**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.

INGERSOLL and FREED,

Respondents,

v.

ARLENE'S FLOWERS, INC., d/b/a/ ARLENE'S FLOWERS AND GIFTS, and BARRONELLE STUTZMAN,

Appellants.

# BRIEF OF *AMICUS CURIAE* ETHICS AND RELIGIOUS LIBERTY COMMISSION OF THE SOUTHERN BAPTIST CONVENTION IN SUPPORT OF APPELLANTS

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## IDENTITY AND INTEREST OF *AMICUS CURIAE*

*Amicus Curiae*, The Ethics and Religious Liberty Commission of the Southern Baptist Convention, is the moral concerns and public policy entity of the Southern Baptist Convention ("SBC"), the nation's largest Protestant denomination, with more than 15.8 million members worshipping in over 50,000 autonomous churches and church-type missions. The ERLC is charged to address public policy issues like religious freedom, marriage and family, the sanctity of human life, and ethics. Religious freedom is an indispensable, bedrock value for SBC churches. The Constitution's guarantee of religious freedom is a crucial protection which SBC members and adherents of other faiths depend on as they follow the dictates of their conscience in the practice of their faith.

Because the State of Washington has taken the position that a Christian business owner who holds to the SBC's teachings must directly support same-sex wedding ceremonies through her business in direct contravention to the teachings of Scripture, we request the Court uphold the First Amendment rights of all Christians and overturn the State's sanctions on Mrs. Stutzman and Arlene's Flowers, Inc.

## STATEMENT OF THE CASE

*Amicus* hereby incorporates by reference Appellants' Statement of the Case.

## ARGUMENT

### I. MARRIAGE IS AND HAS BEEN A CORNERSTONE OF SOUTHERN BAPTIST THEOLOGY AND HISTORY.

The Southern Baptist Convention's doctrinal stance on marriage is grounded on two thousand years of established church teaching about the nature and purpose of marriage. While Southern Baptist beliefs and history will be explained below, it is important to establish the broader Christian understanding of marriage. The sincerely held convictions of Barronelle Stutzman are rooted within her denominational affiliation, which is the Southern Baptist Convention.

According to biblical witness and the history of Christian theology, marriage is an institution based on the complementarity and sexual differentiation of man and woman. Equal in dignity, yet different in design and composition, men and women are designed by a sovereign Creator to fulfill a unique role: the propagation of human life (Genesis 1:28). This propagation or continuation of humanity comes through a reproductive act that only a man and woman can unite to fulfill. According to Genesis, the sexual union of a man and woman enacts a "one flesh union" (Genesis 2:24). The "one flesh union" of man and woman is the marital act that unites them at all levels of their being. It seals their emotional bond through a bodily act that is capable of producing new life. It is therefore a comprehensive union that other relationships cannot fulfill or effectuate.

Biblical witness and Christian theology also teach that the union of a man and woman mysteriously reflects the union of Jesus Christ and the Church. According to the Apostle Paul in Ephesians 5:31-32, "'[t]herefore a man shall leave his father and mother and hold fast to his wife, and the two shall become one flesh.' This mystery is profound, and I am saying that it refers to Christ and the church."

The immeasurable mystery of this biblical teaching cannot be overstated. Christians in general, and Southern Baptists in particular, believe that marriage is a holy ordinance that springs from the very nature of the gospel message itself. To impugn a Christian for his or her conviction on marriage is to assault the foundations of Christianity as a whole. From a Christian viewpoint, the Christ-church union gives ultimate meaning to marriage as a creational ordinance.

To Christian theology, the comprehensive nature of marriage is not arbitrary or inconsequential to our understanding of personhood and human flourishing. Marriage is socially rooted in a nature that God gave to man and woman. This understanding of marriage finds common expression throughout the history of the Christian Church. As one esteemed Christian theologian said in 401 A.D.:

> For they are joined one to another side by side, who walk together, and look together whither they walk. Then follows the connection of fellowship in children, which is

> the one alone worthy fruit, not of the union of male and female, but of the sexual intercourse.

