

Christian Baker Wins And Constitution Adversaries Finally Want Limited Judicial Authority

Justice Felix Frankfurter said, “The ultimate touchstone of constitutionality is the Constitution itself and not what we have said about it.”

Practicing his Christianity by not participating in a sinful ceremony, Jack Phillips refused to make a wedding cake for a same-sex couple in 2012. The homosexual couple then filed a complaint, which was upheld by the Colorado Civil Rights Commission (CCRC).

The Colorado Court of Appeals upheld the CCRC’s ruling, which Phillips appealed to the Supreme Court, and in a [7-2 decision](#), the Supreme Court ruled that the Colorado Civil Rights Commission violated the First Amendment in its dealings with the Masterpiece Cakeshop in Colorado...and their opinion is correct! This opinion, backed by legal authority, brought vindication to an innocent man. This is the exact purpose the Supreme Court was given authority by our Founding Fathers: to secure the rights of the Governed.

Unfortunately, for years, courts have been issuing opinions and claiming to themselves lawmaking powers that are outside of their legal or moral jurisdiction.

Traditionally, courts have used the “Equal Protection Clause” or the “Due Process Clause” of the Fourteenth Amendment to establish national policy. In effect, they use these clauses to accomplish an “end run” around the clear meaning of the words of our Constitution.

A perfect example of this judicial overreach is when the Supreme Court attempted to redefine marriage for everyone in *Obergefell*, and ipso facto it was wrongly understood to be the new “law of the land.”

However, the advocates of *Obergefell* are taking a different approach to the Supreme Court’s authority in this recent decision. Adversaries of the Constitution like Sarah Warbelow, legal director with the Human Rights Campaign, don’t want to see this opinion become “the law of the land.” Ms. Warbelow stressed that the decision “is so narrow as to apply only to this particular baker.” And she is right!

But you can’t have it both ways, Sarah.

You see, in ruling in favor of Masterpiece Cakeshop, the court is deprived of the authority to make sweeping rulings with regards to state or federal laws.

Ask yourself the question, “How can the courts enforce a law about marriage when Congress doesn’t have the constitutional authority to pass?”

Like referees, the courts are only responsible to judge the game they officiate today. Their calls, whether good or bad, do not affect and have no authority in tomorrow night’s game.

So... stay tuned, America. With more constitutional decisions coming from the Supreme Court, constitutional adversaries might get on board and demand more constitutional, limited government.

Schedule an event or learn more about your Constitution with Jake MacAulay and the Institute on the Constitution and receive your [free gift](#).

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