

Cakes, Guns, Discrimination, and Freedom of Association

In the wake of the mass shooting at a high school in Parkland, Florida, a number of businesses have moved to distance themselves from scary-looking weapons like the AR-15, from younger purchasers of weapons in general, and from organizations that don't support laws violating the Second Amendment to the US Constitution.

Whether these moves are from sincere conviction or mere concern for bottom lines, they're provoking backlash. Retailers like Walmart and Dick's Sporting Goods face multiple discrimination lawsuits from 18- to 21-year-olds over their corporate decisions to stop selling guns to that age group.

These lawsuits are not about gun rights, any more than *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, now before the US Supreme Court, is about same-sex marriage rites. Both sets of cases, arguments to the contrary notwithstanding, are clearly about freedom of association.

If a baker doesn't want to make a wedding cake for a same-sex wedding, he shouldn't have to. It's his right to do business — or not — with whomever he wants, for whatever reasons are important to him.

If a store owner doesn't want to sell an AR-15 to an 18-year-old, she shouldn't have to. It's her right to do business — or not — with whomever she wants, for whatever reasons are important to her.

Of course, many who take one side on one of the topics above take the opposite side on the other — “conservatives” because they hate same-sex marriage and love guns, “progressives” because they love same-sex marriage and hate guns. Each group considers its desired ends too important to abstain from hypocrisy as to the means of achieving those ends.

The hypocrites' hobgoblin of choice when arguing the wrong sides of these cases is Jim Crow, a set of racial segregation laws that prevailed in the American south for nearly a century. Allowing people to discriminate in private business decisions, they say, will result in society re-segregating along racial, religious, sexual, and other lines.

What they forget (or would rather not discuss) is the fact that Jim Crow was not a set of social conventions freely adopted by the people of the south. It was a set of laws passed by corrupt politicians to artificially impede the natural tendency of people of all races to mix for both personal and commercial reasons. Rosa Parks wasn't arrested for disobeying a bus

driver. She was arrested for disobeying a law.

Yes, freedom of association brings some bigots, including but not limited to anti-black bigots, anti-gay bigots, and anti-gun bigots, out of the woodwork. That's a feature, not a bug. Bigotry thrives in the dark. In the light, bigots lose out both socially and financially.

Boycott (and "buycott") reinforce "bad" (and "good") behavior. I personally hope and expect that Dick's and Walmart will pay a price for their decision to discriminate against would-be gun purchasers and against 18- to 21-year-olds, and that non-bigoted businesses will profit. And please, politicians: Stop grandstanding, get out of the way, and let the people sort these matters out for ourselves.