3 St. Augustine. *Of the Good of Marriage, Nicene and Post-Nicene Fathers, First Series,* (Philip Schaff ed. 1887), *available at* http://www.newadvent.org/fathers/1309.htm

A Protestant denomination founded in 1846, the Southern Baptist Convention has held to the biblical and historical understanding of marriage mentioned above. In the Southern Baptist Convention's most recent confessional document, The Baptist Faith and Message 2000, the denomination affirmed the following definition of marriage and family:

> God has ordained the family as the foundational institution of human society. It is composed of persons related to one another by marriage, blood, or adoption. Marriage is the uniting of one man and one woman in covenant commitment for a lifetime. It is God's unique gift to reveal the union between Christ and His church and to provide for the man and the woman in marriage the framework for intimate companionship, the channel of sexual expression according to biblical standards, and the means for procreation of the human race. The husband and wife are of equal worth before God, since both are created in God's image. The marriage relationship models the way God relates to His people. A husband is to love his wife as Christ loved the church. He has the God-given responsibility to provide for, to protect, and to lead his family. A wife is to submit herself graciously to the servant leadership of her husband even as the church willingly submits to the headship of Christ. She, being in the image of God as is her husband and thus equal to him, has the God-given responsibility to respect her husband and to serve as his helper in managing the household and nurturing the next generation.

Southern Baptist Convention, *The Baptist Faith and Message* (2000), *available at* http://www.sbc.net/bfm2000/bfm2000.asp.

Furthermore, in light of developments concerning the constitutionality of same-sex marriage, the Southern Baptist Convention passed the following resolution at its annual meeting in June 2015. Titled "On the Call to Public Witness on Marriage," the resolution sought to reaffirm the denomination's longstanding definition of marriage and to call all Southern Baptists to publicly defend the institution.

> WHEREAS, The public good requires defining and defending marriage as the covenanted, conjugal union of one man and one woman; and
>
> WHEREAS, Marriage is by nature a public institution that unites man and woman in the common task of bringing forth children; and
>
> WHEREAS, The redefinition of marriage to include same-sex couples will continue to weaken the institution of the natural family unit and erode the religious liberty and rights of conscience of all who remain faithful to the idea of marriage as the conjugal union of husband and wife; and
>
> WHEREAS, The Bible calls us to love our neighbors, including those who disagree with us about the definition of marriage and the public good; now, therefore, be it
>
> RESOLVED, That Southern Baptists recognize that no governing institution has the authority to negate or usurp God's definition of marriage; and be it further
>
> RESOLVED, No matter how the Supreme Court rules, the Southern Baptist Convention reaffirms its unwavering commitment to its doctrinal and public beliefs concerning marriage; and be it further
>
> RESOLVED, That the Southern Baptist Convention calls on Southern Baptists and all Christians to stand firm on the Bible's witness on the purposes of marriage, among which are to unite man and woman as one flesh and to

> secure the basis for the flourishing of human civilization; and be it finally
>
> RESOLVED, That Southern Baptists love our neighbors and extend respect in Christ's name to all people, including those who may disagree with us about the definition of marriage and the public good.

Southern Baptist Convention, *On the Call to Public Witness on Marriage* (2015), *available a*t http://www.sbc.net/ resolutions/2255/on-the-call-to-public-witness-on-marriage. Cf. other resolutions from 2012, 2009, 2008, 2006, 2004, 2003, 2001, 1998, 1996, and 1948.

Southern Baptists' authority for the denomination's definition of marriage is based on the Bible viewed as an inspired and inerrant text, authoritative for instructing Christians and Southern Baptists in the ways of Christian morals, living, and salvation. Therefore, the denomination's convictions on marriage are not revisable or subject to redefinition since the denomination cannot alter biblical teaching.

Southern Baptists do not hold to their position on marriage with any animus toward homosexual persons. Christians and Southern Baptists desire to live freely and peaceably alongside those with whom they disagree out of love for one's neighbor and to foster an ecology of respect and toleration.

On issues of religious conscience, Southern Baptists believe that God has created marriage to be the relationship between one man and one

woman. This conviction is of paramount importance and speaks to the very essence of how Christians understand their call to live obediently in accord with the dictates of religious teaching. Furthermore, this understanding of marriage and sexuality dates back to the founding of Christianity itself. Therefore, Mrs. Stutzman's convictions are not a newfound view rooted in an irrational understanding of human sexuality.

