

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, AFFIRMING OLYMPIA'S COMMITMENT TO NONDISCRIMINATION BASED ON SEXUAL ORIENTATION, AND AUTHORIZING THE MAYOR TO SUPPORT AND JOIN, ON THE CITY'S BEHALF, AN AMICUS CURAIE BRIEF IN THE UNITED STATES SUPREME COURT OPPOSING DISCRIMINATION IN PUBLIC ACCOMMODATIONS FOR SAME SEX COUPLES.**

**WHEREAS**, the City of Olympia opposes unlawful discrimination in its policies and as set forth by state and federal laws; and

**WHEREAS**, discrimination based on sexual orientation is and should remain unlawful so the rights of all citizens are protected and all citizens are valued; and

**WHEREAS**, the United States Supreme Court will hear oral argument in the Fall 2017 term in a pending case entitled *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, which issue centers on whether a creative business can refuse service due to its First Amendment rights of free speech and free exercise of religion in light of public accommodation laws, and in particular, by refusing to provide creative services, such as a custom wedding cake, for same-sex marriage ceremonies on the basis of one's religious beliefs; and

**WHEREAS**, in 2015, the United States Supreme Court ruled in *Obergefell v. Hodges* that marriage is a fundamental right that extends to same-sex couples; and

**WHEREAS**, Colorado, like Washington, is one of 21 states that have anti-discrimination laws against sexual orientation, and the Colorado Supreme Court has held in part that despite the artistic nature of creating a custom cake, the act of making the cake was part of the expected conduct of the defendant's business, and not an expression of free speech nor free exercise of religion; and

**WHEREAS**, Masterpiece Cakeshop, Ltd. petitioned the United States Supreme Court for review of the following question: whether application of Colorado's public accommodations law to compel the petitioner to create expression that violates his sincerely held religious beliefs about marriage violates the Free Speech or Free Exercise Clauses of the First Amendment; and

**WHEREAS**, both the Colorado Civil Rights Commission and the American Civil Liberties Union (ACLU) urged the United States Supreme Court to reject the appeal, fearing that a Court decision in favor of the business would create a “gaping hole” in civil rights laws on the basis of religion, which may permit a business under the public accommodation law to deny services to persons based on their religious beliefs, race, gender or sexual orientation; and

**WHEREAS**, Masterpiece Cakeshop has filed a request that the Colorado anti-discrimination law be reviewed by the United States Supreme Court under “strict scrutiny” and argued that Colorado’s anti-discrimination law can be used to selectively discriminate against religion; and

**WHEREAS**, in September 2017, the United States Department of Justice under President Donald J. Trump filed a brief in support of Masterpiece Cakeshop and its owner, asserting that anti-discrimination laws are necessary to prevent businesses that provide goods and services, these laws cannot be used to compel a business into expressing speech they do not agree with, nor used to provide goods and services with such expressions without the ability for the business to assert it does not agree with those expressions. The Justice Department’s brief was criticized by several groups, including those that support LGBTQ rights, alleging the brief is a pattern of anti-LGBTQ actions by the current administration and fearing that a decision in favor of Masterpiece Cakeshop would enable such businesses to have a “license to discriminate;” and

**WHEREAS**, the Mayor and City of Olympia have been asked by Mayors Against LGBT Discrimination to join a growing list of supporters for an amicus brief to make their voices heard in a case that could have far-reaching impacts on the abilities of state and local governments to provide nondiscrimination protections for their community members on the basis of sexual orientation or any other protected status; and

**WHEREAS**, the amicus brief will be filed in support of the Colorado Civil Rights Commission and the same-sex couple who was refused service, and will focus on (1) the critical importance of ensuring the continued enforcement of nondiscrimination laws, highlighting the range of local support for nondiscrimination laws and policies, and (2) the wide-ranging harms that granting the bakery’s request for an exemption would do to the enforcement of local laws. Under the bakery’s reasoning, any individual or business could ignore nondiscrimination laws on religious or free expression grounds;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** The City of Olympia reaffirms its on-going commitment to nondiscrimination based on sexual orientation in public accommodations.

**Section 2.** The Olympia City Council hereby authorizes the Mayor to sign as a supporter on behalf of the City of Olympia, the amicus brief to be filed by Mayors Against LGBT Discrimination and Freedom for All Americans in the United States Supreme Court in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

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MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY