

When morality and legality collide

We've come a long way from our immediate post-Revolutionary days. Those were times when our nation could at long last exhale and free itself from the iron hand of our colonial oppressors. They were also times of great personal freedom for most Americans *whose skin was White* until a civil war descended on us. From that conflict came the liberation of our country's slaves and with it a renewal of our sacred vows to pursue life, liberty and happiness by letting people essentially decide their own futures, free from government intervention.

Fast forward to America's post-Civil War pioneer days when millions made a pilgrimage westward in search of even more liberty and opportunity. We were heady from all the personal freedom and possibilities. Many generations later, as our population grew and became more difficult to manage (primarily in our big cities), some in power felt that certain personal liberty 'limitations' were necessary to achieve 'balance' in our commerce and in our social congress with one another. Laws governing how much latitude was allowed to those in business were enacted on a state-by-state basis, largely in the form of licensing and permitting. While some states clamped down hard, others were more laissez-faire, affording their businesses greater mobility and flexibility. That is until certain federal regulations came into force and more 'social activists' moved into state legislatures and other positions of authority.

At present, there are about eleven different areas the would-be small business owner needs to evaluate before hanging out their 'open for business' sign. They are: taxes, employment/labor, anti-trust laws, advertising, email marketing, environmental regulations, privacy, licensing/permits, insurance, pay data reporting and sales tax collection. And, if after reviewing all of them, the desire to start up a business still remains strong, then there is one more consideration the average person needs to think about... and it can be a real deal-breaker.

I'm speaking of a business owner's right to refuse service. Most of us are aware of the signs that say, "We reserve the right to refuse service" or "No shirt, no shoes, no service" that are often displayed in restaurants. These conditions for refusal have been deemed to be legitimate in the eyes of the law because they apply to everyone and not a select few. On the other hand, the Civil rights Act of 1964 has often been invoked to stop businesses from refusing service to certain individuals or groups. The law basically states that it is forbidden to discriminate on the basis of race, color, religion, sex (and now sexual orientation and 'gender identity') or national origin in public accommodations. Title VII of that law prohibits businesses from refusing service to those who fall under those protected classes. Certain states have gone even further by adopting strict business licensing requirements and other measures to ensure compliance. One is the State of Colorado that has adopted a tough 'anti-discrimination' law.

But what about the First Amendment? Does it not protect free speech and freedom of religious convictions which would permit exceptions to such compliance?

Perhaps the most well-known case in point that highlights what happens when morality and legality collide is that of a baker, Jack Phillips, of Masterpiece Bakeshop in Lakewood, CO who declined a request to bake a cake for a homosexual couple's wedding. His case, which was based on a strongly-held personal religious conviction went all the way to the Supreme Court. Fortunately, the court ruled in Mr. Phillips' favor and stated that his decision did not violate Colorado's anti-discrimination law. Homosexual activists were incensed. They are continuing to press their case for total acceptance of their demands, irrespective of the First Amendment and are applying pressure on Mr. Phillips and other business owners who are making the same religious conviction claims to give in to their demands. Theirs is a blatant act of sexual aggression or persecution.

Now the Supreme Court is hearing another case (starting today) - again from Colorado - about whether a Christian web designer, Lorie Smith, can legally refuse to create a website for a homosexual couple on the basis of a strong, personal, religious belief.

Morality and legality have always been at each other's throats, but now they have been joined by sexuality and 'genderism.' America used to be proud of its laissez-faire attitude, where the rights of the individual to choose his/her own path were respected and protected. Granted, we have not always lived up to our own expectations, but we have made continual progress. Something dramatic happened to our moral compass over the past fifty years, however, something that has forced it to point away from true North.

Thankfully, most of us have understood the difference between libertine-ism (an unprincipled attitude of *anything goes*) and libertarianism (being conservative on economic issues and liberal on personal freedom) and have chosen the latter over the former. On the surface, libertarians and conservatives would not seem to have much in common, but they do. Both believe in a set of basic principles that protect the individual against attacks from either the majority or from a minority within the majority. 'Live and let live' is not a blank check or a permission slip given to any one group to exercise unwarranted or abusive authority or pursue a vendetta against another person's liberties. This is especially true of the homosexual community that has basically won its fight for equality in America's courts. They are no longer disadvantaged social victims, but are, ironically, now being seen as *oppressors* by many as they file lawsuits and attempt to force everyone to capitulate to their demands.

Despite having won their social and legal battles, they are still not satisfied. They demand to be liked and accepted as equals by their detractors and not just legally respected. That may explain their insistence on holding 'Pride parades', flying 'rainbow' flags, supporting 'drag queen' encounters and happenings in our schools. This goes for their growing influence in our military along with pressuring America's businesses to embrace them with open arms. They will not give up until they have achieved total parity or even superiority with the mainstream heterosexual or religious communities.

It would be wrong to frame the morality vs. legality argument as solely one of heteros vs. homosexuals. It is, however, perhaps the most visible tip of the personal choice iceberg. There are many other areas where special interest groups are wagging the tail of the dog and forcing the rest of society to drop everything and only focus on their special cause. 'Climate change' is one that is occupying an inordinate amount of our time and resources. Like their counterparts in the sexual freedom movement, climate activists will not be satisfied with actual climate victories. They will demand that all of us, and that includes climate change skeptics and climate change deniers alike, take the pledge and vow to not only obey the coming environmental restrictions but love them as well.

This obsessive 'love me, love my cause' attitude is the Achilles heel of any special interest group that cannot see beyond their actual victories and instead work to achieve full 100% buy-in from every part of society. The simple truth is that you cannot legislate morality, nor can you force someone to love you no matter how attractive you (or your cause) are.

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