According to Mrs. Stutzman, the impact of her faith drives all aspects of her life, including her vocation. In the present dispute, Mrs. Stutzman's convictions about marriage prevented her from participating by way of creative expression in a solemn ceremony that she believes violates Holy Scripture. In Mrs. Stutzman's own words:

> Marriage does celebrate two people's love for one another, but its sacred meaning goes far beyond that. Surely without intending to do so, Rob was asking me to choose between my affection for him and my commitment to Christ.
>
> [...]
>
> For artists, creativity is the very core of who we are. Our ability to draw on our deepest beliefs and unique sensibilities enables us to create one-of-a-kind works of art and works of the heart. An artist really can't separate his or her work from the soul. Even if I'd tried to do that for Rob, some part of my heart would not really have been in what I was doing.
>
> [...]
>
> I just couldn't see a way clear in my heart to honor God with the talents He has given me by going against the word He has given us.

Barronelle Stutzman, "Why a Friend is Suing Me: The Arlene's Flowers Story," *Seattle Times*, November 9, 2015, http://www.seattletimes.com/opinion/why-a-good-friend-is-suing-me-the-arlenes-flowers-story.

As the above quotations show, Mrs. Stutzman's convictions issue from sincerely held religious convictions. To accuse Mrs. Stutzman of committing an invidious act of discrimination requires assigning ill-motive or animus. But the history, logic, and warrant of biblical teaching reveal Mrs. Stutzman to hold her religious convictions with no animus whatsoever toward homosexual persons or the LGBT community.

Will laws that protect homosexual persons allow a view of marriage that, to quote Justice Breyer during the *Obergefell*, *infra*, oral arguments, "has been with us for millennia"?[1] Or are we at the point where the historic and deeply held religious belief in God's purpose for marriage as an exclusive, life-long relationship between a man and a woman can have no place in society in spite of our nation's and this State's rich heritage of protecting religious freedoms? And as discussed below, surely there is room for Christians to remain active participants in society without having to sacrifice or abandon a core tenant of their faith.

[1] Transcript of Oral Argument at 7, *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015) (No. 14-556), http://www.supremecourt.gov/oral_arguments/argument_transcripts/14-556q1_7l48.pdf

The State of Washington's position in this case is that the faith of Christians and of Southern Baptists, in particular, is incompatible with business ownership. Mrs. Stutzman must now allow the business she has built through hard work to celebrate that which her faith tells her is incompatible with biblical marriage. The State of Washington is, in effect, demanding that Mrs. Stutzman must either give up her business or change her religious beliefs; such a choice violates the fundamental protections of the free exercise of religion.

In a free society such as ours, tolerance must flow in both directions. It would be tragically unfortunate that a view as rational and necessary as conjugal marriage would be relegated to the dustbin of history as an exporter of hatred and discrimination.

Southern Baptists do not want this contentious state of affairs. They want freedom for all. They want magnanimity, tolerance, and compromise. And that means, under reasonable standards, allowing all persons, religious or not, the freedom to live according to their sincerest convictions. That means instead of filing suit against a Christian florist, allowing for the free market to provide a solution for one seeking a floral arrangement for a gay wedding.

## II. REQUIRING CHRISTIAN BUSINESS OWNERS TO VIOLATE THEIR FAITH BY PARTICIPATING IN SAME-SEX WEDDING CEREMONIES UNDERMINES THE FUNDAMENTAL PROTECTIONS FOUND IN THE FREE EXERCISE CLAUSE

### A. The Protection of Religious Free Exercise and Conscience is Fundamental to the Protection of Basic Liberty.

Our nation has a rich tradition of recognizing and safeguarding religious liberty. Fundamental to this notion is that the government does not determine religious doctrine or what is and what is not significant to a person living his or her faith.

> As our history forcefully attests, the Founding Fathers envisioned the protection of the free exercise of religion as an affirmative duty of the government mandated by the inherent nature of religious liberty, not one of mere "toleration" by government. . . . The Founders understood that this zealous protection of religious liberty was essential to the "preservation of a free government."

*People v. DeJonge*, 442 Mich. 266, 275-78, 501 N.W.2d 127, 132-34 (Mich. 1993) (footnotes and citations omitted)

While the State of Washington may assert that it has a compelling state interest to permit same-sex couples to enter into marriage, it cannot say such an interest compels every florist, baker, photographer, or wedding singer to actively participate in such ceremonies when doing so would violate their sincere religious beliefs. No customer should be able to force speakers to engage in conduct that violates their religious conscience.

