest court have declared illegal her practice of running her business consistently with her faith. Regardless of the fact that she has created dozens of floral arrangements for Rob, she must also produce artwork under circumstances that would violate her convictions.

Alliance Defending Freedom will continue to stand with Barronelle by appealing this ruling against her to the U.S. Supreme Court.

Barronelle's story demonstrates a troubling trend in 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.”

President Trump, who has promised to make religious liberty the “first priority” of his administration, has an opportunity to take a stand against the ongoing efforts to marginalize people of faith. Reports have surfaced suggesting that he is considering an executive order to protect religious freedom.

The leaked draft of the executive order shows that President Trump is contemplating specific protections for people who, like Barronelle, “act (or decline to act) in accordance with the belief that marriage is or should be recognized as the union of one man and one woman.” The document also makes clear that individuals “do not forfeit their religious freedom when . . . earning a living” or “participating in the marketplace” or the “public square.”

Signing such an order would send a strong message throughout the country that people like Barronelle deserve religious freedom too.

But even though that order would be a significant step in the right direction, it would not solve all the problems facing Barronelle and many other ADF clients (such as Jack Phillips and Carl and Angel Larsen). Their state or local governments (as opposed to the federal government) are the bullies depriving them of their First Amendment freedoms. So even if the president sets a good example, much work remains to be done to secure freedom's future.

In the wake of this decision, Barronelle needs your prayers. This ruling is devastating for her. Please join with us in praying for her during this difficult time.

And as we lament this ruling that denies freedom not only to Barronelle but also to millions of people of faith who share her beliefs about marriage, it is also important to encourage President Trump to sign an executive order protecting religious freedom. It won't be a cure-all, but it would definitely be a step in the right direction.

<https://www.adflegal.org/detailspages/blog-details/allianceedge/2017/02/16/washington-supreme-court-punishes-barronelle-stutzman.-what-now>

Re: Washington Supreme Court Punishes Barronelle Stutzman. What Now? - posted by docs (), on: 2017/2/17 9:43

This is likely the most liberal court district in the country. California - Washington - Oregon.

Re: - posted by dolfan (), on: 2017/2/17 15:08

The American church has yet to articulate a reason to oppose same sex marriage that does not depend solely on our understanding of who God is. Who God is constitutes the core of our entire belief. Yet we keep framing our opposition in terms of commands and doctrines that may be explained without reference to the essential nature of Whom we worship. As long as this is so, government is not forced to explicitly reject Him, and instead is allowed to do so under the guise of other legal principles related to religious freedoms.

The battle over same sex marriage and rights is done. But, if someone in this arena would cement their reasons for rejecting same sex marriage to the very nature of God then the government would have to overrule that belief as inconsequential. I would love to force that issue.

Re: - posted by ccchhhrrriiiss (), on: 2017/2/17 15:39

I think that dolfan raises some interesting points. I doubt that a justice or group of justices would want to argue against exercising belief based upon the very nature of God (well, except the 9th Circuit).

I think that this case will be appealed and might even make its way to the Supreme Court. Depending upon the views of the new justice, this could be a decisive case regarding religious liberties since *Reynolds v. United States*.

Personally, I think that the Court would permit sole proprietors to keep and honor their own religious beliefs in instances where their business service might require participation of something that violates those beliefs.

Consider the following: The school is in session on a Friday. Yet, one child is a member of a certain religious sect that observes a religious holiday on that day. The school district allows that child to celebrate the holiday -- even if other students are still required to attend school. The school understands the First Amendment's Free Exercise Clause.

Now, some would argue that this is because such exercise doesn't harm someone else. In *Reynolds v. United States*, the Court argued against extending free exercise of religion to the practice of polygamy. They stated that they feared casting a wide net by interpreting free exercise to any manner of practice would legalize even harmful practices in the name of religious exercise.

In this case, the only "harm" is in "discrimination" against someone wanting to buy flowers for a homosexual ceremony. In this case, the florist is forced to abandon his religious faith because his business is a service -- and that service forces him to become a participant in something that violates his religious belief.

