



Written by [Raven Clabough](#) on February 7, 2018

Judge Rules in Favor of Christian Baker Who Refused to Bake Cake for Same-sex Wedding

A California judge has affirmed the constitutional rights of a Christian baker who refused to bake a cake for a same-sex wedding. According to Superior Court Judge David Lampe, the public marketplace cannot compel an individual to endorse a message with which he or she disagrees.

Judge Lampe contends that wedding cakes are “artistic expressions” and are therefore at the core of the First Amendment.



“For this court to force such compliance would do violence to the essentials of Free Speech guaranteed under the First Amendment,” the judge said in the ruling.

Lampe’s ruling contrasts with a ruling out of Colorado that stated a baker could not refuse to bake a cake for a same-sex wedding. Colorado baker Jack Phillips refused to bake a cake for the wedding of David Mullins and Charlie Craig because he said it violated his Christian faith. The couple then filed a complaint with the Civil Rights Commission. To avoid violating his faith as well as the court’s order, Phillips has stopped making wedding cakes, which has eaten into a significant portion of his profits, according to the *Washington Times*. That case is now before the Supreme Court.

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California has a similar public accommodation law to that of Colorado, so when Cathy Miller, owner of “Tastries” bakeshop in Bakersfield and devout Christian, refused to make a cake for Eileen and Mireya Rodriguez-De Rio’s wedding, the state pursued legal action. Charles LiMandri of the Freedom of Conscience Defense Fund acted as Miller’s lawyer.

The judge offered to hold off on making a decision in the case until the Supreme Court issued its ruling in the Phillips case, but California argued that it was entitled to a decision.

According to Judge Lampe, the case would have had a different decision had the debate been over a premade cake. “No baker may place their wares in a public display case, open their shop, and then refuse to sell because of race, religion, gender, or gender identification,” Judge [Lampe](#) wrote in his order.

“The difference here is that the cake in question is not yet baked,” he added.

The Blaze reports that the judge also noted that Miller’s recommendation that the couple go to a competitor was a factor in the ruling. “Furthermore, here the State minimizes the fact that Miller has provided for an alternative means for potential customers to receive the product they desire through the services of another talent. The fact that Rodriguez-Del Rios (the couple) feel they will suffer indignity from Miller’s choice is not sufficient to deny constitutional protection,” the judge wrote.

And though the ruling is a win for constitutional rights, it is predicated on the notion that the government is the purveyor of individual liberties and rights.



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Ron Paul, a former U.S. congressman from Texas, remarked on this very concept in 2017, following another case in which Christian bakers in Oregon were punished for refusing to bake a cake for a lesbian couple and were ordered to pay \$135,000 in fines. Paul wrote that there is a danger in asking judges whether a bakery owner's refusal to bake a cake is rooted in religious objections:

Looking just at this argument means that a victory for the bakery would implicitly accept the legitimacy of laws dictating to whom private businesses must provide services, as long as an exemption is made for those with religious objections. This reduces property and contract rights to special privileges held by business owners with "sincere religious convictions." It also allows judges, bureaucrats, and politicians to determine who is really acting on sincere religious convictions.

Paul contends that individuals should have the right to determine with whom they would like to transact:

Just as business owners have the right to decide who to do business with, individuals have the right to form any arrangement they wish as long as they do not engage in force or fraud. This includes entering into what many consider unconventional or even immoral marriage contracts. What no individual has the right to do is use government to force others to accept his definition of marriage.

Still, Miller is pleased that Judge Lampe acknowledged and upheld her rights. "Our bakery and our family feel very blessed that the judge ruled in our favor," Miller said. "Not to say that we want to be discriminatory, but we do need to stand up for our religious freedom and our freedom of speech."



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