Rather, this Court should uphold the fundamental importance of religious liberty and all of its attendant benefits to society.

> Our ability to create a space for religious perspectives is both instrumental and regenerative for democracy. Religious institutions enhance individual autonomy "by challenging the sovereign power of the liberal state" and by articulating alternative visions—"counter-cultural visions that challenge and push the larger community in ... directions unimagined by prevailing beliefs." By protecting religious groups from gratuitous state interference, we convey broad benefits on individuals and society. By underestimating the transformative potential of religious organizations, we impoverish our political discourse and imperil the foundations of liberal democracy.

*Catholic Charities of Sacramento, Inc. v. Superior Court*, 32 Cal. 4th 527, 573, 85 P.3d 67, 99 (Cal. 2004) (citations omitted).

With the Religion Clauses, the Framers "intended not only to protect the integrity of individual conscience in religious matters, ... but to guard against the civic divisiveness that follows when the Government weighs in on one side of religious debate." *Weinbaum v. Las Cruces Pub. Sch.*, 465 F. Supp. 2d 1116, 1127 (D.N.M. 2006) (quoting *McCreary County*, 125 S. Ct. at 2742 (Souter, J.). Yet, the State does precisely that when it declares the religious views of business owners holding to biblical marriage are not welcome.

The State, in its persecution of Mrs. Stutzman for her religious beliefs and ordering her to violate those beliefs when it comes to marriage,

creates a clear and substantial, indeed, impermissible burden on the free exercise of religion. Indeed, the State, through civil action, crippling fines, and cease and desist orders is forcing Mrs. Stutzman to choose between her faith and her livelihood. She holds no ill-will toward anyone, but given her faith in biblical truths about human sexuality and God's design for marriage, she cannot actively support a same-sex union as marriage. Same-sex couples have many options for obtaining floral arrangements for their ceremonies and there is no justification for the State to compel Mrs. Stutzman to use her creative talents to celebrate an event that goes against a central tenant of her faith. There can be no clearer violation of the free exercise of religion than the State's actions in this case.

### B. The State Cannot Coerce Citizens to Conform Their Beliefs to Accept the Government's New Definition of Marriage.

The rights of citizens to refuse to participate in or profess the government's orthodoxy is long recognized under the jurisprudence in this country as a natural connection and fulfillment of religious liberty and the corresponding rights of conscience. For example, the government may not compel a student or any citizen to recite the Pledge of Allegiance. *West Virginia State Bd. Of Educ. v. Barnette*, 319 U.S. 624, 63 S. Ct. 1178, 87 L. Ed. 1628 (1943).

In addressing the issue of compulsory recitation of the pledge, the Court noted that refusal was deemed "insubordination" and "Officials threaten to send [refusing students] to reformatories maintained for criminally inclined juveniles [and] [p]arents of such children have been prosecuted and are threatened with prosecutions for causing delinquency." *Barnette*, 319 U.S. at 626, 630. The government may hold its beliefs, and the content of the Pledge is certainly constitutional, but the compulsory recitation or affirmation of the pledge was struck down as a violation of individual liberty. The Court noted that the government's goal to promote "uniformity of sentiment in support of some end thought essential to their time and country" could not justify the infringement of First Amendment freedoms. *Id.* at 640. As the Court explained, "We set up government by consent of the governed, and the Bill of Rights denies those in power any legal opportunity to coerce that consent. Authority here is to be controlled by public opinion, not public opinion by authority." *Id.* at 641.

The State here seeks to do precisely what *Barnette* rejected. Mrs. Stutzman faces fines and penalties unless she caters a wedding ceremony that violates her faith. Under the guise of enforcing a non-discrimination provision, the State seeks to force Mrs. Stutzman to accept and promote as part of her business same-sex weddings even though such events violate her faith and present a message with which she does not agree. The

Supreme Court long ago held that States lacked the authority, even under the guise of enforcing a non-discrimination statute, to force a citizen to adopt beliefs they did not hold or to even give the appearance of such acceptance. *See Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston*, 515 U.S. 557, 115 S. Ct. 2338, 132 L. Ed.2d 487 (1995) (holding that the city of Boston could not force a parade organizer to permit a pro-gay rights group to march in its St. Patrick's Day parade).

