

Wedding cake court case draws varied Baptist responses

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WASHINGTON—Does a Christian baker have the First Amendment right to refuse to make a wedding cake for a same-sex couple? It depends on which Baptists you ask.

The U.S. Supreme Court will hear oral arguments Dec. 5 regarding *Masterpiece Cakeshop v. Colorado Civil Rights Commission*. The case centers on a Colorado commercial baker with a religious objection to same-sex marriage who refused to create and sell a decorated cake to a gay couple for their wedding reception. The baker asserts his sincerely held religious beliefs about marriage should afford him an exemption to Colorado's Anti-Discrimination Act.

The court will rule whether applying the state's public accommodations law to compel the baker to design a cake for an event that celebrates a union contrary to his religious beliefs violates the free speech or free exercises clauses of the First Amendment.

Baptist groups have filed friend-of-the-court briefs taking opposing positions on the case.

Free exercise of religion in the marketplace

The Southern Baptist Convention's [Ethics & Religious Liberty Commission filed a brief](#) Sept. 7—along with the Christian Life Commission of the Missouri Baptist Convention and others—arguing the “free exercise of religion by secular vocations in the marketplace should be no less

protected than sacred vocations in the ministry,” citing the Supreme Court ruling in *Burwell v. Hobby Lobby Stores*.

The brief argues the Colorado law “imposes a constitutionally forbidden *de facto* religious test for cake artists that compels them to design custom wedding cakes celebrating same-sex marriage despite religious objections.”

The brief asserts application of the Colorado Anti-Discrimination Act to the baker “revives an oppressive practice condemned by the Constitution—the application of legal compulsion to force a person to express and affirm ideas or belief antithetical to his religious faith as a condition of pursuing his occupation.”

“No American should have to satisfy a government official that he holds the ‘right’ beliefs to keep his business or practice his profession,” the brief states.

Colorado law ‘strikes the right balance’

In contrast, the [Baptist Joint Committee for Religious Liberty](#), the General Synod of the United Church of Christ and others jointly filed a brief with the Supreme Court Oct. 30 arguing Colorado’s public accommodation law as applied in the *Masterpiece Cakeshop* case “strikes the right balance between respect for religious liberty and the protection of individuals’ right to participate in the commercial marketplace free from discrimination.”

“There may be more challenging cases, including in the context of same-sex marriage,” in which the parties filing the brief “might differ on whether a religious exemption is warranted, but this is not such a case,” it states.

The brief notes the law in question “applies to commercial activities alone and expressly excludes houses of worship from its reach.” It also insists

marriage has “both a religious and a nonreligious, civil component.”

In the case before the court, the same-sex couple sought to purchase a cake for a reception “long after and far from where their wedding ceremony took place,” and the baker was not being required to participate in a religious ceremony contrary to his beliefs, the brief notes.

“Religious officials cannot be required to conduct wedding ceremonies outside their religious traditions, and a lay person cannot be required to participate in a religious ceremony, including a religious wedding ceremony, that conflicts with the person’s religious faith,” the brief states.

“In such circumstances, exemptions to secular laws would be warranted. But an exemption is not warranted under these facts. Respecting petitioners’ interest in their sincerely held religious views regarding marriage does not require granting them the right to deny service in the commercial marketplace to couples in connection with the civil or nonreligious aspects of their marriages.”

The brief asserts the public accommodations law actually protects religious liberty, because it prevents people from being turned away from a commercial establishment or denied services on the basis of their religious identity.

“Free exercise law provides many protections for the religious beliefs and actions of individuals and institutions that oppose same-sex marriage for religious reasons,” said Holly Hollman, general counsel for the Baptist Joint Committee.

“But it does not provide a right for commercial vendors to refuse to sell goods and services to certain people in violation of a nondiscrimination law by simply asserting a faith-based reason.”