

GAY ACTIVISTS LOSE IN BAKER CASE

The U.S. Supreme Court ruled in June that a Colorado baker could not be forced against his will, grounded in his religious beliefs, to make a wedding cake that affirmed a “marriage” between two homosexuals. The 7-2 ruling is a victory for religious liberty.

The high court ruled that the baker, Jack Phillips, was the victim of religious hostility made manifest by the Colorado Civil Rights Commission; it had concluded that the baker had to abide by the gay couple’s wishes.

“The commission’s hostility was inconsistent with the First Amendment’s guarantee that our laws be applied in a manner that is neutral toward religion,” Justice Anthony Kennedy wrote. As expected, the decision was closely tailored to the specifics in this case.

In 2012, Charlie Craig, his mother, and David Mullins went to the Phillips Masterpiece Cakeshop in Lakewood, Colorado, to order a wedding cake to celebrate the “marriage” of the two men in Massachusetts. Phillips did not refuse to sell them any of his baked goods, but he said he could not accede to their request. “I do not create custom designs that conflict with my conscience,” he said. For the same reason, he said, he doesn’t make Halloween cakes.

While this victory is important, regrettably it focused heavily on the bigoted remarks made against Phillips, calling into doubt how the case may have been decided absent religious hostility.

We were happier with the concurring opinion of Justice Clarence Thomas, signed by Justice Neil Gorsuch. They noted that in addition to Phillips’ religious liberty claims, his

right to freedom of speech was operative as well. The Colorado Civil Rights Commission violated both rights.