

The Palm Beach Post

Supreme Court rules for Colorado baker in same-sex wedding cake case

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June 5, 2018

In a victory for advocates of religious freedom, the U.S. Supreme Court on Monday ruled in favor of a Colorado baker who refused to make a wedding cake for a same-sex couple, issuing a 7-2 decision that said state authorities were biased against the baker's religious beliefs, but left open the larger issue of whether businesses could refuse to serve same-sex couples on First Amendment grounds.

"The government, consistent with the Constitution's guarantee of free exercise, cannot impose regulations that are hostile to the religious beliefs of affected citizens and cannot act in a manner that passes judgment upon or presupposes the illegitimacy of religious beliefs," the court's majority wrote, led by Justice Anthony Kennedy.

"In view of these factors, the record here demonstrates that the Commission's consideration of Phillips' case was neither tolerant nor respectful of his religious beliefs," the opinion stated.

"When the Colorado Civil Rights Commission considered this case, it did not do so with the religious neutrality that the Constitution requires," the majority added, issuing a ruling that was narrow in scope, while leaving other legal fights until later.

"This is a huge victory for religious freedom," said Rep. Dan Webster (R-FL).

"Never again will some liberal snob force someone to #BakeTheCake," tweeted conservative political activist Rick Shaftan.

But as for the broader issue of serving same-sex couples, the Court clearly indicated that future legal battles await – law professor Rick Hasen described it as a "punt."

J Kennedy's majority opinion is essentially a punt, requiring that body adjudicating claim of religious freedom against an anti-discrimination claim cannot have animus toward sincere religious beliefs. It decides nothing else. Battle between Kagan and Gorsuch shows what's coming

“The Masterpiece Cakeshop opinion is vintage Kennedy—narrow, focused on dignity and animus, and leaving important issues to a later time whenever possible,” Hasen added.

Several times in the majority opinion, the Justices fully acknowledged that future court battles are likely on the underlying question of whether a business could refuse to serve a same-sex couple.

“The outcome of cases like this in other circumstances must await further elaboration in the courts, all in the context of recognizing that these disputes must be resolved with tolerance, without undue disrespect to sincere religious beliefs, and without subjecting gay persons to indignities when they seek goods and services in an open market,” the majority opinion concluded.

The majority made clear that a final disposition of the underlying treatment of gays and lesbians presents a major conflict, saying the Constitution makes clear that ‘religious and philosophical objections to gay marriage are protected views and in some instances protected forms of expression.’

One interesting part of the Court’s majority decision included this reference to religious freedom questions, one which dominated the debate about the legalizing of same-sex marriage – whether or not a member of the clergy could be subjected to a lawsuit for refusing to marry two men, or two women.

The narrowed scope of the ruling was borne out by the makeup of the seven Justices in the Majority, as only Justices Ginsburg and Sotomayor dissented, noting, “There is much in the Court’s opinion with which I agree.”

That line would likely not be included if the Court had tried to solve the much more difficult – and controversial – matter of service for same-sex couples, and that clearly caught the attention of law professors and legal analysts, who readily endorsed the Court’s own words, that this subject awaits “further elaboration in the courts.”

“On a quick read, Justice Kennedy’s opinion in Masterpiece does a remarkable job of turning this major constitutional controversy into a one-off decision that has no ramifications for anyone going forward,” said civil rights lawyer Sasha Samberg-Champion.

“As Legal precedent, Masterpiece will be cited primarily for its strong reaffirmation of the equal dignity of LGBT people in the commercial marketplace,” said Joshua Block of the ACLU.

“The narrow Masterpiece opinion, and the food fight going on in the concurrences, shows how big a deal the Kennedy retirement/replacement battle will be (whenever it happens),” said Ilya Shapiro of the Cato Institute.