



Cathy Miller is a cake artist who owns Tastries Bakery.

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Judge: Christian baker cannot be forced to make same-sex wedding cake

December 19, 2017 (LifeSiteNews) – A state judge handed a Christian bakery owner a temporary reprieve last week from an effort to compel her to make cakes for same-sex weddings in violation of her religious beliefs.

Kern County Superior Court Judge David Lampe denied the state of California a temporary restraining order last Thursday against Cathy Miller, a cake artist and owner of Tastries Bakery, to forbid her “from selling to anyone any item they are unwilling to sell.”

California’s Department of Fair Employment and Housing (DFEH) had filed a surprise motion for the TRO the day before, according to the Freedom of Conscience Defense Fund (FCDF). The legal group representing Miller said this was done specifically to compel Miller to create wedding cakes for same-sex individuals despite the fact that doing so would violate her sincerely held religious beliefs.

“The government sprung this needless motion on Cathy without notice, forcing her to scramble with less than 12 hours to prepare,” said Charles LiMandri, FCDF’s president and chief counsel in a statement. “This unprofessionalism is just another example of the LGBT activists and their

government allies' crusade to crush Cathy because of her Christian beliefs."

Last August, a lesbian couple approached Miller for a cake tasting at her bakery. Court records show say the couple was married December 7, 2016, more than six months before approaching Tastries to inquire about a wedding cake.

Miller let the women know that designing a custom cake to celebrate a same-sex "marriage" violated her religious beliefs about marriage. She told the local ABC affiliate in August she offered to help set up an appointment for them with a friend's bakery – actually a competitor – whom she said did great work.

The women left Tastries and right away got on social media to spread word of what had happened, according to FCDF, "sparking hate messages and death threats against Miller and her employees."

The post said:

"Tastries Bakery ... so we just went with some friends to do a cake tasting for a wedding cake and we were referred to another bakery. Apparently they don't "believe" in same-sex marriage, so they refused to make the cake. I'm not even sure how to react or feel right now. So just be aware if you choose to spend your money there."

Miller said she loves everybody and could not make the cake due to her religious beliefs.

"We're Christian, we love everyone," she said. "God created everyone - we love everyone."

"But there's certain things that violate my conscience," Miller continued. "And my conscience will not allow me to participate in things that I feel are wrong. And most of what's based on is scripture. I don't feel as though I should be picked on because of my beliefs."

Her faith is what guides her life, she said, and she wants to run her business in accord with that.

"I also believe businesses owners should not be forced to provide services that conflict with their own sincerely-held beliefs," Miller stated.

Her intention was never to hurt anyone, she said, but there are just some cakes she is unwilling to make. These also include cakes associated with drugs or drunkenness and divorce cakes.

Miller has received support and backlash, including losing employees over it.

"There's been a lot of hate mail and threats and things also," Miller said.

The lesbian couple's attorney says her clients' action is "not an assault on religious liberty," rather, "We are fighting against discrimination."

The attorney did not respond to the ABC station's question as to why they were asking for a gay

wedding cake in August after having been married in December of last year.

Two months after their visit to Tastries, the lesbian couple filed a complaint with the California Department of Fair Employment and Housing (DFEH), the state entity overseeing its civil rights law, including the statute making it illegal to refuse service to people based on sexual orientation.

The DFEH put Miller under formal investigation and ordered her to answer more than 40 personal and business-related questions.

Lampe denied the request for a temporary restraining order, which would have forced the bakery to make same-sex wedding cakes or not sell them at all.

FCDF said the judge denied the TRO because he had not yet heard Miller's account of what happened and that there was no urgency justification for a TRO. Further, he recognized that the case affects the fundamental rights of both parties before the court.

"It's no coincidence that the DFEH's new attack on Cathy comes as the Supreme Court weighs the similar case of cake artist Jack Phillips in Colorado," LiMandri said. "The assault on religious liberty and the freedom of conscience is simply astounding. But neither Cathy nor we are backing down — the freedom of all Americans is at stake."

A hearing date for the case is set for February 2. FCDF had planned to submit responses to the DFEH's interrogative questions immediately after Lampe's decision last week.