It's my opinion that this would be akin to forcing a Muslim woman to remove her hijab to work at a retail store. Think about this: Could Planned Parenthood -- a non-profit that receives federal and state tax protections (and even receives taxpayer funding) -- be sued because they rejected Christians for employment on the basis of their religious beliefs?

I wonder if the Supreme Court would rule that sole proprietors or some other businesses would be permitted to define and exercise their religious principles so that they aren't forced to violate them. They could rule that Barronelle Stutzman couldn't decide who to sell flowers to BUT also rule that she cannot be penalized for refusing to participate in something that clearly violates her faith (in this case, participating in a homosexual ceremony). In other words, she can't discriminate when selling flowers but in participatory service related to the sale of those flowers.

If I remember correctly, the Colorado bakery didn't refuse to sell a cake but refused to decorate it in the celebration of a homosexual "marriage" ceremony. Such a ruling would favor both the baker and the florist.

I'm interested in your response, Tim.

Re: Dolfan - posted by Heydave (), on: 2017/2/17 17:22

Quote: "I would love to force that issue."

Tim, Would you consider acting as a defence for such a case? I mean it seriously, you might be the person to state the position from this aspect!

Re: Isaiah 24:7 - posted by Heydave (), on: 2017/2/17 18:12

I just read this.....

"The earth is also defiled under its inhabitants,
Because they have transgressed the laws,
Changed the ordinance,
Broken the everlasting covenant. "

"Therefore the curse has devoured the earth,
And those who dwell in it are desolate...."
Isaiah 24:5-6.

Take note of "Changed the ordinance". That is where we are today. An ordinance is a fixed law that God established for all creation, such as making male and female with divine purpose. To change that ordinance is a reproach to God and brings a devastating curse upon the earth and its inhabitants!

This whole chapter is clearly talking of the final end time period of judgement, aka the Great Tribulation, so no need to guess where we are very close to today. Yes there has always been homosexuality and perversion, but I don't think that there has ever been a time when men put into law such things we are seeing today, denying God's set ordinance of male and female and setting up an alternate ordinance.

Re: - posted by dolfan (), on: 2017/2/17 18:40

Dave, I would jump at it, I think. But, it isn't my state. And, I will soon be moving to another state where I may not even practice law there.

Re: - posted by dolfan (), on: 2017/2/17 18:52

Haven't read the Washington Sup. Ct. opinion. I am sure they say that it is not a de minimis harm because other businesses could deprive homosexuals of a basic freedom under state human rights laws and that, given the weight of the state's thumb on the scales that balance interests, well ... the math just doesn't favor Barronelle's love for Jesus as much as it does Bob's love for Bill.

The balancing tests courts use are satanic, even in their most benign application. Judges can reach whatever conclusion they want because they are in control of the scales. Again not the rule of law, but the law of the ruler.

Re: - posted by proudpapa, on: 2017/2/17 19:15

There is no consistency of logic with the Judges logic.

Many Musicians refused to offer their services for Trump's inauguration because they realized that by doing so that it would have been a stamp of approval for his presidency in which they did not support.

If I went to a bakery owned by Jehovah Witnesses I would expect them to sell me their common pastry items no matter what I wanted to do with them.

But it would be absolutely absurd of me to expect them to custom make me a Christmas Cake.

Re: - posted by ccchhhrrriiisss (), on: 2017/2/17 19:56

Quote:
-----... the math just doesn't favor Barronelle's love for Jesus as much as it does Bob's love for Bill.

The balancing tests courts use are satanic, even in their most benign application. Judges can reach whatever conclusion they want because they are in control of the scales. Again not the rule of law, but the law of the ruler.

Very well said, Tim.

Despite the pushing-the-envelope use of executive orders over the last few years, I believe that the greatest power that a president exerts in this republic is the nomination of judges. This is especially important at the Supreme Court.