Of particular parallel here, individuals are not required to give up their religious beliefs when they enter the workforce and employers are required to reasonably accommodate those religious beliefs. Under Title VII of the Civil Rights Act of 1964, an employer must reasonably accommodate the religious exercise and beliefs of its workers. 42 U.S.C. § 2000e(j). Just recently, the United States Equal Employment Opportunity Commission successfully brought suit against a trucking company for failing to accommodate the religious beliefs of its Muslim workers who refused to deliver alcohol to the business owner's customers because to do so would violate their religious beliefs regarding alcohol. The drivers were not required to drink alcohol or to serve alcohol to any individual for consumption, but merely to carry the alcohol on their trucks for delivery to business clients of their employer. In championing the case as one for religious freedom, the EEOC issued the following press release:

> CHICAGO - A federal jury in Peoria, Ill., has awarded $240,000 to two Somalian-American Muslims who were fired from their jobs as truck drivers at Star Transport, an over-the-road trucking company, when they refused to transport alcohol because it violated their religious beliefs…
>
> "*EEOC is proud to support the rights of workers to equal treatment in the workplace without having to sacrifice their religious beliefs or practices," said EEOC General Counsel David Lopez. "This is fundamental to the American principles of religious freedom and tolerance*."…
>
> [Supervisory Trial Attorney Diane] Smason stated, "*We are pleased that the jury recognized that these - and all - employees are entitled to observe and practice their faith, no matter what that might be*."

Press Release, Equal Employment Opportunity Commission (Oct. 22, 2015), http://www1.eeoc.gov/eeoc/newsroom/release/10-22-15b.cfm.

Washington state law requires the same kinds of accommodations for workers in this state. *Kumar v. Gate Gourmet Inc.*, 325 P.3d 193, 202-03, 180 Wn.2d 481, 500-01 (2014). The same legal principles that protect workers' religious beliefs should also protect the business owner.

In 2014, the United States Supreme Court emphasized that religious freedoms extended to businesses and their owners in striking down the Affordable Care Act's "contraception mandate" that would have required Christian business owners to violate their faith with regards to this issue. In doing so, the Supreme Court rejected the government's assertion that once the owners of a business entered the marketplace, they

forfeited their religious liberty protections. *Burwell v. Hobby Lobby Stores, Inc.*, -- U.S. --, 134 S. Ct. 2751, 2759, 189 L. Ed. 2d 675 (2014). The Court also rejected the government's claim that merely providing insurance coverage for contraception was too attenuated to the actual destruction of new human life the business owners found objectionable. In doing so, the Court reaffirmed that it is *the individual's prerogative* to conduct her business in accordance with *her religious beliefs* and the government had no authority to declare the individual's beliefs unreasonable. *Id.* at 2777-78.

Here, Mrs. Stutzman has the right to operate her business in accordance with *her religious beliefs* and the State has no authority to tell her that her religious beliefs are unreasonable or that the actions the State requires would not violate her beliefs. Arlene's Flowers is required by law to accommodate the religious beliefs of its employees, which would include excusing an employee from creating flower arrangements for a same-sex wedding ceremony or delivering and setting up such arrangements at the wedding venue. Clearly this is so for if an employer cannot require a Muslim employee to deliver beer, then an employer certainly cannot require an employee to attend or actively support a same-sex wedding ceremony contrary to her religious beliefs. Mrs. Stutzman does not lose that same right just because she owns the business.

### C. The Court Should Protect the Rights of Christian Business Owners and Citizens to Not Support Ceremonies and Activities that are Contrary to their Faith.

For the principle of religious free exercise to have any meaning, an individual must have the right to politely decline to render services to an expressive event that by its very nature is contrary to his or her faith. This is not a case where Arlene's Flowers posted a "No Gays Welcome" sign, but rather Mrs. Stutzman was always polite and friendly, and provided flowers to Respondents on many occasions, declining only to provide flowers for their wedding ceremony due to her religious beliefs. Yet, the State seeks to compel her to violate her religious beliefs and provide active support for same-sex wedding ceremonies through the creation of uniquely designed floral displays. Forcing an individual to endorse a belief that violates their religious beliefs violates the First Amendment. "The First Amendment protects the right of individuals to hold a point of view different from the majority and to refuse to foster, in the way [the State] commands, an idea they find morally objectionable." *Wooley v. Maynard*, 430 U.S. 705, 715, 97 S. Ct. 1428, 1435, 51 L. Ed. 2d 752 (1977).

