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Wedding cake prosecution: Bible verses not religious

November 11, 2019

The state of Colorado, especially its Civil Rights Commission, needs a sharp lesson in the First Amendment because of its deliberate discrimination against Christians since the U.S. Supreme Court created same-sex “marriage.”

So asserts a final brief in the appeal of Lakewood, Colorado, baker Jack Phillips before the U.S. Supreme Court ahead of a Dec. 5 hearing.

Phillips was punished by the state because, as a Christian, he declined to promote homosexuality with his artistic talents.

The state ordered him into a reindoctrination program to change his beliefs, and officials essentially commandeered his business by ordering him either to promote same-sex weddings or not provide wedding cakes to anyone.

The , which has been defending Phillips, filed the brief.

Colorado claims it has the right to impose a “public accommodation” law that overrules the First Amendment rights of bakers and others with artistic talents, such as graphic designers, filmmakers, photographers, fine-art painters and calligraphers.

“They insist that public-accommodation laws override the freedom of for-profit speech creators who serve everyone but object to particular messages that clients ask them to express. No matter the form of speech, the message requested, or the protected classification at issue, [Colorado] would empower governments to compel expression.”

The state has adopted that “extreme position,” states ADF, because in its pro-homosexual campaign, it wants to require “that if Phillips continues to create wedding cakes at all, he must design cakes expressing support for same-sex marriage and include on them any words or designs that appear on any of his other cakes.”

The First Amendment, however, doesn’t allow that, ADF contends.

The state’s antagonism to Christian beliefs became evident at the outset of the case, when, while addressing a complaint from two homosexuals who wanted Phillips to promote their lifestyle, a member of the state’s Civil Rights Commission, , comparing him to a Nazi.

“I would also like to reiterate what we said in the hearing or the last meeting,” Rice said during consideration of Phillips’ case. “Freedom of religion and religion has been used to justify all kinds of discrimination throughout history, whether it be slavery, whether it be the Holocaust, whether it be – I mean, we – we can list hundreds of situations where freedom of religion has

been used to justify discrimination. And to me it is one of the most despicable pieces of rhetoric that people can use to – to use their religion to hurt others.”

Hear a recording of Rice’s statement:

ADF pointed out that the same commission, using the same state law, decided to “exonerate three cake artists who refused to express religious messages opposing same-sex marriage.”

“Had the commission applied the same rationale to those artists that it applied to Phillips, it would have punished them too. After all, [the law] forbids refusing service because of religious beliefs, and those cake artists admitted that they declined the requests because of the religious beliefs expressed on the cakes.”

The difference in the cases?

Phillips was declining to promote homosexuality, and the other bakers were declining to put a Christian message on their cakes.

“Compelling artists like Phillips to celebrate what their faith proscribes will not foster civility, pluralism, or tolerance. Coercion of conscience and expression never does. But the ruling Phillips seeks – a narrow decision forbidding the government from coercing artistic expression contrary to the conscience – strikes a sound constitutional balance.”

The brief explains, “It ensures that public-accommodation laws will forbid businesses from discriminating against people solely because of who they are, while affirming Phillips’s freedom to choose the ideas deserving of expression.”

ADF notes pointedly that Phillips serves “all people” but “cannot express all messages.”

“Expressive freedom is central to human dignity. It requires that artists be free to make their own moral judgments about what to express through their works. And it forbids governments from commandeering the painter’s brush, the sculptor’s hand, or the soloist’s voice to convey what is not in their minds or hearts,” it continues.

Deciding for Phillips is the proper solution, the brief argues.

“It might cause some who resist expanding public-accommodation laws because of cases like this to rethink their position. And others intent on punishing people like Phillips might adopt a more tolerant position. But a contrary decision stripping constitutional protection from members of diverse faith traditions will only bring further social strife.”

ADF Senior Counsel Kristen Waggoner, who will argue before the high court on behalf of Phillips and his shop, said artists “shouldn’t be forced to express what the government dictates.”

“The commission ordered Jack to celebrate what his faith prohibits or to stop doing the work he loves. The Supreme Court has never compelled artistic expression, and doing so here would lead to less civility, diversity, and freedom for everyone no matter their views on marriage.”

The state's actions "devastated" Phillips's family business, and would, if allowed to remain unchanged, create a mandate to "strip all for-profit speech creators of core constitutional protections," the brief states.