Recently, I listened to a discussion between Stephen Breyer and Antonin Scalia discussing their belief about the Constitution. I felt that Scalia did a great job explaining the basis of law under the Constitution. I found a clip from it:

<http://tinyurl.com/breyer-v-scalia>

I am prayerfully hopeful that Supreme Court nominee Neil Gorsuch will not attempt to interpret the law on the basis of modern whims but on the framers' intent. I don't believe that ANY of the framers of the Constitution intended that the law could force a small business owner to violate the exercise of his or her religious faith. If this recent case goes to the Supreme Court, I hope that a Justice Gorsuch would agree.

Re: - posted by dolfan (), on: 2017/2/17 20:08

Just skimmed about two-thirds of the opinion. Much is based on arguments over interpretation of state statutory law and not the US Constitution. Just be aware that state human rights laws are really human wrongs laws.

Here is where Stutzmann's case stands on shaky ground. She admitted that her preparation of floral arrangements for at heist and Islamic weddings did not impact her beliefs and that she could and would do it. This goes to my original point: we are staking out our defense incorrectly. Not that we would win anyway --- I doubt we would. But, make the government say it. Make the government say that it doesn't matter who God is, that it only matters who the laws are written to favor and it only matters who the government is. Make them use their sovereignty as their exclamation that God is not. Because as it is, we are feeding ourselves to them and we are fools. We are being beaten down and not even saying AT ALL in this context who God is.

It matters more to the church's ability to even comprehend, let alone articulate, WHY homosexuality and same sex marriage are wrong. Barronelle Stutzmann doesn't truly understand why she is opposed to it. She just feels it would violate her conscience. Conscience is the essence of the First Amendment's freedom of religion clause. I don't care about mere conscience here. This concerns the true proclamation of who God is, who Jesus is, the nature of God, and His sovereign power over our own power to say who WE are. The church is selling out on this point because it genuinely thinks the Constitution values the gospel of Christ AS the gospel of Christ. It doesn't. We keep fighting the fight with our shoes nailed to the First Amendment jurisprudence and no one is gaining clearer understanding of who God is. We are being selfish, even in this.

Re: - posted by ccchhhrrriiisss (), on: 2017/2/17 20:18

Hi proudpapa,

I agree with what you're saying. I would suspect that it is common sense, but it doesn't seem that it is.

I would never expect a Jewish bakery to bake a cake celebrating a vile neo-Nazi club or an African American-owned restaurant to be forced to cater lunch at a KKK rally. This is an unthinkable violation of a person's conscience. It reeks of the same principle of asking a Muslim woman to remove her hijab for employment or a Jewish catering service to offer pork chops on their menu.

Like you said, musicians refused service for Trump's inauguration. The Huffington Post and other liberal websites frequently remove comments that they deem "offensive" -- even if they are simply religious in nature (and still on-topic). Many

websites will ban members on the basis of their religious beliefs. I would argue that it is within their right to do so.

How is that any different than a florist refusing to participate in celebrating a homosexual "marriage" or celebrating an abortion? It is the consumer assaulting the business owner for his or her faith.

In *Reynolds v. United States*, the court stated that they feared a broad interpretation of religious exercise that could excuse any type of behavior with the excuse that it was the exercise of religion. By siding with the State of Washington, an even wider net can be cast.

Any person can insinuate that any denial of service is a violation of "equal protection." If a for-profit website like the Huffington Post bans a user, then they risk being sued for targeting that person for political reasons. Even a Christian bookstore, school or daycare could be sued for rejecting a homosexual or transgender person for a position of employment.

I just hope that the Supreme Court (with its new justice confirmed) will defend the rights of individuals -- even sole proprietors -- to adhere to the exercise of their faith when it isn't truly harmful in nature. If it is understood from the get go, then it would be difficult to sue for "harm" when a person states that they cannot violate their faith in a certain aspect.

Re: , on: 2017/2/17 21:35

Brethren respectfully I think some of you are missing the point here. The point being that persecution has come to the shores of America. It should come as no surprise that this court has ruled the way it did against this Christian business. We are living in an environment that is hostile to the things of Jesus.

