



BULLETIN of THE NORTH TEXAS CHURCH OF FREETHOUGHT

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LET THEM MAKE CAKE (OR NOT)

Legal decisions often make interesting reading. This is especially so when they concern ordinary people engaged in the course of life, liberty and the pursuit of happiness such as are found in many decisions of the Supreme Court of the United States (SCOTUS). Ant the law has long related to matters of religion and vice-versa. It is no accident that the word “law” appears hundreds of times in the Bible or that such traditions as Sharia (Islam) – as well as Halakha (Jewish), Canon Law (Catholic), and Dharmasastra (Hinduism-Buddhism-Jainism-Sikhism) – feature centrally in the world's religions.

On June 4th, SCOTUS decided 7-2 in Mas-tierpiece Cakeshop v Colorado Civil Rights Com-mission (CCRC) in favor of a baker who was ruled against in a 2012 complaint that he had refused to make a custom wedding cake for a gay couple. The baker's position was:

“I'm a cake artist ... I communicate messages through what I create ... investing some part of my creative soul ... [a wedding cake for gays is] an idea my heart rejects.”

The CCRC rejected the idea that religious beliefs justify invidious discrimination. One Commissioner said:

“if a businessman wants to do business in the state and he's got an issue with the law's impacting his personal belief system, he needs to look at being able to compromise.”

Another Commissioner said:

“Freedom of religion and religion has been used to justify all kinds of discrimination ... whether it be slavery, whether it be the holocaust ... [it] has been used to justify discrimination. ... it is one of the most despicable pieces of rhetoric that people can use to use their religion to hurt others.”

The SCOTUS majority led by Chief Justice

John Roberts took notice of these factual statements, saying that they “disparaged [the baker's] faith as despicable and characterized it as merely rhetorical” and showed “a clear and impermissible hostility toward the sincere religious beliefs” of the baker. It also noted that the 2015 decision in Obergefell legalizing same-sex marriage nationwide had not yet happened so that the baker “was not unreasonable in deeming his decision lawful.” It put further weight on the CCRC's rulings allowing other bakers to decline to make cakes with anti-gay messages.

The dissenting minority opinion by Justice Ruth Bader Ginsburg, joined by Justice Sonia Sotomayor, observed that the CCRC's ruling had already been reviewed by lower courts that showed no hostility to the baker. And in any case, Ginsburg wrote, “the comments of one or two Commissioners [is] ... no reason ... to overcome [the baker's] refusal to sell a wedding cake to” the gay couple.

Strangely, Justices Kagan and Breyer, normally “liberal,” joined the majority. But the narrowness of it, based on conditions specific to the case that are no longer applicable, leaves room for hope, especially as the majority also said:

“any decision in favor of the baker would have to be sufficiently constrained, lest all purveyors of goods and services who object to gay marriages for moral and religious reasons in effect be allowed to put up signs saying 'no goods or services will be sold if they will be used for gay marriages,' something that would impose a serious stigma on gay persons.”

This case involves a variety of more philosophical questions. The most obvious is just how much regulation of the marketplace is desirable and appropriate in a free society in which rights must always come with responsibilities. Those offering goods and services to the public, for example, must adhere to practices and disclosures required by law.

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Yet we see a closer 5-4 decision in the NI-FLA case handed down June 26 in which SCOTUS struck down a California law requiring “pregnancy crisis centers” to post notices informing patients of state-provided medical services including abortion. Here Justice Breyer dissented, joined by Justices Ginsburg, Sotomayor and Kagan, making a reasoned and devastating argument against the ill-considered majority opinion.

Americans have for decades accepted the idea of nondiscrimination and lived under laws prohibiting invidious discrimination. Yet only 20 states today extend this protection to sexual orientation and gender identity. The federal government only protects people from discrimination on the basis of age, race, sex, religion, national origin, disability, pregnancy and veteran status. If someone doesn't like your hair – or lack of it – or your eye color, height, weight or political opinions, they can discriminate against you all they want. But does the government really even have the right to tell anyone that they must not discriminate? When the Civil Rights Act of 1964 – signed into law 54 years ago tomorrow, July 2nd – it came under immediate legal challenge. SCOTUS ruled the same year that the Commerce Clause gives Congress power to make and enforce such laws. But apparently no one thought then to insist that the Bill of Rights allows the practice of invidious discrimination.

The majority in Masterpiece found fault with “the view that religious beliefs cannot legitimately be carried into the public sphere or commercial domain.” Yet SCOTUS has in the past held that “religion” has to do with “belief that is sincere and meaningful [that] occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God.” So how are such things ever to be excluded from anywhere? Many, if not most people, choose what they do in “the public sphere or commercial domain” and how they do it based on such things.

There is much besides. Such controversies and difficulties will continue to arise and need to be sorted out as well as can be managed. Under institutions predicated on principles as well as on popular opinions and sentiments, it is important that as many as possible strive to learn and think about such things as are to be found in the decisions – and dissents! – of SCOTUS.

All NTCOF events can be found through our website calendar , or our meetup page, from which you can RSVP, at: - www.meetup.com/church-of-freethought - JOIN THE NTCOF MEETUP GROUP !!!

Social Luncheon: Today, immediately after our Service, join us for lunch and discussion at the Jason's Deli on MacArthur Blvd just south of 635, at 7707 N MacArthur Blvd, phone (972) 432-0555.

Freethought Salon: Discuss today's service topic or other conundrums of interest. It happens most non-first Sundays of the month, over breakfast, at the Hilton DFW Lakes Hotel restaurant “The Vineyard” - inside the hotel - in Grapevine beginning 10:30 AM.

Game Night: Nearly every Friday night at the IHOP on 2310 Stemmons Trail (I-35), near Northwest Highway (Loop 12). Plan to arrive at about 7:30 PM, and stay late playing Dominion, Le Havre, Ticket To Ride, Imperial 2030, Evolution, and other fun games!

Have Another Idea? Email or call! Read bulletins & presentations and post on the FORUM at www.churchoffreethought.org LIKE US at www.facebook.com/northtexaschurchoffreethought/ and sign up for our Twitter feed at twitter.com/ntcof !

**PLANNED FOR NEXT MONTH:
“WHAT DO WE REALLY
KNOW?”**

Epistemology & Related Things

> Sunday, August 5, 2018 <

COMFORT INN DFW AIRPORT NORTH

(Take the Freeport Parkway exit, then take the frontage road east just past the Best Western; service starts at 10:30 but come early for coffee and snacks - you can bring some! - and conversation)

**THANK YOU !!
FOR YOUR GENEROUS
DONATION OF TIME & FINANCIAL
SUPPORT to the NTCOF !!
It is needed, appreciated and
Tax-Deductible !**

**The North Texas Church of Freethought
The Fellowship of Unbelievers**

Pastor (It's a job description, not a title!)..Tim Gorski
Presenters (how about YOU?).....Rex Burks,
.....Owen Younger and Tim Gorski
Social Media Czar.....Aaron Kelton
Welcome Coordinator.....Mark Barnick
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Webpage Management.....Saturn Consulting

**mailing address: 1001 N Waldrop Dr #815
Arlington, TX 76012
(214) 702-2050**

**www.churchoffreethought.org
info@churchoffreethought.org**