



Supreme Court Rules in Favor of Baker Who Refused to Make a Gay Wedding Cake – But The Issue Still Is Not Settled

The Supreme Court ruled 7-2 in favor of Jack Phillips, the Colorado baker who refused to make a cake for a gay couple. Phillips contended that his religious liberty was violated in 2012 by a state civil rights commission that was hostile to him. The justices agreed that the commission was hostile to him evidenced by the fact that, during the same time period, it allowed other bakers to refuse to make cakes that demeaned gays and same-sex marriages, so it clearly was a double standard. The court ruling was made on the basis of unequal treatment by the civil-rights commission, not on whether or not the state has the right to force someone to labor for another person if they choose not to do so. Based on the narrow wording of the court decision, it is likely that the next time there is a challenge of this kind, freedom-of-choice will not be defended. -GEG

A divided Supreme Court on Monday absolved a Colorado baker of discrimination for refusing to create a custom wedding cake for a same-sex couple, ruling that the state exhibited “religious hostility” against him.

[The 7-2 verdict](#) criticized the state’s treatment of Jack Phillips’ religious objections to gay marriage in 2012, several years before the practice was legalized nationwide.

The justices ruled that a state civil rights commission was hostile to him while allowing other bakers to refuse to create cakes that demeaned gays and same-sex marriages.

As a result, the long-awaited decision did not resolve whether other opponents of same-sex marriage, including bakers, florists, photographers and videographers, can refuse commercial wedding services to gay couples. In fact, the court on Monday scheduled a similar case involving a Washington State florist for consideration at their private conference Thursday.

[Justice Anthony Kennedy](#) wrote the court's decision against the same-sex couple, Charlie Craig and Dave Mullins, departing from his long history of opinions in favor of gay rights dating back a generation. Included among them was the court's 2015 decision legalizing gay marriage nationwide.

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Kennedy acknowledged that business owners generally cannot deny equal access to goods and services under a neutral public accommodations law. Otherwise, he said, "a long list of persons who provide goods and services for marriages and weddings might refuse to do so for gay persons, thus resulting in a community-wide stigma inconsistent with the history and dynamics of civil rights laws."

"The outcome of cases like this in other circumstances must await further elaboration in the courts," Kennedy said. "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."

Justices Ruth Bader Ginsburg and Sonia Sotomayor cast the lone dissents. Fellow liberal Justices Stephen Breyer and Elena Kagan voted with the majority.

“Phillips would not sell to Craig and Mullins, for no reason other than their sexual orientation, a cake of the kind he regularly sold to others,” Ginsburg said.

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Supreme Court rules in favor of baker in same-sex wedding cake case

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Baker Jack Phillips, owner of Masterpiece Cakeshop, right, manages his shop, June 4, 2018, in Lakewood, Colo. The Supreme Court ruled Monday in favor of Phillips, who wouldn't make a wedding cake for a same-sex couple, in a limited decision that leaves for another day the larger issue of whether a business can invoke religious objections to refuse service to gay and lesbian people. David Zalubowski, AP

[Phillips claimed victory](#), but it was unclear if the court's ruling would permit him to refuse future gay or lesbian customers seeking wedding cakes.

“The Supreme Court affirmed that the government must respect my religious beliefs about marriage,” he wrote for USA TODAY. “It welcomed me back from the outskirts, where the state had pushed me.”

Kennedy reasoned that Phillips, in refusing to create a same-sex wedding cake, had good reason to believe he was within his rights. State law at the time allowed merchants some latitude to decline specific messages, such as those demeaning gay people and gay marriages.

The government cannot impose regulations hostile to citizens' religious beliefs, the ruling said. But it was limited to Colorado's treatment of Phillips.

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