"That would undermine First Amendment freedoms across the board, compelling speech on topics far beyond marriage, and leaving our society less civil and less free for generations to come."

While the homosexuals' case claims Phillips declined to serve them because of the lifestyle they have chosen, the brief asserts that's simply incorrect.

The problem with their request was the message they were demanding Phillips express.

"Phillips is willing to serve any and all customers. He objects only to expressing certain messages through his custom art," said ADF Senior Counsel Jim Campbell. "Jack should have that basic freedom. But if the government has its way, it would compel not just cake artists to celebrate what their faith prohibits, but other professionals who create art for a living, such as graphic designers, filmmakers, photographers, and painters."

Phillips lost in the state court system, where one of the justices boasts of being a pro-homosexual advocate.

Phillips, , shares the Christian belief that the standard for marriage was established by God, and no earthly court, including the U.S. Supreme Court, can change it.

by Rabbi Jonathan Cahn, author of the New York Times best-seller His most recent book, is just out.

He was addressing the Washington: A Man of Prayer event in the U.S. Capitol in 2015, just before the Supreme Court released its marriage opinion, which four justices criticized as unconnected to the Constitution.

"The justices of the Supreme Court took up their seats [in a hearing] on whether they should strike down the biblical and historic definition of marriage. That the event should even take place is a sign this is (the) America of (George) Washington's warning ... a nation at war against its own foundation," Cahn said.

"If this court should overrule the word of God and strike down the eternal rules of order and right that heaven itself ordained, how then will God save it? Justices, can you judge the ways of God? There is another court and there another judge, where all men and all judges will give account.

"If a nation's high court should pass judgment on the Almighty, should you then be surprised God will pass judgment on the court and that nation? We are doing that which Israel did on the altars of Baal," said Cahn.

See Jonathan's Cahn's message at Washington: Man of Prayer event at the Capitol:

There are briefs from 20 different states, 86 members of Congress, 479 creative professionals, 34 legal scholars, 33 family policy organizations, 22 Utah Republican state senators and 14 legal and economic scholars.

In addition, he is supported by the Becket Fund, the Billy Graham Evangelistic Association, Focus on the Family, Samaritan's Purse, the Navigators, Tyndale House, Cato Institute, Christian Law Association, Lutheran Church-Missouri Synod, the National Association of Evangelicals, the Rabbinical Council of America, the Union of Orthodox Jewish Congregations of America, Concerned Women for America, numerous Christian colleges, the Southern Baptist Ethics & Religious Liberty Commission, First Amendment Lawyers Association, Foundation for Moral Law, Aaron and Melissa Klein, Family Research Council, U.S. Justice Foundation, Thomas More Society and numerous Catholic groups, led by the U.S. Conference of Catholic Bishops.

ADF has pointed out the ultimate effect of a ruling against the Colorado baker.

Government could “for example, force Jewish publicists to design ad campaigns for Scientology groups, require Democratic lobbyists to advocate for Republican causes, or demand that conservative Protestant printers create shirts advertising gay pride festivals.”

The state's own interpretation “admittedly compels any professional to create expression – including words – requested by a member of a protected class so long as they would communicate it in other contexts.”

So, a Muslim who creates some promotions for an Islamic event citing the “One True God” would have to do the same for a Jewish event, a Democrat painter for hire who would do something for Barack Obama's presidential library would be required to do the same for a President Trump library, and a musician for hire who sings “This Land is Your Land” at a peace rally would be required to sing the same at a Klan rally.

“No plausible reading of the First Amendment could allow any of this, yet [Colorado] insists it does.”

The brief explains the state's “theory” is “a recipe for the deepest intrusions into freedom of conscience and speaker autonomy. Adopting it will leave all for-profit speech creators' expressive freedom ‘at the mercy of’ public accommodation laws. That unprecedented and boundless theory has no basis in the Constitution.”

It is the bias in the state's statutes that is wrong, it argues.

“By exonerating three cake artists who declined religious messages opposing same-sex marriage, the commission has contravened the Free Exercise Clause's neutrality and general applicability requirements,” the brief says.

Stunningly, the defendants even claimed that Bible verses to which the bakers objected “are not ‘closely associated’ with religion.”

But that claim “cannot be taken seriously,” the brief states.