The State's efforts would bring to pass the dire warnings dissenting justices predicted for religious liberty in *Obergfell v. Hodges,* -- U.S. --, 135 S. Ct. 2584, 192 L. Ed. 2d 609 (2015). Justice Alito cautioned:

> [Today's decision] will be used to vilify Americans who are unwilling to assent to the new orthodoxy. In the course of its opinion, the majority compares traditional marriage laws to laws that denied equal treatment for African-Americans and women. *E.g.*, *ante*, at 2598-2599. The implications of this analogy will be exploited by those who are determined to stamp out every vestige of dissent.

*Id*. 135 S. Ct. at 2642-43 (Alito, J., dissenting). Chief Justice Roberts and Justice Thomas echoed similar concerns. *Id.*, 135 S. Ct. at 2625-26 (Roberts, C.J., dissenting); *Id*. 135 S. Ct. at 2638-39 (Thomas, J., dissenting).

This conflict is now before this Court. While the Supreme Court failed to address this conflict in *Obergfell*, this Court has the opportunity to do so by upholding the fundamental importance of religious free exercise and reinforcing the limits that exist on the State's ability to infringe on religious liberty. This Court has set a high bar in this regard for this Court requires the State to prove a compelling interest anytime a law "operate against a party 'in the practice of his religion'" and thereby "unduly burdens the free exercise of religion." *Open Door Baptist Church v. Clark Cnty*., 140 Wn. 2d 143, 152-53, 995 P.2d 33, 38-39 (Wash. 2000). Even a facially neutral law that indirectly burdens religion must overcome this compelling interest requirement. *Id*.

There is no compelling interest to force Mrs. Stutzman to violate her religious convictions and support same-sex marriage in general or a

specific ceremony in particular. The Supreme Court in *Obergfell* only gave same-sex couples a right to a state sanctioned marriage, nothing more. There are many florists, bakers, photographers, and musicians available to honor such ceremonies who do not find such events to violate their conscience or religious practices. For Mrs. Stutzman and all Southern Baptists, as with many Christians and people of other faiths, such ceremonies do violate a deeply rooted understanding and belief in marriage as a sacred union between a man and a woman for life. To participate in a same-sex wedding, even as a business person, would violate those teachings, and compulsory participation violates the Constitution. *See Barnette*, 319 U.S. at 631-32; *Hurley*, 515 U.S. at 578-79. Just as the law protects a Muslim truck driver from being forced to transport beer contrary to his religious beliefs, so too this Court should protect Christian business owners and people of other faiths who hold to the same truths about marriage from being forced to provide services in support of a same-sex wedding.

If the State of Washington can demand the abandonment of religious beliefs as a price to operate a business, then the First Amendment's protections have no meaning. The State will be granted the power to stamp out religious dissent to its "new orthodoxy" regarding marriage through fines and directives. This will be so even though "the

refusal of these persons [of faith] to participate in the ceremony does not interfere with or deny rights of others to do so." *Barnette,* 319 U.S. at 630. Mrs. Stutzman respectfully declining to make a floral arrangement for the Respondent's same-sex wedding could not prevent them from getting married under Washington law. Indeed, Mrs. Stutzman's religious beliefs did not even deny them flowers for their ceremony. There is no infringement of Respondents' rights that must be corrected here. Rather, the State seems interested in "correcting" a dissenting point of view. Not only is this not a legitimate or compelling state interest; the State's complaint in this case is a blatant and substantial intrusion into a citizen's free exercise of her religion.

## CONCLUSION

For the reasons above, *Amicus Curiae The Ethics and Religious Liberty Commission of the* Southern Baptist Convention asks the Court to reverse the judgment of the appellate court and dismiss the claims brought against Arlene's Flowers and Barronelle Stutzman, holding that she, like all other business owners, has the right to not participate in ceremonies or activities that violate their faith.

Respectfully submitted this 11th day of February, 2016.

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## CERTIFICATE OF SERVICE

I certify, under penalty of perjury under the laws of the State of Washington, that I served on February 11, 2016, via electronic mail, a true and correct copy of the Brief of Amicus Curiae Ethics and Religious Liberty commission of the Southern Baptist Convention in Support of Appellants to the following:

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