

FLAWED SURVEY ON BAKER YIELDS FALSE NEWS

Catholic League president Bill Donohue comments on reaction to yesterday's Supreme Court decision on religious liberty and gay rights:

In a *Washington Post* web blog, Eugene Scott informs readers that most Americans disagree with the U.S. Supreme Court decision that pitted a Colorado baker against two homosexuals. That conclusion is not validated by the data he cites.

"Most Americans don't support allowing gay Americans to be denied services because of the religious convictions of the business owner," he said. He is right about that. But the wording of the question was deceitful, skewing the results.

Scott cites a survey taken last month by the Public Religion Research Institute that supports his conclusion. The survey question he refers to asked, "Do you strongly favor, favor, oppose, or strongly oppose allowing a small business owner in your state to refuse to provide products or services to gay or lesbian people, if doing so violates their religious beliefs?"

It is hardly surprising to learn that 60% of Americans oppose such a right. But the issue before the Supreme Court dealt with forcing a baker to *customize* a wedding cake for two men who claimed to be "married" to each other in another state. The baker, Jack Phillips, did not say to the gay men that he will not serve them—they were free to buy whatever they wanted from his bakery. But to ask him to *personally inscribe* a wedding cake for them was to make him complicit in their undertaking. For religious reasons, he could not do so.

Phillips has a history of not customizing cakes for events he finds objectionable. "It's never about the person making the request," he said. "It's about the message communicated on the

cake.” It is for reasons such as this that in the Supreme Court ruling, Justice Clarence Thomas wrote a concurring opinion, joined by Justice Neil Gorsuch, arguing Phillips could have won on free speech grounds alone.

The wording of a survey question can be designed to elicit a predictable response. For example, what if the public were asked the following: “Do you favor or oppose the right of a Trump-hating photographer to decline a request by the president to take pictures of him at an event celebrating his achievements?”

In short, the survey question by the Public Religion Research Institute was flawed, leading to false reporting by Scott. Both should have known better.