The question we need to ask ourselves is what is God saying to us. How are we to respond to the increasing hostility that will surely come up on Christians in the days ahead.

He that has an ear let him hear what the Spirit is saying to the American Evangelical Church.

Bro Blaine

Re: - posted by Heydave (), on: 2017/2/18 3:24

Tim

You make good points. Yes I can see that this is the real issue. The kingdoms of the is earth are NOT YET the kingdoms of our God and His Christ!

Blaine, of course you are correct in saying this.

Re: - posted by ginnyrose (), on: 2017/2/22 19:00

All legal complexities aside what if I just plain do not want to make this cake/arrange these flowers for this customer? Am I required to have a reason other than I just plain do not want to? Would I not be allowed to refuse providing this service because I just do not want to?

Sandra

Re: - posted by dolfan (), on: 2017/2/22 19:57

Sandra, under Washington state law, if your plain not wanting to is motivated by your desire not to serve homosexuals, then you would be in violation of the law to refuse service.

Question is whether your not wanting to is worth the cost.

Your call.

Re: - posted by ginnyrose (), on: 2017/2/22 23:05

Tim, is a merchant required to reveal why he does not want to service this customer? If you live in the south you know people are liable to lie if they do not want to do something or to get their way. And they get by with it. I would not advocate lying but it seems to me a person could refuse without giving a reason. In life I have learned that if I say "no" to something I am not required to explain it.

Reckon I am a bit dense....you do not have to say "amen!"

Sandra

Re: - posted by dolfan (), on: 2017/2/23 6:23

Sandra,

Say you are a Washington florist who does wedding florals.. A homosexual couple wants to order a flower arrangement for their wedding. You know they are, of course, homosexual. You say, "No, thanks." They say, "Don't you sell florals for weddings?" You say, "Yes." They say, "But you won't sell to us?" You say, "No." They say, "If we were a man and woman, you would sell to us, right?"

You say....

Can't say no, because you do.

Can say nothing, or "leave my shop", but that looks, and IS, inculpatory silence and dodging the question.

Can say "It violates my conscience as a Christian." To which they would say, "State law says your conscience takes a back seat to our right to do business in this state. See you in court."

You get sued. You get all sorts of discovery demands from their lawyers. You are repeatedly asked in 50 different ways about dozens of things that reveal your motivation: You just flatly don't want to do it because they are homosexual. You will be asked point blank also about your motivations, your views on other marriages that do not meet your personal understanding of biblical marriage, how many times you have refused service to those customers on that basis and how many times you didn't refuse service. You didn't bother keeping up with it, probably. And that's okay because who really does in a thriving flower shop and your business does not discriminate, right? Except, when the homosexuals walk in and ask for flowers for their wedding---then suddenly you start keeping score.

See?

Re: - posted by drifter (), on: 2017/2/23 6:56

I remember I was at work one day over a year ago and someone jokingly called me gay (you have to understand I work with some pretty rough people; and that wasn't the exact word he used), so I explained to him that homosexuality is a sin according to God's Word. Another of my co workers overheard what I said and tried to get me fired. The HR guy gave me a lecture that "homosexuality is a protected human right in Canada" etc. I explained that I understand Canadian law but those are my convictions and I'm not changing them. It wouldn't be the first time someone tried to fire me for being a Christian. Another time my boss and his brother told me "we don't want to hear you talk about Jesus anymore" and I looked both of them in the eye and said "Jesus loves you, I love you, and I won't shut up; go ahead and fire me." They didn't. Having said all that, I wouldn't want to run a business where you can get sued for your convictions.

Re: , on: 2017/2/23 8:07

But saints is this not where we are headed. Christians who own businesses that cater to weddings and provide other such services are only the tip of the iceberg. Right now such businesses that stand on biblical principle by refusing to provide such services to same-sex weddings because it violates their conscience are going against the law. And because they choose to do so in following Christ they pay the price.

But do you not see this is only the beginning. What happens when the US government starts banning the Bible as a hate book. In Canada it is already considered a hate book. What happens when the US government says that to own such a Bible is against the law. Or what happens when the US government says that we can no longer preach about Jesus Christ in the public venue.

The election of Donald Trump may be a reprieve of some sort. But this will not stop Satan from bringing darkness upon this nation. If anything persecution may increase under Trump.

Brethren we must fix in our mind that persecution is coming. Indeed it is already here. And as much as I've enjoyed the God is Not Dead movies. Not every battle that American believers engage in through the university or court system will result in the Goodnews Boys singing a victorious song for Jesus.

This is certainly not happening with believers in Eritrea or N. Korea or Somalia. Before this day ends it is estimated that 300 to 400 dear saints will have been martyred for the Lord Jesus Christ and some part of the world. Yet the Book of Revelations say that these believers are victorious in that they overcome the evil one by their martyrdom and their testimony for Jesus. But we American believers do not see the victory of Christ that way.

We in America are living in la-la land or in a bubble. We believe that we are immune from persecution because somehow we are special in God's eyes. But can anyone in this forum tell me from the scriptures that American Believers are exempt from persecution.

Paul Washer used to be respected in this forum. This is a man who has spoken at Sermonindex conferences. Yet his message has been mocked by some even in this forum about upcoming persecution.

Brothers and sisters when the roundups start. When we are taken to the FEMA death camps. There will be those who will weep and wail and say why were we not warned. Why were we not told to prepare for upcoming persecution.

The thing is we have been warned. We have been warned by Jesus in the scriptures. We have been warned by men of God such as Paul Washer and David Wilkinson and Leonard and David Ravenhill. We will have no excuse to weep and wail. We have been warned. The question is are we listening???

Again these are simply my thoughts.

Bro Blaine

Re: - posted by drifter (), on: 2017/2/23 9:13

I don't understand it when people say they are Christian and don't undergo persecution, even in free countries. I have been persecuted for my faith. Persecution does not necessarily mean being beheaded or put in jail. I praise God for the persecuted church in restricted countries; I support them and pray for them, and I try to help in any way possible. But they are not the only ones being persecuted. What about the scripture that says "Yea, and all that will live godly in Christ Jesus shall suffer persecution." 2 Timothy 3:12. I don't see an exemption for Western Christians in that verse. Even Brother Yun said the cross we bear in the West may be different from the one that Chinese Christians bear, but we must still carry it. Try being isolated and misunderstood, mocked and ridiculed for your faith. This is real persecution. I for one praise God for the freedom of religion here in Canada and the U.S., and I want it to go on as long as possible so we can tell as many people about Jesus as we can.

Re: - posted by ginnyrose (), on: 2017/2/23 13:21

Ok, Tim, I get your point. BUT does the law not allow you to refuse to answer their question when being on the witness stand because it may incriminate you? My reasons to refuse should be none of their business! But they say it does if it deals with homosexuality? and what if I just plain do not like them? Opps...?! people suppose to like everybody...But I don't. SIGH

My first question still begs an answer.

Sandra

Re: - posted by dolfan (), on: 2017/2/23 14:54

Your fifth amendment rights against forced self incrimination do not apply in a civil case which is what this one is. It is not a criminal case. You can and will be forced to answer questions or suffer total loss of the case.

In fact your silence COULD be contempt of court if ordered to answer questions and you don't in a civil case. And that CAN land you in jail.

Re: - posted by dolfan (), on: 2017/2/23 16:19

Sandra, you said -- and hey I agree by the way -- "My reasons to refuse should be none of their business."

Alas, it is not that way. There are 1000 reasons and even more combined reasons, but suffice it to say that the government is large and in charge and everything is their business and, according to them, you should like it that way. Regardless, what we think "should be" is not. That is the reality.

Re: , on: 2017/2/23 16:33

I'm posting this article in this thread for those who did not catch the article under the other thread. The author reviews five stages of persecution. It seems that we are at stage 4. The implication being that stage 5 is not too far behind. Very thought-provoking article in view of the recent Fed court ruling. Even though the article is three years old. Look how far we have progressed. Or should I say regressed.

