



At SCOTUS: a Make or Bake Moment

Tony Perkins and FRC Senior Staff, Guest Columnists

It doesn't seem that long ago when I sat down with [CBS's "Face the Nation"](#) and told a very surprised Bob Schieffer about the battle for religious freedom that was raging. Like many people, he seemed astonished to hear that any American - let alone the wedding industry - would be punished for their mainstream views on marriage. "I must say this is under my radar. I haven't...I haven't heard this." Today, almost three full years into *Obergefell*, nearly everyone has heard their stories. And this morning [June 4th], in the same court that created the mess of same-sex marriage, at least one of them has a happy ending.

For Jack Phillips, the national nightmare of June 26, 2015 came long after his own personal one. It would be two years until five justices on the Supreme Court empowered themselves to redefine an institution as old as civilization itself. Even then, the war for the freedom of dozens of bakers, florists, and wedding photographers had already begun. His own chapter in the broader drama started like so many others already had. Two men walked into his bakery and tried to order a custom cake for their same-sex wedding reception. As he had done before, Jack politely explained that as a Christian, he didn't make cakes for activities that violate his conscience. Halloween, for instance. Divorce parties, for another. And yes, same-sex marriages.

"Everyone is welcome in my shop", he tried to explain in [an op-ed for the Washington Post](#), "be it homeless folks (many of whom I've befriended over coffee, cookies and conversation), the two men who are suing me, or anyone else who finds their way in. The God that I serve, whose arms are open to all, expects that of me, and it is my joy to obey Him. But creating a cake that celebrates a view of marriage in conflict with my faith is not something that I can do."

The men sued -- and in a case that took five years to resolve, the justices finally gave Jack his freedom back.

In a [7-2 ruling](#), the Supreme Court agreed: Colorado's treatment of Masterpiece Cakes was "inconsistent with the state's obligation of religious neutrality".

"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 and practices", Justice Anthony Kennedy wrote on behalf of the court. "The Colorado Civil Rights Commission", in its obvious contempt for Jack's beliefs, "was neither tolerant nor respectful of his religious beliefs." The judgment, they concluded, "is reversed".

For the Phillipses, who suffered through a half-decade of harassment, business losses, death threats, and everything else from the extreme Left's playbook, the outcome was worth the wait. "It's hard to believe that the government punished me for operating my business consistent with my beliefs about marriage. That isn't freedom or tolerance," he said. "I'm so thankful to the U.S. Supreme Court for this ruling."

Although the ruling was limited to Jack's case, it's an incredible victory - not just for the Phillipses - but for America's long-cherished freedom to believe.

No one - and certainly no *American* - should be forced to compromise their views just because they're unpopular with the government entity in charge. The newest member of the Supreme Court, Neil Gorsuch, touched on this in his own concurrence. "... No bureaucratic judgment condemning a sincerely held religious belief as 'irrational' or 'offensive' will ever survive strict scrutiny under the First Amendment. In this country", he writes, "the place of secular officials isn't to sit in judgment of religious beliefs, but only to protect their free exercise... Popular religious views are easy enough to defend. It is in protecting unpopular religious beliefs that we prove this country's commitment to serving as a refuge for religious freedom."

Like us, Justice Clarence Thomas knew this crisis was coming. "In *Obergefell*, I warned that the Court's decision would inevitably...come into conflict with religious liberty, as individuals . . . are confronted with demands to participate in and endorse civil marriages between same-sex couples. This case proves that the conflict has already emerged. Because the Court's decision vindicates Phillips' right to free exercise, it seems that religious liberty has lived to fight another day. But, in future cases, the freedom of speech could be essential to preventing *Obergefell* from being used to stamp out every vestige of dissent and vilify Americans who are unwilling to assent to the new orthodoxy. If that freedom is to

maintain its vitality, reasoning like the Colorado Court of Appeals' must be rejected."

The time is coming - and soon - when the court will have to wade into the bigger clash between religious liberty and same-sex marriage. When it does, let's hope it agrees with the [majority of Americans](#), who understand that - regardless of what you think about marriage - no one should be forced to violate revealed and established biblical truth.

"Now that the decision has arrived, I can see the sun once again", [Jack wrote in an emotional response today](#). How much longer until [dozens](#) of other Christians can see theirs?

For more analysis on the *Masterpiece* ruling, see Travis Weber's "[Supreme Court Protects Jack Phillips' Rights, Tells Colorado: 'Not So Fast'](#)" at [frc.org](#).

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