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## DIVORCE

# Mississippi Law Unconstitutional; The Sky Did NOT Fall

07/07/2016 | [BOWTIELAWYER](#) | [LEAVE A COMMENT](#)

HB1523 (<http://billstatus.ls.state.ms.us/documents/2016/pdf/HB/1500-1599/HB1523PS.pdf>) is the law that never was.



Federal Judge Carlton Reeves issued an injunction preventing the law from taking effect, holding that it violated Constitutional protections provided by the Equal Protection Clause of the 14th Amendment and the Establishment Clause in the 1st Amendment.

As you will recall HB1523 was “needed” to protect mom and pop business from being sued and forced to close shop for refusing the right serve whomever they please. The only problem here was there was not a single reported case of this occurring in Mississippi. A solution looking for a problem...for the one example you may recall out of the State of Oregon you may read my assessment here (<https://bowtielawyer.ms/2016/04/08/the-last-word-mississippi-hb1523-and-the-icing-on-the-cake/>) and the Commission’s findings here (<http://www.oregon.gov/boli/SiteAssets/pages/press/Sweet%20Cakes%20FO.pdf>).

HB1523 also allowed a state employee whose job was to issue marriage licenses to refuse to do their job if they did not approve of your union based on their religious beliefs or moral convictions. This aspect of the law was likewise found to be unconstitutional.

The **Equal Protection Clause** is part of the Fourteenth Amendment to the United States Constitution. The **clause** provides that no state shall deny to any person within its jurisdiction “the **equal protection** of the laws.”

HB1523 violated this aspect as it treated persons differently under the same law.

The **Establishment Clause** refers to the First Amendment of the U.S. Constitution that prohibits the establishment of religion.

HB1523 violated this aspect as it favored one religion over all others.

Prior blogs predicting HB1523's demise may be perused here (<https://bowtielawyer.ms/2016/04/04/mississippi-legislating-morality-in-the-face-of-the-law/>) and here (<https://bowtielawyer.ms/2016/04/08/the-last-word-mississippi-hb1523-and-the-icing-on-the-cake/>).

*Matthew Thompson is an Adjunct Professor of Law at MC Law and a Family Law Attorney encouraging you to believe in your beliefs, but follow the law.*

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