The Five Stages of Persecution
July 31, 2014
by: Fr. Dwight Longenecker

Seeing the rise of persecution against Christians in Iraq, the far East and Africa, Mgr Pope has a great archived article here on the five stages that precede outright persecution. Can it happen in the USA -- land of religious freedom? Mgr Pope observes the five stages.

I. Stereotyping the targeted group -- "To stereotype means to repeat without variation, to take a quality or observation of a limited number, and generalize it of the whole group. It involves a simplified and standardized conception or view of a group based on observation of a limited sample.

Basically as the stereotype goes, Catholics and Bible believing Christians are a sad, angry, boring, backward and repressed lot. To many who accept the stereotyping we are a laughable, even tragic group, caught in a superstitious past, incapable of throwing off the shackles of faith.

II. Vilifying the targeted Group for alleged crimes or misconduct, -- "As the stereotyping grows in intensity, Catholics and Christians, who did not toe the line in the cultural revolution were described as, close-minded, harmful to human dignity and freedom, intolerant, hateful, bigoted, unfair, homophobic, reactionary and just plain mean and basically bad people

The History of the Church is also described myopically as little more than bad and repressive behavior as we conducted crusades, inquisitions, and hated Galileo and all of science. Never mind that there might be a little more to the story, or that the Church founded universities, and hospitals, was the patron of the arts, and preached a Gospel that brought order and civilization to divided and barbarous time in the aftermath of the Roman Empire. Stereotyping will hear little of that, or, if it does, it will give the credit to anything or anyone but the Church and the faith.

III. Marginalizing the targeted group's role in society -- "Having established the (untrue) premise that the Church and the faith is very bad, and even harmful to human dignity and freedom, the next stage seeks to relegate the role of the Church to the margins.

To many in secularized culture, religion must go. They will perhaps let us have our hymns etc. in the four walls of our churches, but the faith must be banished from the public square. In this stage it becomes increasingly unacceptable and intolerable that anyone should mention God, pray publicly or in any way bring their Christian faith to bear on matters of public policy. Nativity sets must go, out with Christmas trees, even the colors green and red at -- holiday time -- are banished from many public schools.

IV. Criminalizing the targeted group or its works â€“ Can someone say HHS mandate?

But prior to this egregious attempt to violate our religious liberty there have been many othertimes we have had to go to court to fight for our rights to openly practice our faith. Increasing litigation is being directed against the Church and other Christians for daring to live out our faith.

Some jurisdictions have sought to compel Catholic hospitals and pro-life clinics to provide information or referrals for abortion, to provide â€œemergency contraceptionâ€ (i.e. the abortifacient known as the morning after pill), Several branches of Catholic Charities have been de-certified from doing adoption work because they will not adopt children to gay couples. The State of Connecticut sought regulate the structure, organization and running of Catholic parishes in 2009. And recently a number of Christian valedictorians in various states have suffered legal injunctions when it was discovered that they would dare to mention God, and Jesus in their talk. (More [HERE](#))

V. Persecuting the targeted group outright â€“ If current trends continue, Christians, especially religious leaders, may not be far from enduring heavy fines and jail. The trajectory points to suffering, lawsuits, fines, desertification, and ultimately jail.

I might also add it Stage 5 ultimately martyrdom.

Bro Blaine

Re: - posted by ginnyrose (), on: 2017/2/23 17:58

Tim, thanks for your patient answers to my questions.

As I understand the issue it is all about satanic power at its core fighting God. But I still hoped there would be a sense of decency left among the powers that be.

I have served as a juror many times and each time I was pleased to see how the judge, prosecutor and attorneys worked to be fair. But then we are small town USA, backward as the elite would say...Yet if it would not be for us rural folks who work to grow crops they would have little to eat - and doing so one learns a lot about common sense.

Sandra

Re: - posted by dolfan (), on: 2017/2/23 18:30

Yes, ma'am. That is true.